POSTAL BUDGET BILL

Senate Retains Provision for New Mail Subsidies.

GORE LOSES A GOOD FIGHT

Tries Unsuccessfully to Limit Cost of Railway Mails to Original Cost of Cars in Which they Are Carried. Hale Says anti-Anarchy Section Means a Press Censorship.

The post-office appropriation bill passed the Senate yesterday with only slight amendments.

The only important controversy was over the amendment extending the ocean-mail subsidy. Senator Clay, of Georgia, a Democratic member of the committee that reported the bill, made the point of order that it was general legislation on an appropriation bill. The Vice President refused to pass upon the point raised, referring it to the Senate, which overruled the point of order by a vote of 46 to 12.

Senator Gore, of Oklahoma, moved to limit the appropriation to pay railroads for carrying the mails so that no greater compensation should be allowed for carrying mails than is allowed for carrying express matter under like conditions. That being voted down, he moved to strike out the allowance for mail-car pay. That met a like fate, and Mr. Gore, still maintaining that the railroads were being overpaid, moved to limit the annual compensation in any given case to one-third the cost of the car in which the mail was carried.

Big Dividend on Cars.

That was voted down, and then Mr. Gore got earnest. He explained that there had been cases where the government had paid for the annual cost of a mail car three times as much as the car had cost. Then he moved to limit the pay hereafter in every case to a sum not exceeding the cost of the car in which the mail was transported. A few Democratic Senators joined Mr. Gore in voting for that amendment, but it was lost. Mr. Gore told his Senatorial colleagues that he intended to put them on record on that vote, and asked for a roll call, but he could not muster a sufficient number of Senators to order a roll call.

Senator Clay tried to get an amendment to the bill penalizing the railroads for failure to arrive and depart on time with the mails. Mr. Penrose made a point of order against the amendment, and the Vice President was considering the matter when Mr. Culberson, of Texas, recalling that the Vice President had declined to pass upon the point of order involving the ocean mail subsidies, suggested that if he were again in doubt he might refer the matter to the Senate.

Vice President Is Riled.

The Vice President evidently resented the suggested, for he sharply reminded the Senator from Texas that he did not need suggestions from the floor. He sustained the point of order, and additional penalties will not be put upon the railroads for failure to keep their schedules in carrying the mails.

When that portion of the bill was reached which authorized the Postmaster General to refuse the use of the mails to those publications that exploit anarchist utterances, Mr. Hale, of Maine, reminded the Senate that it was passing very drastic legislation.

"It amounts to censorship of the press," said Mr. Hale, "and I thought the Senate ought to realize the importance of it."

Mr. Foraker's amendment giving the railway mail clerks an allowance of a dollar a day for traveling expenses for the time actually spent in the service, was passed. It will involve an expenditure of $1,000,000 annually, it is estimated, and will go into effect at the beginning of the next fiscal year.

CHILD LABOR IN CONFERENCE.

House Names Members to Consider Bill as Amended.

Without the expenditure of one hour or perhaps more in debate and calling of the roll, the House yesterday disagreed to the Senate amendments to the District child labor bill.

Representatives Olcott, Taylor, of Ohio, and Johnson, of Kentucky, were named as conferees by Speaker Cannon. When the child labor bill passed the House yesterday it was in a form somewhat different from the measure of similar tenor which passed the Senate so recently.

The conferees, however, are expected to bring about an understanding in a short time, as no radical changes have been made in the bill, and in intent has been ratified by both Houses.

REPORTS NEW CUSTOMS BILL.

Senate Committee Offers Substitute for House Measure.

The Senate Finance Committee, having under consideration the House bill amending the customs laws and establishing procedure for the collection of customs and the board of general appraisers, reported a substitute for the House bill in the Senate yesterday.

The Senate bill fixes the salary of each general appraiser at $10,000 a year and provides that the appointee shall hold office during good behavior or efficient service, or may be removed by the President for cause.

Appeals from decisions of the board of general appraisers in classification cases may be made by the owner, importer, consignee, or agent of imported merchandise, or the collector of customs or Secretary of the Treasury, to the Circuit Court of the United States within the district in which the case arises within thirty days after decisions are made.

The present law governing rate decisions of the collectors of customs are amended by the bill so that the collector's decision is to be final, unless notice of dissatisfaction is given in writing within fifteen days. On such notice the collector's ruling will be reviewed by these general appraisers.

MAY MARK OREGON TRAIL.

Bill to Restore Old Highway Reported to House.

The old Oregon trail, from the Missouri to the Pacific, over which tens of thousands of emigrants passed in the boom days of the West, will be marked with monuments, if Congress passes a bill reported to the House yesterday from the Committee on the Library.

Under the terms of this bill the President is authorized to appoint a commissioner, whose salary is not to exceed $2,500, to supervise the marking of the trail. The sum of $50,000 is appropriated for carrying out the work of erecting the monuments and markers.

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YESTERDAY IN CONGRESS.

SENATE.

Senator Rayner, of Maryland, in a speech containing many sarcastic references to the President, supported his resolution providing for a court of inquiry in the case of Col. William F. Stewart, and arraigned the President's so-called usurpation of authority over the army.

The post-office appropriation bill was passed, a point of order directed at the subsidy amendment being overruled by an overwhelming vote.

After a number of unobjected bills of minor importance had been passed, and a division upon the question of adjournment, the Senate at 5:20 p. m. adjourned until noon to-day.

HOUSE.

Under suspension of the rules, the House disagreed to the Senate amendments to the District of Columbia child-labor bill.

The conference report on the naval appropriation bill was agreed to.

Several other bills were passed, and at 5:10 the House adjourned until noon to-day.

FIGHT OVER NAVAL BILL.

House Agrees to Conference Report by Close Vote.

It required a stubborn fight to carry the conference report on the naval appropriation bill through the House yesterday.

The opposition was led by Chairman Tawney, of the Appropriation Committee, and Chairman Hull, of the Military Committee.

Especially obnoxious to Mr. Tawney was the provision for the increase of the Marine Corps, and the appropriation which the bill carried, which he claimed, created a deficiency.

Opposition to the pay schedules developed, not on the general proposition of an increase, but on account of computations made by Representatives, from which they figured that the navy was being better compensated than the army in corresponding grades. Another point of dissension was the additional 10 per cent of pay allowed the naval officers while on sea duty.

No change was made in the bill, however, though the vote was close. It passed as it came from the conferees, 136 to 124.

MONEY BILL UP THIS WEEK

House Ready to Put Measure on Floor.

Rules Committee to Limit Debate. Democrats Prepare to Fight Its Passage.

Under plans perfected yesterday by leaders of the House, the revised Vreeland currency bill will be reported and passed Thursday. The measure will be submitted to the House with a rule limiting debate, and permitting but one amendment to be offered to it.

The Democratic minority will be accorded the privilege of presenting as an amendment to the Vreeland bill the financial measure offered early in the session by John Sharp Williams, of Mississippi. As far as the House is concerned, the emergency currency bill is to become a law.

Conferences held this week between House and Senate leaders have resulted in an agreement, it is understood, that the Vreeland bill will be passed in the Senate substantially as it comes from the House, though the Senate leaders are not entirely satisfied with it.

With the currency question disposed of this week, the decks will be practically cleared in the House. As President Roosevelt has practically abandoned hope of inducing Congress to pass an anti-injunction bill or a bill amendatory of the Sherman anti-trust act, nothing controversial remains for consideration in the lower branch of Congress.

From present indications very few Democratic votes will be cast for the Vreeland bill in the House. At a conference of the minority members, held yesterday, it was decided that, inasmuch as the Democrats are nearly unanimous in their opposition to the measure, a party caucus on the subject, as had been proposed, is unnecessary.

The Rules Committee is expected to bring in the rule for the currency bill some time to-day.

MANN RAPS PUBLISHERS.

Says They Are Bluffing About Paper Inquiry.

"It might seem that the newspapers generally are content with what they have, but are putting up this fight as a bluff," declared Chairman Mann, of the House committee inquiring into the price of print paper, yesterday, when John Norris, of the New York Times, informed the committee that the Times declined to produce its contract with the International Paper Company for paper.

Mr. Norris replied that it was not deemed fair by the Times to be compelled to make it produce its contract when bigger consumers of paper were not required to produce theirs. Subsequently, he said he was sure that any kind of a subpoena would be sufficient to bring forth the contract.

"In other words, you wish to be forced," declared Mr. Mann. "We are attempting to make this investigation before Congress adjourns, and yet, instead of being given assistance from the publishers, you asked to be forced."

Mr. Norris protested against this language. He produced a rough draft of a report of an investigation made of the cost of the production of print paper from an examination of the books of the International Paper Company. The cost a ton at the Hudson River mill was $27.

CONGRESS BRIEFS

Representative Hinshaw (by request) yesterday introduced a bill providing for the lowering by six feet of the grade of Rhode Island avenue at Twentieth street northeast. The sum of $10,000 is carried in the bill.

To aid in the construction of a monument to commemorate the first permanent German settlement in the New World, at Germantown, Pa., Senator Penrose offered a bill proposing to appropriate $30,000.

A statue of Mary Ball Washington, mother of the first President, will be constructed in this city at a cost of $50,000 if a bill reported yesterday by the House Committee on Library is enacted into law.

For Senator Ankeny, his colleague, Senator Piles, of Washington, introduced a bill proposing to recompense all officers and enlisted men of the volunteer army who served in the Philippine Islands beyond the respective terms of their enlistment.

Senator Clapp, of Minnesota, introduced a bill proposing to direct the Secretary of Commerce and Labor to designate an employe whose duty it should be to receive and file marks of identification of any person when forwarded to him, and to furnish such data free of cost to any one asking for it.

An appropriation of $300,000 is carried in the Military Academy bill which was reported to the House from the Committee on Military Affairs yesterday. The bill is practically the same as that of last year with a few exceptions. The salaries of professors are increased to conform to increases granted officers in the military bill.

HONOR EX-SPEAKERS.

Bill Providing for Portraits of Seventeen Reported to House.

The purchase of portraits of the seventeen ex-Speakers of the House of Representatives is authorized in a bill reported to the House yesterday from the Committee on Library. These portraits are to cost $500 each, or $8,500 in the aggregate.

The same committee also reported a bill authorizing the joint Committee on the Library to have made a bust of President Zachary Taylor at a cost of $2,500.

RAYNER IS BITTER

Scores President's Attitude in Stewart Case.

WITHOUT LEGAL AUTHORITY

Quotes Military and Civil Law to Support This Contention—Executive in Letter Denies Right of Congress to Interfere, and Declares He Will Act Same in Similar Cases.

In language that teemed with irony, in the use of which he is past master, Senator Isidor Rayner, of Maryland, arraigned the President of the United States yesterday for the treatment he had given Col. William F. Stewart a veteran officer of the army.

Floor and galleries of the Senate chamber were crowded for the period of the Senator's speech and close attention was given throughout the development of his argument that President Roosevelt had violated the Constitution and the laws in exiling this old soldier to an ungarrisoned post in an Arizona desert without a trial or even a hearing.

Mr. Rayner's address was in support of his resolution for a court of inquiry to investigate the charges against Col. Stewart. He showed that the resolution was exactly similar with the exception of one word to a resolution enacted in the Forty-third Congress concerning Gen. O. O. Howard. That resolution had been obeyed by the Executive. Other precedents were cited in support of Mr. Rayner's contention that the legislative branch of the government had the right to insist that an officer of the army be granted justice.

In the course of his remarks, Mr. Rayner had the clerk read the letter which he had received from President Roosevelt detailing the reasons why Col Stewart had been exiled to Arizona. It was a remarkable letter, in which Mr. Roosevelt, in reference to Col. Stewart, used such terms as "grossly unfit," "a nuisance to the service," "temperamentally unfit to exercise command."

Foraker Not Dissuaded.

At one period in the speech there was reference to the Brownsville affair, and Senator Foraker served notice that today he would call up his bill to enable the discharged negro soldiers to re-enter the army. This shows that the efforts to sidetrack Mr. Foraker have been unsuccessful, and that the Brownsville issue must be fought before adjournment.

M. Rayner was emphatic throughout his speech. He was particularly effective when, after likening the treatment of Stewart to that of Dreyfus, he said:

"What does the President mean? Who are his advisers? Is a man entitled to a trial? The President says: 'I am satisfied he is guilty, and I do not want to hear the defense.' What would you think of a judge upon the bench who promulgated such a brutal decree as that? It makes the blood boil to fever heat to see the President announce such a doctrine as that to the Senate of the United States. If the man is guilty, convict him. If he is innocent, acquit him. But the greatest felon in the land is entitled to a trial, and certainly this man ought to be entitled to one, after forty years of distinguished service to his country. He got into a quarrel with a plumber. How many quarrels has the President got into with plumbers and everybody else? Suppose the President was sent to a place like this for every quarrel he got into and for every emphatic expression he made use of? This man was convicted because he was imitating the example of the Commander-in-Chief."

"Unfit for Present Rank."

President Roosevelt's letter is so long that its text cannot be given in full, but the following excerpts from it are sufficient to show its trend and the President's attitude.

"He (Col. Stewart) refuses to retire unless he is made a brigadier general," says Mr. Roosevelt; "I shall certainly not make him a brigadier general, because he is grossly unfit, not merely to be a brigadier general, but to hold his present rank in the army. His career has not been distinguished for a number of years; his usefulness has been diminishing—indeed, it has not only irrevocably passed, but he is a nuisance in the service, being both incompetent and temperamentally unfit to exercise command over enlisted men, or to control other officers, or to behave with propriety when brought in contact with civilians.

"As Gen. Duvall reports, it is well known throughout the artillery service that Col. Stewart is an 'impossible' commanding officer, and he is a man who in civil life could under no circumstances have risen to any position of influence or authority over his fellows."

The President then narrates stories of quarrels between Col. Stewart and civilians, and adds:

"These are only some among the instances of incompetency and temperamental shortcomings which were brought to the attention of the department." Yet Gen. Frederick D. Grant is quoted as saying that "Col. Stewart's temperamental shortcomings caused him to irritate those around him, and the only way to limit the defect was to get rid of the irritant." Then general officers of the army are quoted as saying that Col. Stewart should be offered the alternative of relief from command or retirement.

The President says that it was on the advice of Gens. Grant, Duvall, Davis, and Murray that Col. Stewart was sent to Fort Grant, where, Mr. Roosevelt adds, "there are no enlisted men or junior officers over whom Col. Stewart can tyrannize, but few civilians with whom he can quarrel, and no officer of superior rank to which command he might, to the great detriment of the army, some day succeed."

There was more of this, and in conclusion the President said:

"Now, as to your suggestions to a trial. For the reasons given above, and also in the memorandum which I herewith forward, there is no point in having a court-martial. At present, I do not see how a court of inquiry could be of use, for I do not see how any court of inquiry would express an opinion to which I should pay more heed than to the judgment of Gens. Wade, Grant, Murray, Duvall, and Davis, in accordance with whose recommendations I have acted. You say it is only by a court of inquiry that we 'could ascertain the truth or untruth of the charges.' I feel that the truth of the charges has been established beyond the possibility of upsetting by the reports quoted in the body of my letter.

"The case is absolutely clear; nothing would more quickly destroy all discipline in the army than continually to grant courts of inquiry to contentious, inefficient, or disobedient officers, whose misconduct is already proved beyond the possibility of rebuttal. Baseless requests for such courts are continually made by offenders of contentious disposition; it would be highly undesirable to grant them.

He Claims Full Power.

"I do not understand your allusion to a joint resolution by Congress. Such measures as those taken in this case are purely within the scope of the President's duties and authority. The course followed in this case is the course which will hereafter be followed to the great benefit of the army, in all such cases; letters to this effect have already been addressed to the commanding officers of the several departments."

At the outset of his speech Mr. Rayner disclaimed any hostility to President Roosevelt or any partisan purpose. "I think," he said, "that the President has made a mistake; that he has again fallen into a grave error in regard to the extent of his prerogative under the laws of the country." He called attention to the fact that no charge was made against Col. Stewart when he was given the alternative of retiring from the army or being exiled to Fort Grant. Commenting on a letter from Col. Stewart, in which the officer claimed he should have been given a hearing, Mr. Rayner said, with evident sarcastic intent:

"The colonel is mistaken. Under this administration everybody is presumed to be guilty unless they are proven innocent. The maxim is reversed. He was laboring under a delusion when he said that in law a person is presumed innocent until proven guilty."

Would "Request" a Trial.

Mr. Rayner took up the precedent in the case of Gen. Howard, and showed that Conkling, Summer, Morrill, Logan, and Thurman participated in the debate. The result, he said, was the passage of a resolution identically in the terms of the Rayner resolution, with one slight correction, which he would make. He was willing, he said, to change his resolution so as to "request" instead of "direct" the President to order a court of inquiry to investigate charges against Col. Stewart.

Frequent references were maue in President Roosevelt's letter to the "punishment" of Col. Stewart, and pointing to these Mr. Rayner said:

"There is no such thing in the military jurisprudence of the United States. The authorities are all against it, and I will refer the Senate presently to a whole line of authorities where it has been held over and over again that the President has not the slightest right, and no commanding general has the right, to inflict a punishment without a resort to the military court."

A little later Mr. Rayner said:

"The President is determined to keep him there for the next three years. The President has put him in this position: 'I demand that you send in your application for retirement; I deny you the right to have a copy of the charges against you, and if you do not retire I will keep you there for the next three years. You have either got to stay there or you have got to retire and surrender—one or the other.'

Has No Parallel Abroad.

"No such edict as that, so far as I have been able to ascertain, has ever been promulgated in the imperial armies of the European continent, where they are all different from what it is here, because there a military officer loses his identity as a citizen, and here he is always to be protected under the fifth amendment to the Constitution."

Mr. Rayner continued:

"Take the Dreyfus case. He was sentenced to a place like this. To the eternal honor of the French republic, it annulled the sentence, restored him to a citizen, and cleared his character. But at least he was before a court—he was tried. He was represented by a past master of the criminal law in France.

"This man has had no counsel, and no friend, except his poor wife in Washington, who is the grandaughter of the late Senator William Pinkney Whyte, of my State. It has been impossible to communicate with him. It has been impossible to get him a list of his witnesses. Such a thing was never heard of, that I can find, in the military records of any civilized country on this earth.

Compares Him to President.

"The President has come to the conclusion that Col. Stewart is a man who wants to have his own way whenever there is a controversy between himself and others. Imitating the example of the constitutional commander of the army, he wants to dominate the situation; he has his own ideas about his public duties, and he does not propose to be interfered with in the performance of them.

"Those are not the charges that Col. Stewart makes against the President, but that the President makes against Col. Stewart. (Laughter.) He has not the temperament that the President has—the fine system of adjustment and compromise that is always suggestive of restraint and calmness and moderation. As you will observe, none of these charges are of a grave and serious nature, but relate to petty controversies, in which the President thinks that Col. Stewart ought to have yielded, as the President has always done upon similar occasions." (Laughter.)

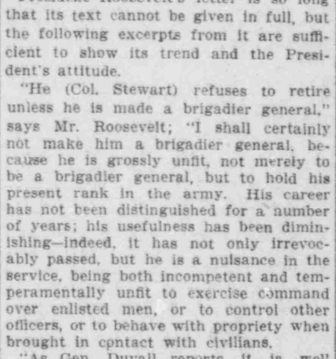
"It is a matter of deep regret that a military officer should not be able to imitate the example of the constitutional Commander-in-Chief of the army, and at all times exercise that degree of tranquility and repression that for the last few years has given us freedom from every kind of tumult and commotion, the most serene and placid Presidential epoch that we have ever been blessed with in the annals of this country."

No Precedent for Practice.

In conclusion, Mr. Rayner said:

"In all the days of the common law, since the star-chamber process passed into oblivion, no precedent can be found for such a practice. If we have a military code in this country that permits, without a hearing, the humiliation of an officer of the army, that strips him of his command without notice of his alleged delinquency, that, without a charge against his character or his courage or his honor, can banish him to solitary exile, and offer him the alternative of retirement or acceptance of this punishment, if he can be driven from one abandoned post to another, and when he asks for the charges that have been made against him, can be denied the right to have any information upon the subject—if this is the law of the land, then the law of the land is a disgrace to the land, and ought to be obliterated from the statute books, and I venture to say that if this be its true interpretation, it is an instrument of despotism that has no counterpart among any other people claiming to be civilized, or under any other government purporting to be free."

Mr. Rayner asked that the resolution lie upon the table until this morning, when he will ask that the Senate take action upon it. 'Owing to political considerations, it will probably be referred to the Military Affairs Committee and remain there, at least until after the present session of Congress ends.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BRENNAN CHARGES AIRED AT HEARING

Continued from Page One.

member which, in which you told me that Fernald had told you that he and other men in the engineer department were in the habit of taking money or receiving favors from contractors?"

Instantly Brennan, who had been lounging back in his chair, fumbling a pamphlet, sat up straight, and, looking hard at Commissioner Morrow, said:

"I refuse to answer that question. When I do answer it I want my word substantiated, as I do not care to be called a liar again."

This reflection resulted from a statement made some time ago, and accredited to Commissioner Morrow, in which he said he did not believe Brennan, and did not think Brennan believed himself.

Talk of a Trump Card.

That the Brennan faction had some trump card up their sleeve was evidenced early in the afternoon, when Attorney Douglas, representing the complainant, called Maj. Morrow to task for the manner in which he was handling one of the witnesses, and, following on the heels of this, he said:

"If the Commissioners will subpoena witnesses, a list of whom we will furnish, we will prove distinctly and to your complete satisfaction corruption on the part of Mr. Fernald."

The statement caused a flurry, and Commissioner Macfarland announced that it was within the province of the Commissioners to compel witnesses to attend the hearing under oath, but that he could not say just then whether such action would be taken or not.

Later, after the assertion of Brennan as to the words of Fernald in regard to the company being "chinchy and would get no work because they did not put up," and the intimation of the talk in which Fernald referred to himself and others as receiving favors, the Commissioners announced they would summon the witnesses desired by Brennan and compel them to testify under oath.

By far the most important witness of the day was P. J. Brennan, head of the Brennan company. He was called to the stand a few minutes before 3 o'clock. He said his company had been organized in 1900, and at that time there were two other companies engaged in asphalt paving work in this city. He cited one instance where he had made a bid on the substructure and superstructure, the specifications requiring that the items be bid on separately. He averred that his bid on the substructure was the lowest by $29,000, but that the entire contract was awarded to the A. B. Stannard Company, the explanation being given at the time that one contractor could do the work much better than two, which would undoubtedly cause confliction, and the difference ($29,000) was small.

What Brennan Understood.

He said that later, when contracts were being awarded to the Cranford Company, he was given to understand that if he wanted any work from the District he would have to put up for it. He then told of an instance where he said that the bid of the Brennan Company was lowest, but that despite the fact, the award was made to the Cranford Company.

He said that on another occasion he had called on Maj. Morrow in the latter's office, and that the latter had told him there would only be 13,000 yards of work let; that the Brennan Company would get 4,000 yards of it, and the Cranford Company 9,000 yards. Since then, Brennan said, the Cranford Company had received 90,000 yards of work, the estimated value of which was between $175,000 and $200,000, and the Brennan Company was not given a chance to bid, or as Brennan expressed it:

"We didn't even get a look in."

He appealed to Maj. Morrow regarding the statement about the conversation in which Morrow, Brennan claimed, informed him no large amount of work would be let, but Maj. Morrow shook his head in denial.

The question of his dealings with Fernald was then taken up. He explained that Fernald had approached him on several occasions and used the expression: "You are too chinchy." Brennan said this first occured on a morning when he read in the newspapers that an award of $60,000 worth of work had been made to the Cranford company. He said he went to Fernald, and the latter used the expression referred to, and used it on several subsequent occasions when asked why Brennan was not getting any work.

Meaning of "Chinchy."

He was asked what the word "chinchy" meant, and he said it was "niggardly." Later, when Commissioner Macfarland asked him about the word "chinchy," Brennan said the definition "niggardly," as given by him, had been taken from the dictionary.

When asked what his reasons were for bringing about the investigation, he said it was his desire to stop conditions which were not according to law, and that as he was being greatly discriminated against, he thought an investigation might right matters. He said he had invested $200,000 in his plant in this city, and had from time to time made such repairs as was necessary to keep up with the requirements of the work.

He then took the reins in his hands, and said: "I think the Commissioners should cancel the contracts that have been let in this manner. I think if these contracts had been advertised as they should have been, the District would have saved $10,000."

He then referred to the statement of Maj. Morrow regarding Brennan's veracity, and said that was another reason he had preferred the charges, as he wanted to be vindicated.

Returning then to his relations with Fernald, when he found that the brick work of a contract was to be given to another, he said he went to Fernald, and the latter informed him that the District would put brick where it pleased, and that Cranford would get the work, and Brennan none of it. Brennan said he then pressed Fernald for a reason for this apparent discrimination, and the latter said: "You are too chinchy, and don't put up anything, and you won't get any work."

Gave an Interpretation.

Commissioner Macfarland asked Brennan what his interpretation of these remarks were, and Brennan replied: "Well, I thought it was a hold-up, but Washington, D. C., looked good to me and Moundsville did not, and I determined to stay right here and not put up a dollar."

This caused a laugh, in which the Commissioners, and, in fact, every one in the room, joined. When asked by Corporation Counsel Thomas, who represented the District at the hearing, why he had not reported the matter to the Commissioners at the time, Brennan said that in his years of experience in the contracting line, he had found it the best policy to keep quiet on such matters as long as possible.

Later, it was brought out that he had informed Commissioner West of the matter, but that he had not thought the information conveyed in an official manner, as it was merely in conversation.

Following the testimony of Brennan, Attorney Douglas said that, as far as he was concerned, his case was closed, but that if the Commissioners 'desired to probe the matter thoroughly, and not make a farce of it, he could furnish them some mighty interesting witnesses."

The hearing was called to order at 10 o'clock by Commissioner Macfarland, who said it had been arranged so the Brennan Company could formally present their charges and the Commissioners could see that justice would be done to all concerned. He then referred to the Fernald case briefly, and said:

"If there is any reason for separating any one else from the District service, the Commissioners want to know it, and whatever the facts may be, they want them brought out publicly, and will take appropriate action."

G. L. Baker, of counsel for the complainant, made a brief address, in which he said it was his purpose to show that favoritism had been shown the Cranford Company in the award of contracts, and that the best interests of the District had not been subserved. He cited a contract for the resurfacing and repairing of streets for a period of four years, and from July 1, 1907, said that the Brennan Company had been the lowest bidder on the whole by $220, but that the work had been divided, and the Brennan Company had been given the standard work, on which it was the lowest bidder, while the Cranford Company had been given the work where brick guttering was used, on which it was the lowest bidder.

The First Witness.

Harold Davis, vice president and general manager of the Brennan company, was the first witness. He testified that while the original contract only called for about $78,000 worth of work, that since then the Commissioners had ordered approximately $250,000 worth of work, and that about $200,000 had been given the Cranford company.

Mr. Davis' testimony consumed the entire morning session, and was largely of a technical nature.

The first witness in the afternoon was Edward B. Johnson, a superintendent of the Brennan company. He testified as to remarks made by Fernald about the company not getting work because it was too "chinchy," and also along the line of bids made by the Brennan company.

He was followed by M. Bell, of the Bell Construction Company. He was asked if he had ever heard of one contractor being awarded the brick work for guttering and another the contract for asphalting the same street, and said he had not.

Mr. Brennan then took the stand. He was followed by Capt. Markham, of the engineers' office. The latter read a lenthy statement, in which he denied that favoritism was shown. He said the engineers had deemed it advisable to divide the work, so as to keep the Cranford Company in operation, and thus afford competition in the District. He also furnished several pages of figures, which, he said, would prove conclusively that in every instance where a bid had been awarded the Cranford Company they were the lowest bidders. Attorney Douglas, for the complainant, announced he would like to look over the statement and figures before opening the cross-examination of Capt. Markham. An adjournment was then taken until Friday morning.

The list of witnesses which Brennan desires called will be furnished the Commissioners this morning, and subpoenas will be issued for them. There are only three outside of the engineers' office, and their names were not divulged.

Allege No Competition.

The allegations of the Brennan Company are to the effect that a large portion of street work, which, under competitive bid, should have fallen to them as the lowest bidder, was awarded to the Cranford Company; that the latter company has been awarded work without competition and that, altogether, the Brennan company has been discriminated against, much to the detriment of the interests of the company.

Charles Fernald is at present sick in bed, but the Commissioners hope he will be sufficiently well to appear at the hearing when it is resumed Friday morning.

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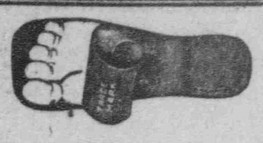
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FOURTH FISHERY CONGRESS.

Preliminary Arrangements for International Gathering in Fall.

The International Fishery Congress, organized in Paris in 1900, will meet in Washington September 22 to 26, by invitation of the United States Bureau of Fisheries. This will be the fourth congress, the first having been held at Paris in 1900, the second at St. Petersburg in 1902, and the third at Vienna in 1905. Dr. Hermon C. Bumpus, of New York, director of the American Museum of National History, is president of the congress. It will bring to Washington many men of distinction interested in affairs concerning fishing and fish culture. Ten foreign governments already have appointed delegates, and all the more important countries will be represented. Delegates will also come from all the States of this Union. Simultaneously the American Fisheries Society will meet here.

A number of citizens met at the New Willard last night to make preliminary arrangements for the congress. Hon. George M. Bowers, United States Commissioner of Fisheries, was chosen chairman of a general committee; Maj. Richard Sylvester and Mr. W. de C. Ravenel, vice chairmen; Mr. E. J. Stellwagen, treasurer, and Dr. Moore, secretary. The following subcommittees were then named:

Ways and means—Mr. Hood, chairman; Messrs. Stellwagen, Bell, Norment, Hamilton, Rudolph, and Harban.

Entertainment—Maj. Sylvester, chairman; Messrs. Harban, Talbott, Loeb, Hunter, Young, Bell, and Small.

Reception—Commissioner West, chairman; Messrs. Barnard, Bowers, Rathbun, Gill, Stellwagen, Ransdell, Palmer, Smith, Talbott, Sylvester, Ravenel, Titcomb, Rudolph, Carr, and Hunter.

Publicity—Mr. Bone, chairman; Messrs. Kauffmann, McLean, Dunlap, Eremann, and Alexander.

Exhibits—Mr. Rathbun, chairman; Messrs. Ravenel, Dunlap, Titcomb, and Moore.

There was a general discussion of plans for entertaining the congress. At Paris, St. Petersburg, and Vienna, the delegates were received with marked official courtesy and hospitality, elaborate functions being given in their honor. An appropriation was made by this government to meet in part the expenses of the fourth congress.

ELECTRICITY MADE CHEAPLY.

Representative Cary and Others So Testify Before House.

Representative Cary, of Wisconsin, whose statements recently regarding the efforts of the House Committee on Appropriations to enter into a long time, cheap price contract for electric light and power furnished the United States in this city, caused the members of that committee to rend the air about the Capitol with strange words, appeared yesterday before the committee to make good.

Mr. Cary apparently convinced the committee that he was not talking wildly when he stated that electricity could be made in the District for considerably less than 2½ cents per kilowatt hour. Representative Dawson, of Iowa; John H. Lorch, president of the Central Labor Union; M. B. Godfrey, chief engineer of the St. James Hotel, and Milton Fellings, fourth vice president of the International Union of Steam Engineers, also testified before the committee.

Will Decorate Graves.

Memorial Day for the fire department will be celebrated on Friday next, Chief Belt reported to the Commissioners yesterday. Eighty-two wreaths, an American flag, and firemen's grave markers will be laid on the graves of dead firemen. Those who will participate are: Assistant Driver Bentley, Assistant Driver Glasscock, Private Coumbs, Private Bernhard, Capt. Rossiter, Assistant Driver Mullikin, Private Wiles, and Capt. Kreamer.

FAVOR GORE'S AMENDMENT.

But Senator Must Show Precedent for Paying New State's Debt.

From the Committee on Territories Senator Beveridge yesterday reported Senator Gore's proposed amendment to the sundry civil appropriation bill, appropriating $214,375 to pay the unpaid expenses of the constitutional convention of Oklahoma.

Mr. Beveridge's committee favored the amendment, providing, however, that precedent for the action could be found. In other words, it must be found that some State or Territory admitted to the Union received some such relief from the Federal government. In the case of Oklahoma $100,000 was appropriated indirectly for the use of that Commonwealth with the passage of the enabling act for Statehood.

MOTTO WILL GO BACK.

Senate to Concur with House on "In God We Trust."

"In God we trust," ordered restored as a motto on the coins by the House of Representatives, was approved by the Senate Judiciary Committee, and reported to the Senate yesterday.

No opposition at the White House is expected to thwart the will of Congress in having the use of the motto a matter of law, instead of discretionary matter subject to suspension and an Executive order, which was the case when the President ordered its discontinuance.

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