

TELLURIDE NEWS LETTER

PUBLICATION OF TELLURIDE ASSOCIATION

Vol. XXV, No. 4

Ithaca, New York

April, 1939

CORNELL SCHOLARSHIP HOLDERS

Numerous men from Deep Springs and the Association in attendance at Cornell University receive aid in the form of scholarships from organizations outside that granted by the Association.

T. S. Dunham, Gordon Kiddoo, E. P. Swatek, and W. P. Horsfall hold the coveted full-tuition McMullan Scholarships granted by Cornell University to engineers. The Cornell Law School provides one-half their tuition for Harry Scott, E. B. Henley, F. J. Rarig and R. N. Kleps. R. M. Gorrell holds the Cornell Fellowship in English, which provides \$600. per year and exemption from tuition. V. W. Cochrane receives \$300. yearly from the Schepp Foundation, and F. H. Bird receives a \$250. renewable scholarship from the LaVerne Noyes Foundation. W. H. Goodenough receives full tuition with one of the President's Scholarships. George Manner is studying in Germany and Holland under the President White Scholarship in Government, granted by Cornell University. Christopher Morley and Walter Balderston hold Assistantships in History, and O. J. Sweeting holds an Assistantship in Chemistry.

CUSTODIANS MEET

The investments of Telluride Association received careful scrutiny at the Custodians' meeting held in Ithaca March 18th and 19th. No definite course of action was then agreed upon, but the six eastern custodians felt that there should be a decided movement toward less speculative holdings. Suggestions for accomplishing this included:

(1)—The sale of the Great Northern bonds, the proceeds and those from the redemption of the Tennessee Electric Power bonds to be placed in high-grade bonds.

(2)—The shift from Healey Petroleum bonds, Atlantic Refining, and United Carbon common stock to guaranteed building and loan associations.

(3)—The replacement of the most speculative issues, such as Eureka Pipe Line and Standard Oil of Nebraska stock, with common stock of good public utility operating companies.

Though it may appear that tangible results from the meeting were few, the groundwork was laid for rather comprehensive action by the next convention. In preparation for this, the Permanent Finance Committee has undertaken surveys of industries in which the Association has invested or may wish to invest.

ENTERTAINMENT AT THE BRANCH

On Saturday evening, February 25, Cornell Branch was host to fifteen faculty guests; the occasion—a poker party.

On our March 5 Sunday evening entertainment, Pro-

fessor Paul W. Gates talked and led a discussion group on the subject of co-operatives. This program was arranged by the Public Affairs Committee. Professor Philip Mosely told us of the "Peasant Life and Others" on Sunday evening, March 26. His excellent collection of photographs, which he took last year while in the Balkans, was used to supplement his talk.

An exchange dinner with the Delta Upsilon boys was arranged for March 10. Eight fellows from each house took part in the exchange. On March 28, we had a similar arrangement with the Cosmopolitan Club.

On March 15, a tea was given in honor of Sir David Ross, Provost of Oriel College, Oxford. Approximately seventy-five people interested in meeting Sir David attended.

A farewell banquet was held on March 30 in honor of Professor Philip Mosely, who was married on April 2. Faculty friends of Professor Mosely and Telluriders living in Ithaca were special guests for the occasion. Irving Merrill, dressed as a Rumanian peasant, carried out traditional wedding rites before the prospective groom and led the procession into the dining room. Parker Bailey was poet laureate on this auspicious occasion, and Chris Morley served as master of ceremonies.

Guests of the Branch during March have included: Miss Henrietta George of London, England; Mr. Roger Baldwin, Chairman of the American Civil Liberties Union; Mr. S. K. Ratcliffe, British lecturer and journalist; Sir David Ross, Provost of Oriel College, Oxford; and Mr. and Mrs. George Sabine.

Jack deBeers, Fred Laise, Sid Walcott, Sam Levering, and Jack Burchard were here for Custodians' meeting, March 18-19.

Dean L. A. Kimpton of Deep Springs spent a week at Telluride house. He interviewed a number of Deep Springs applicants in this vicinity and gave those of us here at the Branch first-hand information on the year's work and general conditions at Deep Springs.

Professor N. V. Sidgwick of Lincoln College, Oxford, recently stopped at the Branch for a brief three-day visit while on his way to England from Australia. He brought welcome news from Deep Springs and Telluriders in the West.

BALDERSTON GETS FELLOWSHIP

Walter Balderston has been awarded the George C. Boldt Fellowship in History at Cornell University. This fellowship has a stipend of \$1000 and is usually given to enable a student to complete his work for the doctor's degree in history. Among those who have held this fellowship are Francis D. Wormuth and Goldwin Smith, who have both been graduate guests at Cornell Branch in recent years.

TELLURIDE NEWS LETTER

Published by
TELLURIDE ASSOCIATION
ITHACA, NEW YORK

Editor JOHN NIEDERHAUSER
Associate Editor WILLIAM J. BOWMAN
Managing Editor GORDON KIDDOO

This issue was printed at Boston through the courtesy of
Dr. Michel Pijoan

APRIL, 1939

LAW AND MORALS

By HERBERT D. LAUBE

In the Institutes, Justinian says that the precepts of the law are these: to live honestly, to injure no one, and to give to every man his due. If Justinian is correct in this assertion, then all the precepts of the law are moral precepts. Law and morals may overlap; they are not co-extensive. Both are concerned with human conduct, but, as Lord McMillan says, in any particular case their verdicts may differ. The lawyer may disregard what the moralist condemns. At common law the doctrine of *caveat emptor* prevailed. The buyer purchased goods at his peril. Clearly, morals did not dictate the doctrine of *caveat emptor*. The criteria of the law are objective while those of the moralist are subjective. Crime is distinguished from sin. The trite saying that "Man can not be made good by law" is merely evidence that law and morals are not identical.

1. By the law of the road, in England, one keeps to the left, but in the United States, one keeps to the right. The rules are opposite, yet no moral question is raised by their opposition. The common law required three witnesses to a valid will. Today most states require only two witnesses to a will. Where a holographic will is valid, no witnesses are required. A holographic will is one written in the handwriting of the testator. No moral issue is raised by the difference in the number of witnesses which states may require for the validity of a will. Yet all of these requirements are moral in their aim. They are designed to prevent fraud. Similarly, whatever the law of the road may be, its purpose is to secure a uniformity of conduct. That uniformity means security of life and property. Its absence would mean chaos. The issue between social order and chaos is a moral one.

2. The ordeal by battle was a judicial device for settling disputes. The outcome depended upon force and not upon the merits of the issue. Even today, in many of the German universities, affairs involving honor are deemed non-justiciable. They are settled by means of a duel. When Italy initiated its policy of aggression in Abyssinia, a member of the House of Commons denounced Mussolini for his reprehensible policy of aggression against a weaker nation. Forthwith, he received a challenge to a duel from a captain in the Italian army, who believed that the Englishman had insulted both Italy and the Italian leader. The Englishman declined to accept the challenge, since he believed that the armed prowess of the Italian captain was irrelevant to the issue.

When James Kent, the great jurist, was Chancellor of New York in the early part of the nineteenth century, he was also a member of the Council of Revision, which was charged with the duty of passing upon the constitutionality of legislation. An act had been passed by the legislature to suppress duelling. By its terms, every

person elected to the Legislature or qualifying for any office in the State was required to take an oath that he had not fought a duel within one year and that he would desist therefrom in the future. Kent was an ardent Federalist and a dear friend of Hamilton, who had been killed in a duel with Burr. Kent greatly lamented the loss of his able friend, yet he was bitterly opposed to the law. He declared that it was inconsistent with the spirit of the Constitution, contrary to public good, and dangerous to our civil liberties. The Council repudiated Kent's tirade by a vote of four to three in favor of the constitutionality of the act. Today, there is no social necessity for a test oath against duelling. With the prevalence of arbitration of disputes, even courts of law are often avoided by potential litigants. Numerous disputes are settled amicably by arbitration rather than to have them belligerently litigated on their merits in a court of law.

3. According to the common law, a man could use his property as he saw fit, whatever his motive. As a result, spite fences were often maintained to mark a common boundary line merely to annoy the neighbor of the owner. Often these high board fences were within a few feet of the neighbor's house and shut off his light. In Montana, one spite fence was built to the height of forty feet; the owner was exercising his common law liberty and dominion over his property. In the abusive use of property, the civil law, which came from the Roman law, was consonant with morals. An owner was not permitted to use his property so as to injure his neighbor unless the use resulted in a benefit to him. Malicious injury was unjustifiable. The first case in United States to follow the civil law doctrines was decided in Michigan in 1888.

In the Michigan case, the court said:

"But it must be remembered that no man has a legal right to make a malicious use of his property, not for any benefit or advantage to himself, but for the avowed purpose of damaging his neighbor. To hold otherwise would make the law a convenient engine, in cases like the present, to injure and destroy the peace and comfort, and to damage the property, of one's neighbor for no other than a wicked purpose, which in itself, is or ought to be unlawful. The right to do this cannot, in an enlightened country, exist, either in the use of property, or in any way or manner.

"What right has the defendant, in the light of the just and beneficent principles of equity, to shut out God's free air and sunlight from the windows of his neighbor, not for any benefit or advantage to himself, or profit to his land, but simply to gratify his own wicked malice against his neighbor? None whatever."

Today this opinion would be subscribed to by a majority of our states. So far as spite fences are concerned, our law is becoming identified with justice.

Justice is the ultimate end of law. In recent years one has often heard "legal justice" contrasted with "social justice." Legal justice may be only according to law. It may not be social justice. What is your opinion as to such problems as child labor, pure food, and slum clearance? Any legislation relating to these social issues has a moral aspect. What is your solution for these problems? The answer is probably dependent upon your answer to the age-old question: "Am I my brother's keeper?" That is a moral question.

DO YOU REMEMBER?

By E. M. JOHNSON

The Olmsted Student Body gave a lawn party at Olmsted on the evening of June 17, 1910.

The following officers were designated at the Olmsted Student Body meeting on October 3, 1910: President, Parker; Vice-President, Darger; Secretary, Walcott; Treasurer, Howard; Leave of Absence Committee: Ellms, Oliver, Squires; Care of Property: Darger, Johnson, Armstrong; Finance: Dunlop, Cota, Fjelstrom; Trial Board: Ellms, Swenson, Barboa; Discipline: Walcott, Ashworth, Clark; Entertainment: Howard, Whitecotton, Maguire.

On April 1, 1917, Claremont Branch purchased a stump-puller for \$174.15.

Cecil Buchanan, while serving out his 7-day jail sentence at Claremont for "not putting in full five hours commercial work last Saturday," reports to Chancellor Noon on March 28, 1917: "Yesterday we got forty eggs from our own hens. I haven't the least idea what struck them, but an increase from ten to forty looks rather queer, don't it? I guess that it is the feed that Eddie Meehan gives them."

About March 1, 1894, E. P. Bacon was transferred to the generating station at Ames, and A. O. Whitmore, from Ouray, came as apprentice to take his place. When Mr. Bacon was sent to Ames, A. L. Woodhouse was put on motor shift and remained there until the latter part of 1894 when he, too, was transferred to Ames.

The Cornell Branch wrote a letter to Mr. L. L. Nunn on January 6, 1913, thanking him for his gift of the boat *Timpanogos*.

"Boise Census" for April 7, 1913: Executive Dept., Bacon, Wegg, E. M. Johnson; Legal Dept., Waldo; Accounting Dept., Halliday, Fowler, Grandy (Cashier); Commercial Dept., Lamb; Solicitors, Cruse, Walter, Owen, Landon, Moore, Pugsley; Files & Records, Edwards, E. C. Bonnett; Floor Walker, Buckler; Engineering Dept., Waters, Art Jennens, Bird, Alexander, Gard, Kennedy; Meter Installation, D. C. Brown, Howard (Trouble); Sub-Station Operation, Miller, Cole; Telluride House Operation, Landon; Instruction, Thornhill, Shaw.

W. H. Lepper, Architect for Telluride House at Ithaca, sent out specifications for the interior finish of the building on May 18, 1910. During the months which preceded the opening of the New Branch, R. P. Fairbanks, residing at 508 Stewart Avenue, Ithaca—where Telluride scholars lived for one year—supervised the purchase of furniture, fixtures, decorations, etc.

Paul Jones in his Instructor's Report for November 8, 1915, indicates the Beaver Branch shift schedule: 4:00-10:00 A. M., Fournier, Draper; 10:00 A. M. to 4:00 P. M., Schotte, McCarty; 4:00-10:00 P. M., Curtiss, Ross; 10:00 P. M. to 4:00 A. M., Clark, Whitney. Morning outside shift; Lathrop, McHale, Osgerby, Pollock. Afternoon outside shift: Dunn, Fruit, Meehan, Warneke.

From a report to the Committee on Scholastic Standing at Claremont on January 17, 1917: "Some are loafing instead of studying. Some are playing instead of studying. Some are arguing instead of studying. Some are bluffing instead of studying. Some are effeminate instead of manly. Some are using profanity, vulgarity, slang, and 'empty-barrel noise' instead of decent English. Some are sentimental instead of truly emotional. Some lie on a couch, hold a book, and dream instead of studying. Some are not taking enough work. Some are

not doing any visible scholastic work. Some are coming to morning classes half-dressed, with shoes unlaced, and with slippers on; they loll in chairs, stretch, yawn, and elevate their feet. Some seem to want neither to broaden the field of knowledge, nor to increase the adoption of truth as the rule of conduct."

ENDOWMENT ACCRETIONS

Since the publication of the last issue of the *News-Letter* the sum in the George Lincoln Burr Memorial Fund has grown to \$281. Twenty-five persons have now contributed to the Fund. The Endowment Committee hopes that before Convention it will have received the contributions of a good many more. A Fund of this sort ought to receive the support of a much larger section of the Association and its alumni than it has.

Besides making it a finer memorial to Professor Burr, representation on the Fund of a larger percentage of the members and alumni of Telluride Association is useful to the Endowment Committee in its campaign to raise money outside the Association. A record of loyalty and support from our own members is of great value in approaching people who know nothing of the organization. If we cannot show that even our own members think the Association is worth helping, we are going to be hard put to show that it is worth anybody's help.

The list of those who have contributed to the Burr Fund is as follows:

Paul F. Cadman, Goldwin Smith, Morgan Sibbett, Parker Monroe, Walter French, Herbert D. Laube, James R. Withrow, Simon N. Whitney, Donald D. Matson, Edwin C. Rust, Duane J. Carnes, Robert M. Rust, J. G. Miller, Miso Kunic, Charles S. Schaaff, Albert E. Arent, Raymond G. McKelvey, Harold Cole, Charles Dimmler, John H. Burchard, Wayne C. Edmister, Leonard Elmhirst, W. D. Whitney, W. B. Kuder, L. A. Kimpton.

ADDITIONS TO TA FILES

Basin-Plateau Aboriginal Sociopolitical Groups, by Dr. J. H. Steward, Bulletin 120 of the Bureau of American Ethnology, Smithsonian Institution. (346 pages, price 50c).

Lemhi Shoshoni Physical Therapy and Panatubijv' an Owens Valley Paiute, by Dr. J. H. Steward, chapters in Bulletin 119 of the Bureau of American Ethnology, Smithsonian Institution.

A first-edition copy of the *Official Guide Book* of the New York World's Fair, of which Dr. Frank Monaghan is Editor.

Trade Associations and Industrial Control: A Critique of the NRA. By Dr. S. N. Whitney.

Pipe Lines for Hydraulic Power Plants, by Arthur Jobson.

STEWART LEAVES CORNELL BRANCH

On advice from the University Medical Office, George Stewart left Ithaca for an indefinite stay in Florida. George plans to find employment with a small town newspaper. He had been at the Branch since the beginning of the second term.

DEEP SPRINGS NOTES

By NED BEDELL

Probably the outstanding event of the spring term thus far has been the very successful four-day trip into Death Valley taken by the members of the Student Body and faculty members Kelly and Hayes. Entrance to the Valley was made from the north by Sand Springs and Emigrant Wash, the same perilous route followed by the ill-fated expedition of 1918. With more good fortune than that expedition, the first night's camp was made at Grapevine Springs after an inspection of Scotty's Castle and Ubehebe Crater. Traveling south the following day, the party established a base at the Furnace Creek Government Camp, from where motor and hiking trips were made to the various points of interest in the valley. One of the most interesting of these was to Dante's View, a point which affords an exciting, sweeping view of the whole valley and from where Mount Whitney and Bad Water are visible, the highest and lowest spots in the United States. The return trip was made over scenic Towne Pass and included a stopover in Lone Pine for dinner.

The spacious new horse barn has been completed. In addition to its being of tremendous practical value, it indeed adds much to the appearance of the group of lower ranch buildings. The shed formerly used as a saddle room and corn crib has been removed to another site, and the size of the small horse corral has been increased considerably by the razing of the old, small barn which stood directly in front of the new barn.

With the completion of the barn and the turning out of the range cattle, which have been fed at the ranch over the winter, the ranch work has centered around the fitting of ground for the spring plantings. Eight horses are being worked daily on this job, plowing, disking, Fresnoing, and dragging. Approximately twenty acres of silo corn will be grown this year in the large field which lies in the most northerly part of the ranch. Last year was the first in many years that this field was cultivated; results were so favorable that the remaining five acres or so not put into corn this spring will be turned into alfalfa ground. With fourteen acres of new alfalfa in the field southwest of the swimming pool, this will bring our staple crop acreage to 145 acres, an increase of 110 acres in the last five years. In mature production the new acreage can be expected to yield eight hundred tons of hay per year. This will be sufficient to allow for the building up of a reserve supply of hay as insurance against an extremely hard winter or a crop failure or both, in which cases in the past it has been necessary to buy hay in Owens and Fishlake Valleys at an almost prohibitive expense. From our five-hundred-ton crop of alfalfa last year we hope to carry over a reserve supply of sixty tons.

The champion performance of the dairy continues; daily production records are being broken every few days. The most recent record is five hundred fifty pounds. Eighteen cows are being milked, and with the increased milking load it has been deemed necessary to put a third man on the dairy. The chicken-and-pig man is at the moment enduring more than the usual amount of a spring chicken man's anxieties and sleepless nights, since he is attempting to start not only numerous chicks but also forty notably precocious baby turkeys. This is the first time that the raising of hatchery turkeys has been tried.

Recent guests at the ranch have been Prof. N. V. Sidgwick from Oxford University, Mr. and Mrs. J. W. Green from Manila, Mr. and Mrs. J. B. Tucker and daughter from Santa Ana, and several applicants from Southern California. Lecturers have included Mr. William G. Simpson, who gave two talks on his mystical, unorthodox philosophy, and Dr. J. A. C. Grant, Chairman of the Department of Political Science at the University of California at Los Angeles, who discussed constitutional government. Lecturers expected in the ensuing weeks include Mr. Raymond G. McKelvey of the Department of History at Pomona College, Mr. Charles Hogan of the San Francisco School of Social Studies, Dr. Henry M. Adams of the Department of History at Stanford, and Dr. John Olmstead of the History Department of the University of California at Los Angeles.

The annual spring vacation trip is scheduled to start March 31. The first stop will be on the coast in the vicinity of Morro Bay; from there we go along the new coast highway to San Francisco for a couple of days' visit to the Fair. Yosemite's mighty wonders are next on the itinerary; we expect to camp in the valley for five days. The return trip will be made via Bakersfield, where we will probably camp overnight.

The Board of Trustees will hold their annual spring meeting at Deep Springs starting May 12.

Encouraged by extraordinary mild week-end weather, many members of the Student Body have been taking overnight horseback trips, mainly to the southern end of the valley where the Antelope Springs cabin is available. This cabin is being repaired and equipped more fully by the Student Body, and it seems probable that it will become one of the most frequented vacation spots for Deep Springs.

The most notable Deep Springs sports event is the spring tennis tournament being sponsored by the Entertainment Committee. With more than fifteen entries for honors, the matches promise to be exciting, although a bit erratic. It is rumored that the Deep Springs champions will challenge the champions of the Cornell Branch.

NECROLOGY

David J. Bonnett, 76, died at his home in Pleasantview, Utah, on March 4. Besides his widow, Mr. Bonnett is survived by two sons and three daughters. Alumnus Dr. E. C. Bonnett is one of the sons, and Mrs. L. J. Farrer a daughter. "Dave" Bonnett had been employed for the past 31 years by the Utah Power & Light Co. and was well-known to all the Association men of the earliest days.

CORRECTION

Last month's *News Letter* carried a notice that Association member J. S. deBeers had announced his engagement to Miss Dorothy Hill. We erred in that his engagement has not been announced, if and when an announcement is made the young lady's mother will make it, and the young lady's name is not Dorothy Hill. Mr. deBeers is, however, an Association member.

Doctor Michel Pijoan has been made Medical Editor for Little, Brown & Co.