

THE NIAGARA CANAL

Its Indorsement Causes a Discussion in the Senate.

M'GOWAN'S BIT OF ORATORY.

An Avalanche of Eloquence in the Lower House.

KING COUNTY NOW PROPOSED.

The Assembly Committee on Attaches Favors Reform—Committees Considering Bills

—The National Guard.

Both branches of the Legislature opened their business yesterday with the evident determination of making plenty of noise, even if they accomplished nothing in the way of legislation.

There were wordy wrangles in each house, in which the numerous aspiring orators were given a chance to shout, and in which some took advantage of the opportunity to declare their animosity toward railroads and other corporations. It was made apparent, particularly in the Assembly, that some of the law-makers believe, or pretend to, that to conduct any kind of a corporation or enterprise requiring capital is a crime.

NICARAGUA CANAL. The principal debate in the Senate was over the proposed indorsement of the Nicaragua Canal. Two joint resolutions had been offered on this subject. One of them favored the Morgan and Sherman bills, which are pending in Congress, and provide that the Government shall assist in the enterprise and should retain a controlling interest in the corporation. The other resolution, which was offered by Senator Ostrom, differed from the first in that it declared in favor of the United States having absolute and full control of the concern.

Both resolutions had been referred to the Committee on Federal Relations and the latter reported back a substitute, which was couched in more flowery language than either of the originals, and did not include Mr. Ostrom's hobby. In consequence Mr. Ostrom made a speech against the substitute. He liked the language of the preamble, he said, but didn't go a cent on the resolution, and thought it should be amended so that it would conform to his idea of absolute ownership on the part of Uncle Sam. Mr. Ostrom said he, like everybody else, believed that the construction of the canal would be a great benefit to the entire Pacific Slope, and that California would get the cream. He would go to almost any length to secure the completion of the canal, but he would drop the project like a hot cake.

If it was intended to place the canal out of the reach of the people who propose to pay for it, and give it over to private individuals, The Government, he declared, had constructed several railroads on the latter plan, and could not get its money back. This was bad financing, he thought, and the people should be kept informed of the facts. "If our money is going to be used to construct this canal, why should we not reap the benefit?" he asked. Then he argued that the Government was going to have trouble getting control of the canal as the Nicaragua Canal Company already had control of Lake Nicaragua and proposed to control the canal for ninety-nine years. Under the Morgan or Sherman bills, he said, the Government, in his opinion, as the people would have to pay double for it in tolls, freights, etc.

In conclusion, Senator Ostrom moved to amend the substitute according to his motion, but he was headed off by Senator McGowan's point of order that a motion could not succeed a long speech. M'GOWAN'S SPEECH. Some unimportant business was transacted—enough to get Senator Ostrom in order—and then he renewed his motion to amend.

This brought Mr. McGowan, the bright young statesman from Humboldt, to his feet, and he gave the Senate the first bit of genuine eloquence it has had this session. Senator McGowan considered Mr. Ostrom's objections to the substitute technical and captious. He doubted the soundness of the Yuba Senator's argument. In the first place he had gone off wrong on his comparisons between the possible outcome of the canal project and the Government's experience with railroads. They were not parallel cases in any sense. The Government never controlled nor attempted to control any railroads, nor attempted to dictate how the roads should be operated. In its dealings with those enterprises the Government simply occupied the position of a mortgagee, and nothing else. It was an entirely different proposition from that now suggested in the committee's substitute with reference to the Nicaragua Canal. No man of business, who

HAD MONEY TO INVEST Would want any better terms than those proposed in the Morgan bill, to the Government. In that bill the United States is to retain 80 per cent. of the stock, and out of a board of fifteen directors will name nine of them. What more could be asked? What more complete control could the Government want? What better protection could the people desire? But this was not the strongest point of the young Senator had against Senator Ostrom's idea about absolute ownership. Under that proposition the singular state of affairs would be presented of the Government owning a narrow strip of land extending through Costa Rica and Nicaragua. Such an idea of foreign jurisdiction was preposterous. Anybody stopping to consider the matter a moment could see that all sorts of complications would arise. Nations were not in the habit of giving away their land to other nations. They usually looked with envy upon encroachments and projects of this

kind, rather than with kindness. And besides all this, the Clayton-Bulwer treaty prevented any such transactions.

Senator McGowan had informed the Yuba Senator that all of the engineers and students of the Nicaragua project had long ago given up the idea of the Government owning the canal. It was an exploded theory.

OSTROM AGAIN. Senator Ostrom, in replying, said he realized the disadvantage he was at in trying to debate with the eloquent young man from Humboldt. He said the young man had made the Morgan bill appear very nice, but he was afraid it was not as well as it had been painted. He was loth to give up his bugaboo about the railroads—that the latter had gotten the best of the Government—and he would not believe but that the Nicaragua project was a "job" as proposed by the bills now in Congress. He was afraid two of the Government's nine members of the directory of the canal company would "fall down," thus selling out the people and giving over the control of the canal to the enemy.

Senator Langford then took a shy way he said he proposed to show that Mr. Ostrom "didn't know what he was talking about." It was an impossibility for Congress or the Government to own the canal in its entirety, so there was no use harping on that point. He denied Ostrom's statement that the farmers and mechanics were opposing the Morgan and Sherman bills. He lived in an agricultural community and could say that every convention and meeting held in his county for months past had been declaring in favor of the propositions set forth in those bills. Those propositions were for Government control all right enough, but not for absolute ownership. Mr. Langford characterized the Yuba Senator's argument as buncombe, for he must have known that there "was nothing in the Morgan bill" which would prevent the Government from building the canal, and after building it, were to manage it, regulate tolls, freights, etc., so that only fair interest on the money invested should be required.

Senator Langford then shut off further debate by calling for the roll. Senator Ostrom's amendment was lost and the committee's substitute prevailed.

NOISE IN THE ASSEMBLY. Yesterday's proceedings in the Assembly were in striking contrast with those of dull and lifeless Saturday. From the morning until adjournment, lively—at times painful—interest was manifested.

The first shot of the day was taken by Shanahan at an evening paper, which published an article to the effect that the Judiciary Committee had three Assistant Sergeants-at-Arms. As a matter of fact, said Shanahan, the committee had but one, which is allowed by the Constitution. He admitted that the committee had a young lady typewriter at a salary of \$100 per day, which he inferred was hardly necessary, but she was foisted upon the committee without his solicitation.

The real sport—and sport it was, too—was the dilemma in which the Assembly found itself when the report of the Committee on Attaches and Employees was submitted. All went well until Mr. Owen of Sacramento asked an amendment to the report, naming Ed J. Smith for the position of Assistant History Clerk.

UNNECESSARY ATTACHES. Mr. Hurley, Chairman of the Committee on Attaches, said that after mature and considerate attention the committee had come to the conclusion that an assistant to the History Clerk was unnecessary.

It was expected the committee would so report, as the Democratic members thereof were well aware of the following the young gentleman from Los Angeles possessed. The committee hoped by crying for reform the Republican members of the Assembly would unite with them in defeating Smith from drawing a pension. But not so. The Republicans united, and with the help of Democratic votes the amendment was carried, attesting to Smith's effective "pull."

At this juncture Hurley moved that the resolution regarding an Assistant History Clerk, in its amended form, be referred back to the Committee on Attaches. Shanahan, to the surprise of all, but the whole report of the committee should be referred back. A motion was made to that effect, but it was overwhelmingly defeated.

Hurley insisted, in persuasive language, upon the putting of his motion to refer, but subsequently withdrew it.

The report of the committee was then considered seriatim. When the resolution, as amended, appointing Smith as Assistant History Clerk, was reached its adoption was moved. Hurley was again on his feet and said he had prepared the report of the committee and that an assistant was found unnecessary.

MATTHEWS TO THE FRONT. Matthews of San Benito told of his experience in the Legislature, and after eight years' trial he thought he knew what attaches were necessary. He thought many of the young members of the Legislature were imposed upon. He had no objection whatever to Mr. Smith personally, but he was opposed to him in the grounds that his appointment was not a necessity; the appointment he considered about as necessary as the fifth wheel to a wagon. He remembered the time when the clerks at the desk found time to make up the history of the Assembly. The members of the lower house were implored to stand by the pledges they had made to their constituents.

O'Keefe moved the previous question, and then there was a general tangle and it was a long time before heads and tails could be distinguished.

PRICE'S IRONY. Price of Butte got the floor and said he fully realized that the distinguished name of Smith had out a very important part in the history of the country since the days of Pecosbottom. He was also aware of the fact that the unnecessary appointment of attaches had gone too far. He would up by moving that Smith and the numerous resolutions employing others be thrown out of the window. Of course the motion was ruled out of order, but it took well with the members and the gallery spectators.

Hurley was up right away on a point of order, but Speaker Gould declared it out of order before he escaped the lips of the Bay Assemblyman.

Hurley was excited and in very loud tones he made an attack on Smith. "The Republicans have boasted," said Hurley, "that they care their men whether in history or not. Smith is a Republican," he continued, "and no Republican shall get my vote, and I hope that of no other true Democrat."

Owens who conducted Smith's fight, said he thought at least one office ought to be conceded to the Republicans. His remarks defending Smith against attacks made on him were sharp.

FROM THE PARTY HEARD FROM. Barlow had his say about the profuse promises the Democrats had made before election, but they have been just as liberal as anybody in shoveling out the coin.

Kahn sagely remarked that the long discussion had cost the State more than the salary of Mr. Smith would have amounted to if he had been appointed in the first place.

SMITH ON TOP. The vote was finally taken on the appointment of Smith, and he was wanted surely when 51 ayes were recorded for his appointment against 25 nays.

The Assembly finally lunched and dined, and in the afternoon interest was renewed.

THE REASSESSMENT BILL. Shanahan's bill providing for the reassessment of property and the collection of unpaid taxes due the State and accruing since 1882, which was made a special order for 2 o'clock, was taken up after the report of the Committee on Attaches and Employees was disposed of.

Anderson of Sacramento offered an amendment to strike out "1882" and insert "1880."

Mr. Anderson disclaimed any purpose of making an argument. The amendment was offered, he said, in order to obviate an objection that could be waged against the bill as to the statute of limitations. He wanted to amend the bill so that it would be valid. "The amendment," he said, "is not proposed to prevent the enforcement of any valid assessment, or to protect any person or corporation. The railroad company should be compelled to pay its taxes, and I for one will join in any legal effort to force the payment of its taxes. It is a question settled by nearly every Supreme Court in the United States, that the Legislature cannot by any enactment validate an illegal claim."

Whether against an individual, or municipal body, or public or private corporation. The famous case of Hoagland vs. the City of Sacramento is one directly in point. In that case the Legislature passed an Act authorizing the plaintiff to institute suit against the city for a claim more than four years old. When the claim was attempted to be enforced the statute of limitations was invoked and the plaintiff was considered barred. No legislative Act can revive a claim barred by the statute of limitations.

"The bill under consideration has a broad operation and affects all the property in this State, and affects individuals as well as bodies corporate."

Mr. Anderson asserted that not ten members of the Assembly knew what the meaning and effect of this bill is, and that a vote upon it at this time would be governed solely by impulse and not by reason. He for one did not relish the idea of going upon record in support of a measure which he felt was absolutely invalid.

SHANAHAN AGAIN. After Mr. Anderson finished his remarks the gentleman from Shasta took the floor, and in a long-drawn-out argument he said the people have been seeking redress since 1882, and until the present day nothing has been accomplished. He said there was something like two and one-half million dollars held back by the railroad company which was due the State. There is no reason in law or equity, he said, for the holding back of such a large sum of money from the people. He railed against unjust discrimination in favor of the railroads; he impugned the actions of the courts of justice. Mr. Shanahan said the effect of the amendment would be to strike out its vitality. As to the effect of the bill, he cited official reports which endeavored to sustain his argument.

The member from Humboldt, Alford, Dodge and Bretz also spoke against the amendment.

In reply to Mr. Shanahan, Mr. Anderson said that he did not wish to be understood as an apologist for any wrongs of the railroad company, or to screen it from the payment of its taxes. "The fault," he said, "has always been with hasty legislation, like that now before the House, which has been the cause for the courts overturning the laws. The courts are not to blame, and it is unjustified and improper for the members on the floor to impugn the courts, or attempt to smother the courts."

Which form an independent department of the government. The ermine should be kept clean, and it is wrong to attack the great department for its interpretation of the laws. The members who have cast reflections on the court have departed from their duties and the privileges of the House."

Mr. Anderson was emphatic in his prophecy that in case this Act should become a law the courts would not, in the light of all the established authorities, sustain it.

Before a vote was taken Mr. Anderson asked leave to withdraw his amendment, but it was objected to, and the amendment was lost by a unanimous vote. Mr. Anderson changing his vote to make it unanimous.

The bill was passed to a third reading and made a special order for 2 o'clock this afternoon.

PROCEEDINGS IN DETAIL. A BILL FOR THE CREATION OF THE COUNTY OF KING. The Nicaragua Canal Bill—Debates in the Assembly—More New Bills Presented.

The Senate was called to order at 2 p. m. Roll-call showed a quorum present. Prayer by the Chaplain, Rev. W. S. Hoskinson, and reading of Friday's Journal followed.

Senators Broderick, Voorhies, Seawell and Shippee were granted leaves of absence.

The file was then taken up, the first matter thereon being the Federal Relations Committee's substitute for the two joint resolutions indorsing the Nicaragua Canal project.

Senator Ostrom said he was in accord with the preamble, but not with the resolution, and moved to amend it by substituting a resolution providing that the canal be wholly under the control of the Government.

The Senator prefaced his motion with quite a speech, and Senator McGowan raised the point of order that under paragraph 1 of the constitution no member can follow a speech in that manner.

The point of order was sustained. Senator Carpenter moved to amend the substitute by correcting unimportant clerical error. Adopted.

Ostrom then offered his amendment without any speech against the amendment, saying that it would be foolish to

think of the United States Government having absolute ownership of the canal. The canal was not abandoned by the friends of the canal.

Lieutenant-Governor Reddick called Senator pro tem, Carpenter to the chair and asked for the amendment.

Ostrom replied to McGowan, arguing that his amendment should be adopted. Langford thought that Ostrom had misstated the facts in the matter, and after speaking for some moments, asked for a roll-call.

The amendment was lost, by a vote of 29 yeas. The committee's substitute was then adopted.

The next order of business was the consideration of Senate Bill 13, "An Act to create a State Board of Fiscal Directors, to prescribe its powers and duties, to regulate the practice of underwriting and funeral direction, and to more effectively provide for the control against contagious diseases."

The Hospital Committee had recommended the bill for passage. The measure was then ordered on file for second reading.

Senator Streeter introduced a bill, on order, providing for an appropriation to pay the claim of J. B. Haight for extra services rendered the Civil Code.

Senator Matthews introduced the following bills: Amending the county government law, relative to County Auditors; County and Consular Offices; relative to community property; Amending the law relative to the promotion of agricultural districts.

Senator Anderson offered a concurrent resolution providing for the appointment of a committee, three from the Senate and three from the Assembly, to investigate the State Board of Fiscal Directors, with reference to some alleged frauds. Adopted.

Senator Ragsdale offered a bill amending the State Board of Fiscal Directors, for the creation of the county of King. Referred to the Committee on Counties.

Senator McGowan introduced a bill providing for the incorporation of mutual fire insurance companies; Committee on Counties.

Bill by Maher—Making an appropriation for the relief of Charles F. Wells. By Whitehurst—To pay the claim of San Joaquin County for taxes paid at Glen Ellen, with reference to some alleged frauds. Adopted.

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By Simpson—An amendment to the county government law; Committee on County Governments.

By Flint—An amendment to the Political Code relative to the duties of County Auditors; County and Consular Offices. Also, an amendment amending the Political Code relative to duplicate assessments; Judiciary.

By Everett—Providing for the correction of errors in the Political Code; Judiciary. Authorizing Assessors in cities of 25,000 population to appoint deputies and fix their salaries; County Government.

By Hart—Amending the county government law in order to increase the fees of township Justices; County and Township Governments. A bill to amend the same law, in order to regulate the fees of Constables; County Government. Also, a bill making an appropriation for planting a row of trees around the Capitol grounds; Finance. Making an appropriation to the State Board of Fiscal Directors, for the purchase of a building and machinery for the manufacture of ice at the Folsom Penitentiary; Finance.

Amending the Penal Code relative to game birds and animals; Fish and Game.

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