The Sun.

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Preparing for Next Fall.

At the dinner given on Saturday evening for Senator N. A. ELSBERG one of the speakers was BENJAMIN B. ODELL, Jr., of Newburgh. ODELL said in his address:

"As a Republican interested in continued supremacy of our party, I ask, isn't it about time we began to prepare for the next fall, when our party is to pass through a crisis, perhaps, such as it has not passed through in twenty years?"

ODELL need not worry about the beginnings of the preparations for the fall campaign. They are already well under way. They involve much hard and disagreeable work, but this is being done skilfully and effectively. ODELL will know how excellently the necessary tasks are being performed when the appropriate time arrives and his official head is severed from his body by the axe that decent Republicans are sharpening now.

No Danger in Sight.

While the immediate condition of the railway rate matter seems only a hopeless tangle, it is beyond question that the delay in its determination has been of measureless value to the country. A year ago at this time there was an indignant roar at the "obstructionist" Senate for its refusal to gulp down, as the House did, the undigested Esch-Townsend bill. To-day those who supported that bill would be very glad to forget that they did so. Its successor arrived, and the same multitude which shouted hosanna to the Esch-Townsend bill went through very much the same performance over the Hepburn bill.

There has been of late a notable subsidence of the enthusiasm over the Hepburn bill. It proves to be a sort of whited sepulchre, and few there be who think that its enclosed bones would make even a respectable scarecrow. The Senate has demonstrated the errors and the general weakness of the bill, and the Administration has admitted that it needs amendment.

Meanwhile, for some dark and mysterious reason, the country goes on its way without a rate bill. The Department of Justice and the Interstate Commerce Commission open proceedings, and carry on cases already opened, against those who violate existing laws against the evils which the railway rate campaign was, in its inception, intended to destroy. We hear of no disastrous failures because of exorbitant rate charges, and we hear few if any more wails of railway extortion than we heard before the campaign was inaugurated. We can see no signs of national disaster from this source if no rate bill is passed for some time to come.

There is no occasion for any national impatience. The delay is beneficial rather than dangerous. The only obstruction which exists in the Senate is an almost unanimous opposition to the passage of any bill that is not a good bill. There is difference of individual view regarding the best system, but there is full harmony concerning the main purpose. Meanwhile, the country is safe and no disaster will come from any present unfair or unreasonable railway rates, even if they are not prohibited for several weeks to come.

The Political Situation in France.

Not since General BOULANGER carried Department after Department in a series of by-elections have the opponents of the Republican régime felt so much encouragement as they feel to-day with reference to the outcome of the general contest at the ballot box which is now near at hand, the present Chamber of Deputies having been chosen in the spring of 1902. We do not, indeed, presume that the most sanguine reactionist expects that his friends will secure a majority in the next Chamber, but many close observers of recent events in France are of opinion that the Monarchists on the extreme Right and the Socialists on the extreme Left will both make considerable gains, and thus help to place any Republican Ministry in a precarious position.

It is certain that the law separating Church and State has already brought about the overthrow of one Cabinet, that headed by M. ROUVIER, and it may yet cause the downfall of that over which M. SARRIEN presides. Fortunately for the stability of the majority, at present commanded by the so-called "bloc," the new Minister of the Interior, M. CLEMENCEAU, not only as a Radical Socialist possesses the confidence of the extreme Left, but has to a certain extent propitiated the Moderates of the Right Centre by the tact and discretion with which, in the process of taking inventories of Church property, he has minimized the sources of friction between the priesthood and the civil authorities. Everybody knows that M. CLEMENCEAU has long been an implacable enemy of the Concordat, and it must have been to many persons an agreeable surprise to see him evince an accommodating temper in the execution of the law. "Suaviter in modo, fortiter in re" is evidently the purport of his instructions to his subordinates.

It is an interesting coincidence that a conciliatory spirit is also beginning to be exhibited by some faithful adherents of the Church. A number of influential Catholic laymen, including M. BRUNETIERE and other members of the Académie Française, together with some members of Parliament, have addressed a letter to the French Bishops requesting them to ask Pope PIUS X. to give the Separation law a fair trial, and for that purpose to authorize the organization of the Church associations, which under the law would acquire much ecclesiastical property. It is pointed out that the real estate and chattels placed by the Separation act at the disposal of Church associations are appraised at something like $80,000,000, all of which, together with the sum of $4,600,000, to be appropriated this year for allowances and annuities payable to Bishops and priests, will be lost to the Church if it opposes the formation of associations. To onlookers this seems sensible advice, but it appears to have had no effect on the masses of zealous Catholics in France, especially in Brittany and some other provinces, where officers ordered to break open church doors have refused to obey, and when tried for disobedience have been acquitted by courts-martial. It is, indeed, undisputed that a large part of the French Army is infected with disloyalty to the present political régime. Alive to the advantage which this disaffection gives them, the most widely read Catholic newspapers call upon the Pope to condemn the plan of Church associations and upon the Catholic faithful to resort to force if the civil power shall attempt to close the churches, as by law it is obliged to do after a definite delay.

It is, of course, unreasonable for the Socialists to blame the present Government for the frightful catastrophe which occurred in the coal pits at Courrières in northeastern France on March 10. The persons really responsible for the failure to rescue many of the imprisoned miners, one of whom was brought up alive on April 4 after twenty-five days entombment, are the directors and engineers of the coal company, but for whose indifference and inactivity many more lives might have been saved. Nevertheless, the determination of the civil authorities to protect the property of the company from destruction at the hands of an infuriated mob has aroused a widespread feeling of bitterness against the Sarrien Ministry, which will probably cause the loss of a number of seats in the mining districts. M. CLEMENCEAU and his colleague, the Minister of Justice, are doing their best to stem the tide of hostility among the miners by ordering the Public Prosecutor of Douai, in the Department of the Nord, to investigate the methods followed by the salvage engineers at Courrières, with the view of prosecuting them under the criminal code for negligence and manslaughter. The general election is too near, however—it begins on May 6—for such a procedure to have much practical effect.

The signs are, as we have said, that while the Sarrien Ministry will have a majority in the next Chamber of Deputies it will be smaller than it is to-day.

The Tehuantepec Route.

The opening of the reconstructed Tehuantepec Railway, with deep water harbors and modern docks at Coatzacoalcos on the Atlantic and Salina Cruz on the Pacific, will be the occasion of jubilation by the Mexicans; and as a rival of the Panama Railroad and a competitor of the Isthmian canal when completed Americans will find the rates and the traffic development of the new road an interesting study.

The history of no transportation problem on this continent is more fascinating than the evolution of the scheme, which originated with CORTEZ in 1518, to utilize the Isthmus of Tehuantepec as a highway of commerce. The harbor of the Indian town which he named Vera Cruz was shallow and periodically swept by gales. A survey of the coast convinced him that Coatzacoalcos, further to the south, afforded better anchorage. There he built a fort and founded a colony. Later he got a concession from CHARLES V. and laid out a *camino del rey*, or wagon road, from Coatzacoalcos to Salina Cruz on the Pacific. This short cut between oceans was used by Spain for military and trade purposes during three centuries. The argonauts who went to California by way of Tehuantepec were carried over the road in coaches in 1849. Seven years earlier Don JOSÉ DE GARAY had obtained a charter from SANTA ANNA, the dictator, to dredge the Coatzacoalcos River and build a broad highway across the Isthmus, which HUMBOLDT had called "the bridge of the world's commerce." GARAY did nothing with his charter, and allowed it to lapse on June 30, 1845.

After an interval of thirty-three years President DIAZ, a native of the Isthmian province of Oaxaca, revived the project and a contract was made with EDWARD LEARNED of New York for an interoceanic railroad to be built in three years and four months; but the enterprise succumbed to the claims of the long established Panama Railway. Thirty-five kilometres were completed. Strong in his faith, President DIAZ obtained authority from the Mexican Congress to make the construction of the Isthmian railroad a national enterprise; but not until 1895, after DELPHIN SANCHEZ and EDWARD MACMURDO had lost their charters, was the road completed by an Anglo-American syndicate and opened for traffic. Without good harbors and docking facilities at Coatzacoalcos and Salina Cruz, however, the National Tehuantepec Railway had no future. It deteriorated and became a bad asset to the Mexican Government.

The indefatigable DIAZ then made, through his Minister of Public Works, a contract with Sir WEETMAN PEARSON, the English contractor, to restore and standardize the railroad, dredge the termini harbors and construct a system of breakwaters and docks. The work is now almost completed. As the highest grade of the road is only 800.55 feet and the rails are heavy and the track well ballasted, the promise of a fast freight service seems plausible. The design was to have a depth of thirty to forty feet in the channel at Coatzacoalcos at low tide, and thirty at Salina Cruz on the Pacific side, which is not as much exposed to storms. At both termini the docking accommodations were planned on an ambitious scale.

Three years ago the *Mexican Herald* attributed to Sir WEETMAN PEARSON a prediction that the National Tehuantepec Railway, so called, would "knock the Isthmian canal project of Uncle SAM into a cocked hat." It may be doubted whether Sir WEETMAN, who is not given to boasting, indulged in a prophecy so startling; but it must be remembered the United States Government had not taken over the Panama Canal enterprise at that time, also that Sir WEETMAN PEARSON, as the lessee of the Tehuantepec Railway for fifty years, must be optimistic. That the road, provided its charges are reasonable, will attract interoceanic freight is to be expected; and that it will open to settlement and develop the fertile States of Vera Cruz and Oaxaca is not to be doubted. But transshipment, involving unloading and reloading, is likely to be slow and expensive work. The Tehuantepec, on its winding route of 190 miles, will need a good deal of coal, and coal will be high on the Isthmus until it can be mined there. When the Panama Canal is open for business the opportunity to send unbroken cargoes from Europe and the Atlantic and Gulf ports to the Pacific coast and Asia should prove irresistible to shippers. Whatever its charges, the Tehuantepec will be able to handle only a fraction of the interoceanic freight of the future. It must be remembered that the Pacific trade is growing tremendously, beyond all anticipations. There will be plenty of business for both the Tehuantepec Railway and the great canal.

National Hymns.

Secretary BONAPARTE did well not "to commit himself to the project of offering a prize for a new national air to be selected by a council of musicians from all parts of the country."

He was wise to withhold even his indorsement of the project of advertising for a national air, and perhaps of offering souvenirs as an inducement to competitors.

The "Star Spangled Banner," which it is proposed to supersede, was composed by a native of Secretary BONAPARTE'S home State, Maryland. Very recently in the Albany Legislature a measure was seriously discussed making it mandatory upon school authorities in New York to insist that all the words of the "Star Spangled Banner" (all the verses without curtailment) should be sung by the school children, with whom the "Star Spangled Banner" is a favorite, made familiar by frequent repetition.

National hymns, however, are not made popular by legislation, and songs responsive to the aspirations of a people are not to be secured by advertisement. A government proposes; the people adopts or rejects a song or anthem and makes it a "national air." Under despotic governments only, if ever, are such official selections accepted. "God Protect the Czar" is the national Russian, or rather the Russian Government, hymn; HAYDN'S "Hymn to the Kaiser" has similar, but no greater, vogue in Austria.

"Das Deutsche Vaterland" is officially the recognized German air; "Die Wacht am Rhein" is the popular one. For many years in France "Partant Pour la Syrie" was the "national air"; "La Marseillaise" has been the people's favorite since it was first sung over a century ago at the beginning of the French Revolution. In Italy GARIBALDI'S hymn is the popular, but not the official, national air. In American crowds or American audiences the stately music of "Hail Columbia" never causes the moving feet or the singing accompaniment of "Dixie."

Popular preference determines, formal legislation can prescribe, the acceptance as popular of any song or anthem. Even in England, where the conventions of army and official life are tenaciously observed, "Rule Britannia," the music of which was composed by ARNE, has been generally replaced by "God Save the King," a composition of disputed authorship. The "Wearing of the Green" in Ireland owed its popularity to no official recognition; indeed for a considerable period it was legally interdicted in some Irish counties as an appeal to revolt and an incitement to disorder. A wiser and more tolerant view of its effective appeal to Irish emotions has been adopted since the Boer War.

The "Star Spangled Banner" is probably secure in patriotic American favor if no more serious assault upon its popularity can be devised or suggested than an advertisement by the Government authorities for a substitute, the selection of which could be determined upon "by a council of musicians from all parts of the country." National airs are not sung by the people of a country because a Congress, a Parliament or a National Assembly so ordains or recommends. Musical councils cannot regulate public taste or preference in such a matter, and Secretary BONAPARTE was discreet in refusing to commit himself to the furtherance of any plan to do away with the "Star Spangled Banner" as the recognized national air for most Americans.

A Great Day for the Laird.

The meeting between Mr. ANDREW CARNEGIE and JOEL CHANDLER HARRIS may have embarrassed the author, but the Ironmaster was not flustered a bit. He was never more at his ease. Throwing his arms around the shrinking form of "Uncle Remus," he pressed him to his bosom, held him off at arm's length, and said: "Have the collards bloomed yet, and are the snapping beans sprouting? And how is Old Si's cow?"

A report of the historic affair says that "the author was at first reticent." No wonder. JOEL CHANDLER HARRIS was overcome as by a summer cloud, and reason tottered. To be embraced on his own garden walk by the great library founder and champion of phonetic spelling—not dialect, mark you!—was glory enough. But to be asked how Old Si's cow was—that was to unman the author and tap the fount of tears. Such familiarity with a modest writer's works was not to be expected on the part of the Monte Cristo of Pittsburg and Auld Reekie, the man who had cornered the philanthropy of a world.

"Uncle Remus" might well be nervous about the designs of his visitor, too. Suppose he had come to reduce "Brer Rabbit" to phonetic dialect, or to present the Harris family with a block of Steel stock!

But no, it was not as bad as that. ANDREW CARNEGIE had only come to pronounce him a genius, and to tell him that he had filled the world with sunshine. Lord, Lord, he had heard that before so many times, and from so many great men! "He's just like common folks," said the grateful author when the ordeal was over. It was an experience for "Uncle Remus" and a great day for the Laird. And when the young women of Atlanta at the laying of the library cornerstone sang, "Andy, Oh, Andy! You dandy; you dandy!" the great man's cup of happiness was full.

Uncle JOE'S summing up that "if a majority of the people demand immediate general revision they will elect a majority of the members of the House in favor of immediate general revision" is a proposition that ought to be satisfactory to all interests, since none can dispute it. But the Speaker reminds us of Dr. HOLMES'S katydid.

Ask any young man his ideal of a home for himself and a girlish bride, and he responds quickly: "Oh, a little house with vines over the porch, easy chairs, a hammock and lots of moonlight."—*Baltimore Sun.*

He is much more likely to say: "A $25,000 apartment and a country house with 125 rooms and sixty-nine bathrooms."

Early in January Justice D. THEW WRIGHT of the District Supreme Court of Washington, D. C., overruled the demurrer filed by FREDERICK A. HYDE and JOHN A. BENSON, the distinguished appropriators of public lands. Last Friday Justice MCCOMAS of the District Court of Appeals affirmed the judgment of Justice WRIGHT. The next step will be a trial by jury before the Criminal Court, although it is probable that the case will not be called until October.

The enterprises of these ambitious accumulators of land belonging to the citizens of the United States had their beginning some twenty-five or thirty years ago. There have been earlier efforts to secure indictments against them, but none has been successful. They now appear to be in the iron grip of Secretary HITCHCOCK and his able attorney, Mr. FRANK D. HENEY, and they will have the time of their lives to escape from that clutch. It may not be possible to recover the 300,000 acres or so of public land to which Messrs. HYDE and BENSON have acquired title, but it may be possible to find out how they got it and whether they violated the law in doing so.

AIR AND DISEASE.

Paramount Importance of Pure and Undefiled Atmosphere.

TO THE EDITOR OF THE SUN—*Sir:* The letter from F. E. Chadwick in your paper Monday, April 2, calling attention to the entire absence in some and the poor ventilation in other of the vehicles in which we travel, is worthy of most serious consideration. It will be a long time before the average human being can be brought to realize the vital necessity of living day and night in an unpolluted atmosphere.

Our senses are more or less benumbed by a gradual inhalation of bad air in these too frequently overcrowded, tightly sealed conveyances, and very few even intelligent persons can appreciate at the time how gravely they are being contaminated. But any one of moderate sensibility upon suddenly entering from out of doors into one of these airtight compartments cannot fail to perceive the noxious conditions. This wretched state of affairs obtains in many theatres, churches, hospitals, hotels, restaurants and like places of congregation. Were each expired breath, loaded as it is with impurities, to collect in a visible cloud about our heads until diluted by the requisite amount of fresh air, there would not be so much difficulty in seeing the necessity of ventilation.

Few self-respecting persons would be willing to enter an ordinary bathtub that contained the water which had served the purpose of cleansing the skin of a number of individuals, and yet the danger to health probably would be much less than breathing into the very citadel of life, the lungs, the air which is saturated by what of necessity are poisonous exhalations. The problem of adequate heating and ventilating in winter, at least for places of public gathering when filled to their full capacity, apparently has not been satisfactorily solved by the architects, or if it has their intentions are for various reasons frequently frustrated.

It is evidently a difficult proposition to supply sufficient warmth in winter and at the same time to keep the air pure enough for our consumption. Even when the means of ventilation are sufficient their efficiency is too often destroyed in order to save fuel, or more frequently through ignorance. Aside from a parsimonious desire to curtail expenses or a dire necessity to economize heating material in cold weather, fresh air is not seldom rigidly excluded because of a deeply ingrained belief among most persons that it is dangerous. It is probably a risk to be exposed to a small continuous draught of air, over a limited exposed surface in a room that is superheated as well as badly contaminated. Nevertheless, we do not catch colds in the light of modern pathology; we catch infections. We catch neither when out of doors, as a rule, however inclement the weather.

The reason for the prevalence of infectious diseases, especially of the respiratory type, in winter is not directly due to the cold but to the almost universal overcrowding and overheating and to the lack of adequate ventilation. Contrariwise, the general healthfulness of the summer is certainly not on account of the absence of, cold but, owing to the warm weather, may be attributed to the presence everywhere, in all likelihood, of air unlimited and undefiled. Educating the people at large in regard to matters hygienic is a slow and tedious process, though not entirely unprofitable, and meantime, in consequence, the Board of Health should be invoked, as your correspondent intimates, to compel those in charge of public means of travel and places of assemblage to supply this much needed ventilation.

The quality of the food we eat, the water we drink and the air we breathe should be an object of intelligent discrimination, but the quality of the air we breathe is the question which is manifestly paramount. Consequently no such important function as the regulation of ventilation should be left to the discretion of persons ignorant of the first principles of the physiology of respiration.

NEW YORK, April 7. X-RAY.

Fiery Uptown Youth.

TO THE EDITOR OF THE SUN—*Sir:* It seems to be a regular practice among the boys in the Nineties and the Hundreds to build fires in the streets and then to kick them all over, sending burning embers and sparks over everything.

Only yesterday a little girl's dress caught fire from these flying sparks, and it was due to the prompt action of a passer by that it was extinguished before injury resulted.

Is there not a city ordinance against this bonfire business? This practice is too dangerous to be allowed to continue. A prompt and efficient remedy would be to fine the child's parents $1 for each offence. It would soon cease.

NEW YORK, April 5. FREDERIC DOUGLAS.

Bad Mannered Policeman.

TO THE EDITOR OF THE SUN—*Sir:* In a crowded surface car the other day I noticed a policeman monopolizing a seat while a number of ladies were holding on to straps in front of him.

Why should an officer of the law, who pays no fare, keep his seat, especially when ladies are standing? ANTI-MUNICIPAL OWNERSHIP.

NEW YORK, April 7.

Bold William Joel.

From the Hartford Times.

Senator Stone of Missouri made a characteristic speech on the railroad rate bill. While he seemed to attack the Administration rather viciously, it was difficult to tell from what he said what his own position is, or whether he really has taken one. He seems destined to continue to wear his old title of "Gum Shoe Bill."

A Carnegie Proposal.

Father—Can you support her in the manner to which she is accustomed?

Suitor—Yes, sir, if you will raise an equal amount.

...LAND ON RECOUNT BILL.

Republican Leader Describes It as a Loophole for Fraud and Collusion.

The speech of the Hon. Sherman Moreland of Chemung, Republican leader of the Assembly, in recommitting the Raines-Murphy recount bill is subjoined:

Mr. Speaker—Many of the arguments, and I should say that most of them, if not all, that have been made in favor of this measure, have proceeded upon the theory which has nothing whatever to do with the measure before the House. Almost without exception the argument which has been made in favor of the passage of the bill proceeded upon the theory of a local interest. Every man who has spoken from the city of New York or Brooklyn upon this proposition in favor of it has spoken entirely from the effects it would have upon his locality in relation to a particular election. I want to be understood as saying, first, that this is not a question of local interest, that it is not a question of purity of ballot, that it is not a question of whether the law of this State should be changed at all, but it is a question, pure and simple, what is the effect of the bill upon the elections of this State; not upon Hearst or his recount, not upon any particular locality, but what shall be the effect upon the election law in this State if this bill is passed. The gentleman has said that we should not have a recount in a contested case by a technical point. There is no endeavor to have a recount upon any proposition advanced or to be advanced before this committee. The only question before this Assembly is for this body to determine what is the effect of this bill, and there is all there is of it. Whether it is for or against a particular man in this State has absolutely nothing to do with the question. The sole question is what will be the effect if this bill becomes a law.

The first effect, gentlemen, is that it is incomplete in its nature; it starts off with appertaining, applying, to only one-half of the election law of the State. That is to say, that it does not apply to the recount upon the constitutional amendment. It does not apply to the recount or recanvass upon the proposition submitted, and it does not apply to the recount or the recanvass upon questions submitted in the whole State or in any locality of the State. It is therefore incomplete and has upon it the stamp of half the State. It is incomplete. Consequently, the application made to the court is an ex parte application. The man goes before the court of the State, first to the Supreme Court or the County Court, and he makes his application; the man against whom he makes it knows absolutely nothing about it. The Judge before whom he makes it knows absolutely nothing about it. After he makes his application the court is no wiser than before. The court knows absolutely nothing about the merits of the case or about the basis upon which his application is made.

Again, it requires no notice to the man who is to be deprived of his rights. The application can be made without any notice whatever to the man who is most interested, namely, the man who occupies the office—absolutely no notice is required; but the first notice that the man has of the application or of the proceeding is the notice that upon such a day your ballots shall be recounted.

Let me say to you, gentlemen, in the fourth place, that a man cannot be deprived of a thing in this State upon such an application as that according to constitutional and statutory usage; a man cannot be deprived of a bean's worth upon that kind of an application according to the laws and customs of Anglo-Saxon jurisprudence; and yet this bill here provides that one of the dearest rights which a man can have, namely, that right as is certified to him of public confidence, shall be taken away from him, and he have no notice of it, absolutely no notice. And worse, after this application has been made to the court, the court has no jurisdiction to refuse it and no discretion to decline it, and according to Section 2 all that a man has to do under this bill in order to set this awful machinery in operation, and in order to jeopardize the dearest rights that a man could have as a social and political entity, is to say to the court: "I want a recount," and file such a bond as the court will designate. Now, mark you the significance of that. He doesn't have to swear to a thing; he doesn't have to prove a fact; he doesn't have to verify the petition; he simply goes to the court and says in the matter of the application of John Smith for a recount in such an election district—to the Supreme Court of the State of New York or to the County Court of the county of Ulster—he will request and desire that a recount be had of the votes cast in this election on such a date, and upon that statement there involved the Judge must under this bill say that the ballot box must be opened.

Mr. Murphy—Does the gentleman believe that it is the purpose of this bill that the contestant shall not have to demonstrate to the Judge of the court a sufficient cause why the ballot box should be opened?

Mr. Moreland—Mr. Speaker, I not only believe that the Judge won't require it, but I know that he cannot require it under this law if it is passed. Here is the way the section reads. The Justice has no business to require any such thing when this application is made under Subdivision 2, a recount and recanvass of the votes in any election district as to any election heretofore or hereafter held for any office shall be ordered—mark you—by any Justice of the Supreme Court or county Judge of the county in which the election district is located upon the written petition of any candidate—written petition, not certified—written petition of any man for such office—voted for in such district, upon the filing of such petition with the court of an undertaking of such sum as the district or county Judge requires. And that is all that has to be done. Not a scintilla of proof and not a fact stated. Just simply a request—and that leads me to one of the most anomalous features in this bill that any man can find in any statute in any civilized country in the world.

Mr. Murphy—Wouldn't it be under this the same as it is of an application to a Judge?

Mr. Moreland—I don't know but what it might be—I know what it must be by this bill. And that is what is provided for in Section 2, Subdivision 2. It cannot be anything else. And according to the very terms of the law, and the very theory specifically set forth, and I say that brings up one of the most anomalous conditions that a civilized country knows, if this bill is passed, and that is this: If it passes, let me say—if this bill passes it permits two kinds of applications to be made for the same thing; and if you cannot get it under one kind of an application you can get it under another. There is no statute known to any State in this Union, and I have examined all of them which have statutes upon that subject, and there isn't a statute in any State of the Union which permits two kinds and different kinds of parallel applications for the same relief. It is absolutely subversive of all forms of constitutional rights among individuals. And yet that is what this bill does. If you cannot get an application by making an unverified petition and filing the affidavit of some elector as provided in Subdivision 1—that is the way that subdivision provides—a man when he makes an application to the man most interested, the man who was the candidate for the office, when he makes his application he doesn't have to swear to it. But he can go to some low down repeater himself, the very man who repeated again and again in a district, if he have one, and get his affidavit upon the subject, and the man most interested is there absolved from the necessity of proving a thing upon his own warrant or affidavit, and he can go to the lowest slum and select the lowest criminal who voted upon that proposition, and his affidavit must be taken by the court, and the court cannot get around it.

Now notice what happens: John Doe makes an application for a recount, he having been a candidate at the last election; he goes to John Smith, the lowest man in his district, and John Smith makes the affidavit. Those two things are presented to the Judge, the application which was not sworn to, and the affidavit of John Brown which is sworn to. I am a man who holds an office. I ascertain by some rumor that my office is to be contested; I get an affidavit from a man upon the election board; I get an affidavit from a watcher at the polls; I get an affidavit from a man who knows anything about the election, and more than that I swear to it myself. And I present all those things to the Judge upon the application, and that application will be granted against me in spite of the fact that the lowest man in the district is the only man who swears upon the subject.

What kind of a position is that to put Anglo-Saxon jurisprudence in in this State upon a matter which affects the fidelity, entity and the sovereignty of the people? It does not make any difference, and when the gentleman stands on his feet here, to whom the gentleman from Schoharie has referred, and says that this statute is in terms according to the Code of Civil Procedure upon an entirely different matter, he speaks not from his knowledge of the law, but from a desire to use a club against the administration of the men who have been erstwhile his friends.

Mr. Hartman—I would like to ask the gentleman a question. What is to prevent the amending of the bill on the floor; what is the necessity of recommitting?

Mr. Moreland—Mr. Speaker, I have been through only half of this bill and I have discovered more than sixty necessary amendments to it to make it at all workable, and it cannot be amended upon this floor in any kind of decent shape, and it must be amended by the committee which has these things in control.

I said that a Judge had no discretion—he goes before him; and he gets in an application to the man and then goes before him; the man doesn't have to say anything and he doesn't have to do anything, and he doesn't have to believe anything.

Moreover, one of the most particular things which the statutes of this State provide for in cases of this kind is that the ballots and ballot boxes shall remain exactly the way they were at the time the election was had and the ballots counted. There isn't a statute anywhere in the world which provides for a continuance in existence after a certified count of the vote, which does not require that when that vote is sought again to be looked over, there must be presented to the Magistrate granting that right evidence which shows that the ballot box and the ballots are in the same condition that they were when they were counted in the first instance. And under this bill, if it passes, it will permit a man to go before a Judge and open certain ballot boxes without proving to the Judge, or without swearing to it in any sense that the ballots and the ballot boxes are the same as they were when they were originally counted. And that makes it possible, though it may not be probable, that in a particular case a ballot box might be stuffed, it might be in the hands of the man making the contest, or by collusion with one of them to render absolutely impossible a correct count upon a recount or recanvass. And that upon such a condition an honest man honestly elected, by a fair majority of his electorate, can be counted out in a manner which will shame the ability and ease and facility which now exists in doing precisely the same thing. In other words, if this bill is passed it will open a loophole by which more debauchery and fraud and collusion can be indulged in than this State has ever known under any other system or form of election law.

One of the worst features of the bill is—suppose that A were voted for in the same election district upon the same ticket—now one recount doesn't settle the matter. John Doe will ask for a recount; Richard Roe may ask for a second recount; John Brown may ask for a third recount; Jim Jones may ask for a fourth recount, John Smith may ask for a fifth recount. Every time you have a recount either for John Doe or Richard Roe it means that every man along the line has his rights jeopardized as well, and he must appear not once and defend his rights, but he must appear in each separate instance and defend his rights upon that proposition. And it means simply that it will be almost impossible for any poor man to hold any office if a man who counts his money by the million sees fit to bear those forces by which a man may be pestered until his substance is gone, his patience destroyed and his office filched from him.

Now, gentlemen, these are some of the reasons why this bill should not become a law. These are not half of them, but they are some. And the charge that this administration has turned a somersault upon this proposition is a charge that is not made by its friends. And the claim that the good faith of the administration is not manifested upon this proposition as it now expresses itself is at least refuted in extent by the arguments which have been presented on this bill. I therefore, Mr. Speaker, move to recommit the bill to the Committee on Judiciary, that it may again be considered; and upon that motion I move the previous question.

Mr. Jerome and the Thugs.

From the Indianapolis News.

The attacks on Mr. Jerome by certain newspapers have been outrageous. And speaking generally, it has seemed to us for some time that public opinion in New York city, if it is at all reflected in the papers, is exceedingly uncertain and fickle. Here was a man who had done his duty in office so honestly and bravely that the people of New York without distinction of party reelected him, and they did it although the man had no party organization behind him. Then all at once because this man differs with certain popular opinions as to what the law is, and refuses to take his orders from certain newspapers, he is at once written down as corrupt, and it is assumed that he believes in such conduct as that of which the insurance men were guilty. It seems to us that in this case the community, rather than the officer, is to be condemned.

Used-Over Tea Leaves.

From the St. Louis Globe-Democrat.

"There are some men," said a health officer, "who buy from hotels all their used tea leaves. These they dry and put on the market again as fresh tea.

"As a matter of fact, there is still a good deal of very strong tea—plus a good deal of tannin—in these used leaves. They make as black and bitter a brew as the greatest tea fiend would want to drink. But such a brew is unwholesome, for the percentage of tannin in it is much larger than in an ordinary cup of tea.

"Used tea leaves are very easily made to resemble fresh ones. They are dried on hot iron plates, the heat of which curls them up nicely, giving them a very natural appearance.

"A cup of this second table tea refreshes you tremendously, but afterward your mouth is drawn up as if you had been sucking alum."

Long May John Mitchell Wave.

TO THE EDITOR OF THE SUN—*Sir:* You have in your editorials of late scored John Mitchell. Now, sir, as I understand it, Mitchell is the representative of the miner, duly chosen, voicing his demands. He asks for him, the miner, a very small share in the present prosperity of the mines. Considering the work he does and the great risk he takes, can you conscientiously say that he gets a fair portion of the wealth he produces when he receives the smallest possible wage that he will take?

From your articles one would be led to believe that you thought the miner very well paid and that he had no right to attempt to better the conditions under which he works. But does he receive adequate compensation? Is the mine owner or operator the only one who has rights in the mine? Has the miner no rights there? Are all his duties? Have not owner, operator and miner alike rights and duties? Is it not the duty of the operator and the public whom he, in part, represents, to pay the miner a fair compensation for the wealth he produces?

To every right thinking person it must be a grievous wrong to consider that the miner has no rights but to draw a miserable pittance for his labor at great risk to his life. That every citizen of our country has a claim on the country and the wealth he produces beyond the least wage that he will take for his time and labor ought to be recognized, for if his country is in danger he is called to defend it even with his life.

In prosperity the worker has a right to demand his share of prosperity and to put forward a competent person to represent him in his demand.

The miner has in John Mitchell such a man. Long may he wave! CIVIS.

HARTFORD, April 6.

The Right to Appeal.

TO THE EDITOR OF THE SUN—*Sir:* In view of the present agitation in favor of limiting appeals in courts of justice and of curtailing the power of reversal by appellate tribunals, it is interesting to note that on March 28 was had in the English House of Lords the second reading of a bill for the creation of a court of criminal appeal. Heretofore a criminal has had no right of appeal in England.

The bill was earnestly supported by the Lord Chancellor, Lord James of Hereford, and others, in speeches in the course of which it was stated without contradiction that in one period of three years the Home Secretary had been made aware of twelve instances where innocent persons had been convicted; and that undoubtedly many such cases passed undiscovered.

The present outcry against deliberate investigation by the courts and against the right of appeal and review of judgments is in my opinion merely a form of the impatience of some minds of all painstaking methods. Judicial inquiry, like all search for truth, requires time, strength of mind and patience. In this community there is urgent present need of more judges, both in the trial and appellate courts, to dispose of our enormous judicial business. Judges and juries are prone to error in the hurry of trials, and therefore let us by no means either curtail the right of appeal or its efficacy by diminishing the power of reversal where material error has been committed.

NEW YORK, April 8. ALFRED B. CRUIKSHANK.

Veteran of Three Wars.

From the Boston Advertiser.

Gaffer Kendrick of Wakefield, the veteran of three wars, is celebrating to-day. He is 84 and deserves to be regarded as a grand army by himself. He organized in person three campaigns:

1. To fight all the fires in Wakefield, by Home Protective Association.
2. To fight the English sparrows.
3. To drive out the gypsy moths, by hiring the children to kill them.

It is about time for a Kendrick banquet in Wakefield.

Too Many Professors in Scotland.

From the Glasgow Evening Times.

At a meeting of Inverness Free Presbytery today the Rev. Murdo MacKenzie, Inverness, said if he were to speak his mind he would say there were too many professors in Scotland. [Applause.] Too many professors had been the ruin of the Free Church. There would not have been so many heretics in the land were it not that there were so many professors. He was afraid the Free Church was falling by having so many professors.

Immediate Application.

Knicker—I see they are to open a day and night bank.

Mrs. Knicker—How lovely; then you can give me twice as many checks.

THE PROBLEM OF SOUTH AFRICA.

More Complicated and Far More Serious Than Is Generally Apprehended.

TO THE EDITOR OF THE SUN—*Sir:* Since the conclusion of the Boer war South Africa has sunk so far below the horizon of American observation that what is passing in that part of the world is as little known to us as the daily doings of the inhabitants of the central Sahara. Yet there are problems presenting themselves for solution that before long are going to call for the display of more than ordinary sagacity on the part of those who may be responsible for the good government of that part of the British Empire.

There is a Chinese question in connection with the working of the gold mines in the Transvaal that had a great deal to do with the overthrow of the late Unionist Government in England, and there is a native question that is steadily assuming greater proportions, because of the overwhelming preponderance of the native over the white population.

Not so well known, however, is the fact that there is going on an invasion, so to say, of all the settled part of South Africa from India that is already causing trouble to both the British and Colonial governments. The difficulty appears to be most acute in Natal, where the influx of Indians has been greatest and where they now number more than 100,000, engaged in every kind of occupation, supplanting both the European and native in many branches of industry and trade.

The extent to which the Indian, in spite of all kinds of repressive and oppressive laws, is gaining ground in every direction in South Africa may be seen in the news and advertising columns of *Indian Opinion*, a weekly review in the English and Gujarati languages, published at Phœnix in Natal. What strikes one most forcibly is that the Mohammedan element seems to predominate in the intellectual and commercial phases of the life of the newest immigrants, who have been drawn to South Africa by the openings afforded them in agriculture, the more menial occupations in the towns and cities and in commerce.

In Durban there are nine wholesale and retail establishments that advertise in *Indian Opinion*, and of these five are run by Mussulmans. Cape Town contributes ten advertisements of business houses, of which six are owned by Mussulmans, one with branches in several other towns. Curiously enough, the next largest showing is made by Potchefstroom, which reckons eight stores equally divided between Mussulmans and other Hindus. Johannesburg and Pretoria have only five between them, while nine other towns in Natal and the Transvaal have ten stores dealing in general merchandise.

It is to be noted that the advertisement of the German East African line is printed in the Gujarati language, the vernacular of a large part of the population of the Bombay presidency, and that of the Indian African line of steamships in Bengal, Gujarati and another. The paper itself has seven pages of English reading matter and eight of Gujarati, dealing almost entirely with questions of Indian politics and the grievances of the Hindus at the hands of the colonists and the colonial authorities.

Claiming the status of British subjects, they find themselves placed on the same footing as the native, sequestrated, forbidden the sidewalks and tramcars, and, as *Indian Opinion* says, receiving attentions from no one except the tax collector.

The chief complaint against them is that they come in competition in trade with the whites. They have formed a society for their protection called the British Indian Association, but judging from the general tenor of the correspondence passing between its chairman and the local colonial authorities and the Colonial Office in London, it seems to meet with little favor on any side. Yet in some lines of industry, such as market gardening and farm work, they have become almost indispensable, the Kaffir having no inclination for work of that kind, to which he is unaccustomed.

A good many of the Indian immigrants come into South Africa as indentured laborers, but a large number come to settle permanently. It seems to be the policy both of the colonial and British Governments to discourage this latter class, hence the difficulties placed in their way. Their number in South Africa at present is fast approaching that of the white population.

NEW YORK, April 6. F.

Ruskin on "Gentleman."

TO THE EDITOR OF THE SUN—*Sir:* There has been much discussion of definitions of the word "gentleman," but I have seen no reference to Ruskin's exhaustive discussion in Chapter 7, Volume 5, of "Modern Painters," and yet it is perhaps the most carefully analyzed and informing of all