

SUPREME COURT CHANGES

FIVE JUSTICES MAY RETIRE AFTER PRESIDENTIAL ELECTION.



At the present time three of the United States supreme court justices are eligible to retirement, and within the period of the incumbency of the next president two more will reach the age limit when they may retire upon pension if they so wish to do. This opens up an interesting condition and brings within the scope of possibility, if not probability, that the successor to President Roosevelt may have the privilege of filling five vacancies, which constitutes a majority of the membership of the highest judicial body in the United States. If such were the privilege of the next president and he were Democratic instead of Republican it would change completely the political character of the tribunal, and for the first time since the civil war give the Democrats a majority.

Politics is not supposed to cut much figure in that high tribunal, but political parties, none the less, have considerable pride and concern in seeing men of their own faith wearing the ermine, and the close decisions in a number of great legal and constitutional questions within the last decade make the personnel of the court a matter of concern for the future.

Three of the nine members of the court are now Democrats—Chief Justice Fuller, appointed during Mr. Cleveland's first term; Justice White and Justice Peckham, both appointed during his second term. Five of the justices will be eligible for retirement before March 4, 1913, when the next presidential administration will have come to an end. All but two of these—Justices Fuller and Peckham—were appointed as Republicans.

There is a double qualification essential for retirement, involving not only 70 years of age, but ten years of service on the tribunal. Chief Justice Fuller is 75, and has been eligible for retirement since February 11, 1903, but, being devoted to his high office, he has never indicated any intention of relinquishing the honor.

Justice Harlan, the ranking associate, who has been a member of the court over 30 years and has just passed his seventy-fifth milestone, has been eligible for retirement since June 1, 1903—more than five years. Justice Brewer has been eligible a year, having passed his seventieth birthday on June 29, 1907. Justice Peckham has now served on the court 13 years, and will be 70 on November 8, 1908, so that on the Sunday immediately following the coming presidential election there will be four members of the tribunal who may allow either president Roosevelt or his successor to designate their successors.

The fifth member of the court who will be eligible for retirement under the president to be chosen in November is Justice Holmes. Although he is one of the newer members of the court, being President Roosevelt's first appointee, he will be 70 on March 8, 1911, and will have rounded out his tenth year on the tribunal on December 4, 1912. He will therefore possess the right of retiring just three months before the end of the next president's term.

As a rule, members of the supreme court are not prone to retire the moment they have a chance. Most of the justices have died in harness. Since the civil war only seven justices have taken advantage of the retirement clause, although there have been 26 appointees. There are now only two living in retirement—Justices Brown and Shiras. When eligible for retirement each member of the court becomes a law unto himself. A notable instance was that of the late Justice Field, who spent 34 years on the supreme bench. He could have retired any time after the middle of Cleveland's first term, but waited until the first session of the court after the inauguration of President McKinley, in

1897, and then gave way for the appointment of Attorney General McKenna. This was Mr. McKinley's only selection to fill a vacancy in the court, and it placed a Republican jurist in a Democratic seat on the bench.

Justice Field was a noted Democrat, who had several times been spoken of as a possible candidate for the presidency, and the statement that he did not want a Democratic president to fill his place by appointment may seem strange. Nevertheless, Justice Field, just before his retirement, gave his friends to understand that he did not purpose to allow President Cleveland to have the pleasure of appointing his successor on the bench if he could help it. Justice Field and his friends believed that he was badly treated by President Cleveland when Chief Justice Waite died. Petitions came from all parts of the land and many legal organizations passed resolutions asking that Justice Field be made Chief Justice Waite's successor, but President Cleveland passed over him and chose the present chief justice. Except for this Justice Field would undoubtedly have resigned toward the end of Cleveland's second term, and there would now be four instead of three Democrats on the supreme bench. Justice Strong, who was appointed by President Grant in 1870, though eligible for retirement in 1882, retained his place on the bench nine years longer, until his death, in 1892.

The important bearings of this year's presidential election upon the personnel of the court revives the fact that there was a somewhat similar condition during the last national campaign. Chief Justice Fuller and Justice Harlan were both eligible for retirement in 1904, and it was then evident that before the end of President Roosevelt's present term three other members of the court—Justices Brewer, Brown and Peckham—would likewise possess that right. One of these five eligibles—Justice Brown—did retire, making way for Mr. Moody's appointment, but the four others have remained.

WANTED TO BE A MASCOT.

Small Boy Sent on a Three Weeks' Trip by Illinois Humorist.

When 11-year-old William Sanders arrived in St. Louis the other evening the soles were worn from his shoes and his feet were bloody. He had been on the road three weeks and he had come all the way from Rockport, Ill.

Some mendacious person had told William that the Browns would pay the right kind of a boy \$1,000 to be their mascot, and he came over to apply for the job. It remained for the man in charge of the house of detention to disillusionize him. But the point is, William got here. In our opinion, William has enough grit and pertinacity to get there at anything he undertakes.

He has several things to learn, but one of these days, with a little judgment, he will select the road he wants to travel, and then travel it to the end. He will make up his mind what he wants to be, and then be it.

The qualities that brought William all the way to St. Louis with his bare feet on the ground and bloody are the qualities that carry men furthest on the road to success—a single purpose with everlasting pluck being behind it. These will not, it is true, carry a man to the pot of gold at the end of the rainbow; but only a very little judgment is required to select one of the many roads to substantial success. The main thing is to stay with it.—St. Louis Post-Dispatch.

I believe that in a game of hearts a girl should be willing to let a young man hold her hand.

ORDERED JOYOUS FUNERAL IN WILL

LOUISVILLE MILLIONAIRE MADE PROVISION FOR ENTERTAINMENT OF MOURNERS.

INSTRUCTIONS CARRIED OUT

Had Good Things to Eat and Concert Going On While He Was Cremated—Intermission for Champagne Drinking.

Kansas City.—Most peculiar of all wills is that of William F. Norton, millionaire of Louisville, which has been filed here.

The Norton estate, valued approximately at \$4,000,000, was in several states. The Kansas City property included the Manhattan hotel, at Eighth street and Woodland avenue, and other property at Forty-first street and Woodland avenue. The Kansas City realty is valued at about \$50,000.

It was necessary to file the will in Kansas City in order that the executors might properly administer that part of the estate here.

Norton owned the Auditorium theater in Louisville besides many other pieces of valuable real estate. Because the city authorities of Louisville did not agree with him in his ideas of a "wide open" town he became dissatisfied with the city where he lived so many years and where he amassed a fortune. This dissatisfaction and his peculiar ideas are exemplified in the words of part of his will, which follows:

"In case I should die in Louisville, in which dead town I have been buried alive for so many years, I wish a special Pullman car to be engaged to carry my body to Cincinnati, O., for cremation at the crematory in that city, taking along the receptacle for my ashes which will be found in my private office. I wish the buffet of the Pullman which will carry my body to Cincinnati to be well stocked with nice things, both to eat and drink, so that my friends who will do me the honor to see me well started on my last and long journey to that bourne from which no traveler returns may



They Made Merry at the Funeral.

not want for anything to ease their hunger or to slake their thirst.

"As it takes about two hours to cremate a body, and while my body is undergoing the process of cremation, I wish my executors to engage, at the cost of \$200, the Bellstedt Concert band of 40 musicians, the best in Cincinnati, to render a fine concert program, composed of my favorite musical selections, a copy of said program to be found in the same envelope which contains this, my will.

"It will be noticed in the concert program that there are two intermissions of 15 minutes each, and during said intermissions I wish my friends who will be witnesses to invite the musicians to join with them in drinking my 'bon voyage' in champagne, several cases of which will be sent to the crematory from the buffet car. My ashes are to be placed in the bronze urn on top of the family monument in the cemetery. It is my desire that there be no religious services of any kind."

The will was filed here by J. F. Houlehan, a real estate dealer in the New England building, Norton's agent in Kansas City.

In leaving his family home to two cousins Norton provided that his suite of rooms in the home were to be locked up and never disturbed. No one was to occupy them. He remembered his cook, his secretary and other faithful employes with bequests of from \$1,000 to \$10,000. His physician received \$13,000 to be spent in studying in New York and Europe.

Norton was a bachelor. His life was insured for \$115,000. His will provided that after the bequests were paid the rest of his estate should be converted into a trust fund to establish a Baptist home for orphans in Louisville.

At the beginning of the will are stanzas of poetry from Prior, Byron and Shakespeare. It is all in the same strain as this, which was quoted from Prior:

Who breathes must suffer, and who thinks must mourn; And so alone is blest who ne'er was born. The executors of the estate have carried out their instructions to the letter.

WRECKS SOCIAL AT GLIMPSE OF "GHOST"

CHEF, MISTAKING GIRL IN WHITE FOR WRAITH CREATES HAVOC.

Findlay, O.—Most of the church social was hanging to Dick Postis when he stumbled out of the door. He had seen a high society ghost, and at the hour of going to press the probabilities are that he is running yet. Postis is a chef at a local hotel and his social career has been restricted. The advance accounts of the social, particularly in regard to the booth where candy kisses were to be sold, caused him to lay aside his white paper cap for a brief whirl of excitement. He got it.

Postis made for the booth where the candy kisses were sold. The



Postis Fleed Panic-Stricken.

church building was in a romantic half light, the illumination being furnished by Japanese lanterns. Strands of gayly colored cord connected the booths and lines of bunting ran up to the roof. The scheme of decorations, in other words, was tied together. Postis smilingly dickered for a half-pound of candy kisses. All that is appropriate to say when one is buying candy kisses was on tap because the girls back of the booth were according to Postis' style of beauty.

Turning half around he saw a young woman dressed in white. Some sort of a mantilla was draped from her head and Postis thought it was a ghost. In a second he was on his way. His foot caught in a tablecloth and amid screams and the overturning of lights, Postis had wrecked the candy kiss department. Yelling in terror as though the ghost was at his heels, he continued through the church, bunting, flags, candy, cake, watermelon, fancy work, all following as the string which apparently connected the stands was pulled tight. The deaconesses' table and the fortune teller's tent were wrecked. Postis in his hurry forgot his candy kisses. He will have a hard time getting them, as the social's assets were swept in a heap after he had broken up the party.

IRATE PAPAS SEEK TATTOOER.

"Jim" Squid Decorates Beach Belles, Shocking Parents.

Atlantic City, N. J.—"Jim" Squid, ex-sailorman and expert handler of India ink "points," is in hiding from irate fathers and brothers of a score of fair bathing maids since the latter proudly appeared on the beach the other day with tattoo marks on their fair arms and shoulders.

Spectators perched in beach chairs gasped when they saw the first girl swing up the beach bearing on her rounded upper arm an entwined anchor and cable, and the surprise became a shock when it was discovered that other beach maidens had adopted the fad of having their arms marked with various devices.

At first glance it was supposed that the marks, which ranged from the anchor to hearts pierced with arrows, were merely painted on, but when it was discovered that the marks were needed in and practically indelible there was a general stampede among parents to discover the artist.

Several dotting fathers began at once to search for "Jim" Squid. It is said that the old sailorman had a small shop in the Bowery section of the board walk, and that he has taken in several hundred dollars in carrying out his "art."

\$3,000 for a Cup of Coffee.

Plymouth, Mass.—For a cup of coffee which she once gave to a stranger, Mrs. Harvey Bartlett of Wellingsley has received \$3,000. The gift is from Mrs. B. Lilley of New York city. Many years ago while waiting for a train at the Keelend street station of the Old Colony railroad Mrs. Bartlett's sympathy was aroused by the sight of an elderly woman, who was traveling alone and who appeared to be ill. Mrs. Bartlett went to a lunch-room and got a cup of coffee for her. Mrs. Lilley, as she proved to be, did not forget the kindness, and has since sent Mrs. Bartlett numerous gifts. The most recent remembrance is \$3,000 worth of stock in a New York manufacturing company paying eight per cent. dividends.

Owed Longevity to Fruit.

"Continued eating apples and other fruit" helped Mrs. Ann Hulsizer of Ohio well along toward 107 before she died.

NEW YORK WOMAN WHO HAD SON ARRESTED



John A. Van Rensselaer, aged 34, a stock broker, has been arrested in New York for writing threatening letters to his mother, Mrs. John King Van Rensselaer, and thus trying to compel her to give him money. The young man admitted writing the letters, and his friends are of the opinion that his mind is unbalanced. He has been committed to a sanitarium for medical observation.

HE WAS FACING A "DRY" DAY. ALSO A DISTINGUISHED MAN.

Thirsty Man, True to Promise, Really in Desperate Straits.

Charles M. Schwab, at the reception that he gave to the American Boiler-Makers during their convention in Detroit, said that among his many millionaire friends all were honest, and that he did not know of a single American millionaire who had made his money dishonestly.

"But the millionaire looms big," said Mr. Schwab, "and everybody wants to find fault with him. We are as anxious to find flaws in our millionaires as old Bill Lush of Loretto was to find special occasions.

"Yes, sir," said Bill one night, "I faithfully promised my wife 37 years ago never to take more than three drinks except on special occasions. Friday was my birthday, Saturday was Decoration day, Sunday my brother-in-law concluded a visit to us, Monday we had fine weather after a long wet spell, to-morrow my oldest girl's new directoro dress comes home; only today, darn it, I can't think of anything special."

Protecting the Miners.

The American miner has been the object at one time and another of considerable sentimental sympathy, to which he has probably paid very little attention. The establishment of a

Baseball Spectator Not Behind Players in Distinction.

Baseball is a chronic complaint of Senator Crane. When he was governor of Massachusetts he took his entire staff out for a drive, and surprised them by having the rigs pull up at an open field and announcing there was to be a baseball game. Two nines were chosen and the game began. Pretty soon somebody came along the road.

"What teams are they?" he asked of one of the drivers.

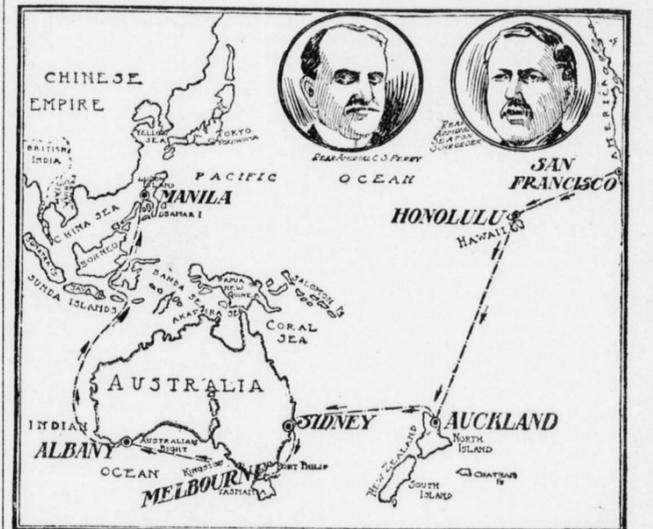
"Why, that man pitching is the governor of Massachusetts," the driver replied. "The one catching is the lieutenant governor. The first baseman is a congressman, the second baseman is the judge advocate general."

"Say," interrupted the passerby, "perhaps you would like to know who I am. I'm Napoleon Bonaparte."

Curious Fishing Methods.

The natives living along the Pan-Lung river have an odd method of fishing. Two dugout boats are used, each about 30 feet long, with two men with long poles, one in the bow, the other at the stern, punting the boat along. They stretch a long rope made of bamboo and plaited grass, about a hundred yards long, and weighted about every ten yards with big stones.

ROUTE OF THE FLEET AND TWO CHIEF OFFICERS



In every foreign port the fleet touches Uncle Sam's sailor lads will be feted to repletion. At Sydney, Australia, where the fleet will arrive August 20, they are planning to spend \$500,000. A half a million for seven days' entertainment promises a princely reception. When the vessels return to America they will have traveled 42,500 miles—almost twice the length of the equator.

government experiment station for the study of mine explosives is a much more practical kind of interest. It is to be hoped that the European example will be followed to the full extent of prohibiting the use of explosives that are proved unnecessarily dangerous and strictly limiting the amount of any explosive that can be used under given conditions.—Boston Transcript.

Had the Symptom.

Solled Samuel—Wot's diss disease dey call hydrophobia? Rumped Robert—It comes from bein' bit by a dog, an' de symptom is fear o' water. Solled Samuel—Youse sure o' dat? Rumped Robert—Course I am. Wot you turnin' pale for? Solled Samuel—I'm tryin' ter think when I wuz bit by a dog.

Baseball Fans.

"Dear me!" remarked the perspiring old lady who was making her first visit to a baseball game. "I don't see how people can tell such terrible fibs." "What now, auntie?" asked the city niece, in surprise. "Why, the paper stated that there were thousands of 'fans' out here every afternoon and I am suffering with the heat and cat's find one."

Easy. Mrs. Carrie Newton, arrested in Pittsburg, said that she had been arrested 33 times.

"I try to do good," she told a reporter. "In trying to do good I take life hard. Some folks, most folks, in fact, take it easy—as easy as the new hired girl wanted to take her new place. 'Everything goes by clockwork here,' the mistress said to this girl. 'By clockwork, mind you. You get up at six, you dine at 12, and you go to bed at ten.'"

Done in Style.

"What is that fearful din?" "That is a duel between Count Focashi and Prince de Brass. Being prevented by social engagements from attending in person they have sent phonographs.