

GAS REGULATION CERTAIN IN HOUSE, SAY THE MEMBERS

Quick Action Suggested When Company Attempts Delay.

Testimony of Professor Bemis Helps the Committee.

Members of the House and of the District Committee are practically unanimous now in the opinion that gas legislation will pass that body at an early date.

Representative Gardner of Michigan, who will head the House conference on the District appropriation bill, after that measure has passed the Senate, said: "I shall do everything in my power to retain in the bill the Wilson amendment for 75-cent gas for the District government."

While it is generally believed that the Senate will follow the lead of the House and agree to keep the Wilson amendment in the bill, the friends of the amendment in the House were greatly pleased today by this statement from Mr. Gardner. The other House conferees on the bill will be Mr. Maddox of Chicago, and Mr. Burleson of Texas, both of whom are advocates of cheaper gas in the District.

Company's Actions Alarming.

The effort of the gas companies to secure just as much delay as possible in giving concern to the friends of the legislation, and the possibility of summary action is more than suggested. There has recently been serious consideration of a proposal to have the House, by resolution, discharge the District Committee from further consideration of gas measures pending before them, and to have the House proceed to action at once. After the action of the House in passing by practically unanimous vote the 75-cent gas bill, there is little room for doubt that would be done if such a proposal would come before the House.

Members of the District Committee, however, give assurances that such a course is not going to be necessary. They have promised action, and early action, and the gas companies will not be allowed much longer to delay affairs.

Bemis Testimony Effective.

The splendid discussion of the gas situation which Prof. Edward W. Bemis yesterday presented to the House Committee has served to clear away about all the ground for opposition which has heretofore been urged. The gas representatives will make such answer as they are able, when they are forced to do so; but they will continue their policy of delay till the last shred of patience of the committee is exhausted.

Commissioner Macfarland today said: "I observe in the Times report of the debate in the House of the proposition that one of the Representatives is quoted as stating that the present three-year contract for incandescent gas street lighting was entered into by the District Commissioners with the gas company for the sole purpose, it must be concluded, of paying a higher price than Congress wanted to pay, and therefore it seems to be necessary to say that that statement was made in a misapprehension of the facts. I speak the more freely because provision was made by the contract for the award of the contract was made by my colleagues, Commissioners West and Biddle, while I was absent on my vacation, although I heartily approve their action."

Contract for Lights.

"First, the contract is not with the gas company or either of them, but with the American Street Lighting Company, of Baltimore; second, it is within the price fixed by Congress for incandescent gaslight service, having been given to the lowest bidder; third, Congress had not reduced the price of gas below \$1, so that it came properly within the contract; fourth, it was let for three years under express authority asked from Congress for the purpose of getting lower bids for this service; fifth, the contract, as entered into in this particular contract; sixth, the Commissioners made a good bargain under the conditions of that time, with the full knowledge and authority of Congress, as the records will show; sixth, the contract was made in 1905 and not last year as was stated."

The East Washington Citizens' Association through its secretary, A. E. Sperry, has forwarded the Commissioners a copy of a resolution adopted at a recent meeting urging the repeal of that section of the act of Congress under which the Washington Gas Company is endeavoring to increase its capital stock.

THE WEATHER REPORT.

The storm of Wednesday has passed off the Nova Scotia coast with much increased violence, leaving a small secondary disturbance over Texas. General rains from the southwestern States northward through the Ohio valley, the Middle Atlantic States, New England, and the greater portion of the lake region have been followed by clearing weather. Snow in the Southwest. In the East Gulf and South Atlantic States and the West, the weather continues fair.

It is much colder this morning from Texas northeastward into the lower lake region and Middle Atlantic States, and somewhat warmer in the Northwest. With the exception of showers tonight in the South Atlantic and Gulf States, the weather will be fair tonight and Friday in the East and South.

Steamers departing today for European ports will have high westerly winds, diminishing tonight, with fair weather to the Grand Banks.

TEMPERATURE table with columns for 8 a. m., 11 noon, 1 p. m., and 5 p. m.

SUN TABLE with columns for Sun rises and Sun sets.

TIDE TABLE with columns for High water today, Low water today, High water tomorrow, and Low water tomorrow.

BIRTH A MYSTERY; WHITE GIRL LOYAL TO BLACK "MOTHER"

Latter Fights in Court for the Child She "Adopted"—School Teacher Learns of Home Life Through an Accident.

The legal status of a colored family that has harbored a white child since infancy is being tested in the Juvenile Court this afternoon. The case is the most unique that has been tried before Judge De Lacy since the establishment of the Juvenile Court.

Edith Brown, a beautiful girl of eleven years, was taken from a negro home in Seventh street northwest, several weeks ago by officers of the Board of Children's Guardians, and since that time has been in one of the homes maintained by the board. Every effort has been made to get some clue to the identity of the child's parents, but failing in the attempt, it was decided to bring the girl before the court today.

When the case was called, the courtroom was filled with negro lawyers, ministers, and other colored people, who signified their intention of seeing that the case was contested to the full limit of the law. It is claimed by the Board of Guardians that the child was never legally adopted by the colored family, and that for this reason they have a right to put her in a home for white children.

Home Life Revealed.

The case was brought to the attention of the board by Mrs. Howell, attendance officer, who learned that Edith Brown had been absent from school several days. Going to an address on Seventh street, between H and I streets northwest, Mrs. Howell found that the girl was living with a colored woman by the name of Brown and her married daughter, whose name is Prileaux. The family lived comfortably and apparently was in good circumstances.

Mrs. Howell presented the facts to the board, and it was decided that Edith should be placed in one of the white homes. The girl rebelled at being taken from her home, asserting that both of the colored women were very good to her and that she did not want to be separated from them.

The Brown woman took the stand after the agents of the board had told their story, and explained to the court the manner in which she came into custody of the girl. According to her story, she never had any children, and several years ago expressed a desire to adopt a little girl. Learning of this, a prominent New York physician, whose name she could not recall, came to Washington to see her.

Parentage a Mystery.

The doctor told her that he knew of a three-months-old white girl baby, the daughter of a well-known New York woman, that the colored woman could adopt. Having no idea that she would not be permitted to adopt a white child, the idea met with instant approval on the part of the Brown woman, and a few days later the infant was brought to Washington by the physician.

The physician never revealed the child's name or the identity of her parents. The agreement was that the Brown woman would ask no questions. The baby never knew her real mother, and the colored woman gave her the name of Edith Brown. She is a pretty child, with a mass of rich black hair, dark eyes, and a beautiful complexion. Negro lawyers who have become interested in the case claim that there is no law prohibiting colored persons and a white child to live with them. They claim further that the child has been given a good home and was well provided for, that the Brown woman sent her to a white school, and that her moral surroundings were all that they should be. They assert that if the child can be taken from the colored family by law, white people have no legal right to adopt colored children.

EARLE RETURNS; MARRIED AFFINITY

Pair Expect to Go Back to Europe About Midsummer.

NEW YORK, April 9.—Ferdinand Pinney Earle and Miss Julia Kuttner, after having been married in a small town near Rome, Italy, following a secret divorce obtained by Mrs. Earle in Paris, arrived today from Naples on the North German Lloyd liner Kaiser Friedrich der Grosse.

The sensational disclosures of the marriage of Earle and his "wife," the original "affinity," were made by friends of theirs in New York who knew of those occurrences and also the departure of the two from Italy.

Earle explained that they had returned to America more to secure competent medical attention for Mrs. Earle than to claim the fortune of \$30,000 left to Earle by his grandmother.

Earle and his wife were seen for a brief period at the Erie depot and then returned to their home in Dayton, Ohio. He had not decided how long they will remain in this country, but thought they would go abroad again about midsummer. Earle declined to discuss his plans at any length, stating that he "hates" to see such newspaper "abuses" that hereafter he would refrain from talking.

Mr. and Mrs. Earle drove from the depot in a cab to the Erie depot and there took a train to Monroe, N. Y., Earle's home. An elderly woman, believed to be the new Mrs. Earle's mother, accompanied them in the cab.

What Congress Did IN THE SENATE.

Senator Borah, from the Committee on Education and Labor, reported favorably the bill to prohibit the sale of liquor in all Government buildings and on all Government premises. Senator Gallinger introduced a bill for the suppression of usury in the District of Columbia. Senator Foraker gave notice that on Tuesday, April 14, at the close of the morning business he would address the Senate on the Brownsville case.

The Senate passed a bill providing for completion of pediment of the House wing of the Capitol by placing statutory therein. Senator Scott, of West Virginia, introduced a bill providing for a volunteer retired list. The District of Columbia appropriation bill, which has passed the House, was sent to the Senate and referred to the Appropriation Committee.

The President's message referring to the suppression of anarchy was read. The employer's liability bill passed by the House was taken up by the Senate and discussed, and will probably be passed this afternoon.

IN THE HOUSE. The House had numerous roll calls on sending Senate amendments to appropriation bills to conference.

The District Committee gave a hearing on the bill for readjusting the fees for probating wills. A hearing was given by the Committee on Elections on the bill for publicity in campaign contributions. Bills authorizing the establishment of fish hatcheries in several States were reported by the Committee on Merchant Marine and Fisheries.

CASH REGISTER MAN DESERTS DAYTON

John H. Patterson Says He Was Driven Out of Ohio Town.

NEW YORK, April 9.—John H. Patterson, head of the National Cash Register Company, the biggest concern of its kind in the world, has left Dayton, Ohio, where his factory and home are situated, and taken up his residence in New York. He came here to escape a remarkable persecution at the hands of persons who, he says, had reason to wish him out of Dayton.

"I have been subjected to persecution that seems almost incredible," said Patterson. "I have been harassed and annoyed till I scarcely knew what to do. The whole trouble was started, I believe, by the attacks of a Dayton newspaper. Its articles were so violent and malicious that I feared an attack on my life might result. I was called up on the telephone frequently and told to be careful, as my life was in danger. So serious did I deem the situation that I had the grounds about my place lighted with electricity and a corps of detectives were constantly on guard. I don't attribute the trouble to the labor union. Our pay roll in Dayton amounts to \$72,000 a week, and the plant is worth, I suppose \$3,000,000. It is impossible for me to do business in Dayton, however, and I shall probably move the general offices to New York."

Mrs. Wilcox was unable to witness how obedient her husband was, being confined to her room by illness. But the hugs and kisses she gave to him after his delivery of what proved to be the deciding vote in opposition made him very happy indeed.

"What could I do?" exclaimed Wilcox in excusing his vote. "I did not want to lose my wife, and, anyway, I don't think these bills will stop gambling, so I did just what I was told."

INTEREST LIMIT TEN PER CENT

New Gallinger Bill Provides Penalty for Usury.

Lending of money at more than 10 per cent per annum is prohibited by a bill introduced in the Senate today by Senator Gallinger.

The bill also regulates the amount of commissions that may be charged for loans. It fixes as the maximum commission 1 per cent when the loan is for one month or less; 2 per cent when the loan is for three months; 3 per cent when the loan is for six months, and 6 per cent when the loan is for a year or more.

The commission is to include all charges except notary fees. In case of violation of the proposed law, the person loaning money will forfeit to the lender all interest and commission that the lender may have paid, and also will be subject to a fine of not more than \$1,000, or a jail sentence of not more than one year, or both.

It is provided that the provisions of this bill shall not conflict with existing acts relating to licensed pawnbrokers and real estate brokers and their agents. A bill by the Commissioners on the same subject was introduced some weeks ago.

The bill introduced today is understood to meet the ideas of Senator Gallinger on the suppression of usury. "Atlantic City Special." Through train via Pennsylvania Railroad. Leaves Washington 1:30 p. m. weekdays, April 9 to 18, inclusive; arrives Atlantic City 5:30 p. m. Pullman Buffet Parlor Cars and Coaches.—Adv.

GOV. HUGHES URGES ANTI-RACING BILLS IN SPECIAL LETTER

Investigation of Wall Street Methods Also Is Asked.

Woman's Plea Defeated Measure to End Book-making.

ALBANY, N. Y., April 9.—Gov. Hughes today sent a special message to the Legislature urging again the necessity of passing the anti-race track gambling bills. The message reiterates the governor's contention that gambling at race tracks is not carried on through evasion of the law, but under the law as it now exists.

The message further recommends that the Legislature provide for direct nominations and for laws facilitating the construction of new subways, and suggests the advisability of creating a commission to investigate the methods of Wall Street.

Message Angers Senate.

Senator Grady bitterly attacked the governor, saying that the executive was turning into a common scold and that he exceeded his right in reading a lecture to the Legislature.

Senator McCarren charged that the message of the governor was a positive insult to the senate. He started every one by saying the senate should respectfully send a message to the governor inviting him to attend to his own business. Senator Haines denounced the governor, declaring he was seriously within his rights. Feeling ran high.

To Order Election.

After more wrangling that part of the governor's message referring to the race track bills was laid on the table with the bills.

The governor will issue a call for a special election in the Forty-seventh senatorial district, comprised of Orleans and Niagara counties, to be held on May 12, to elect a successor to the late Senator Franchot. The call will be issued today or tomorrow. The chief object is to give the senate its full membership of fifty-one, so another election on the race track bills would be impossible.

Unless the race track bills in some manner are acted on favorably at this session, which by a concurrence of the two houses is to end April 23, it is positively known that Governor Hughes will call an extra session of the Legislature to meet on May 11.

Woman Defeated Bill.

Governor Hughes was beaten in his efforts to stop race track gambling by the cajoleries of a woman, who turned one vote to the side of the gamblers, the senate rejecting the Agnew-Hart bills by a vote of 25 to 25 after the most arduous fight seen here in years.

Senator Wilcox, whose vote would have passed the bills, admits his wife caused him to vote against them. From the day the racing bills were introduced Mrs. Wilcox, who is fond of sport of all kinds, and particularly of track contests, has pleaded with her husband to do all he could to beat them. She has been his constant companion this session, and constant parting with him yesterday Mrs. Wilcox, half-tenderly, half-threateningly, approached him and said: "Ben, remember, it is all off between you and me if you vote for those bills."

What Could He Do?

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Chanler Holds Key.

Lieutenant Governor Lewis Stuyvesant Chanler holds the key to the situation if an effort is made to reconsider the vote of yesterday and the day-up is not changed. He would have the deciding vote on a motion to take from the table Senator Agnew's motion to reconsider. This situation, however, it is pointed out, is not likely to arise as the advocates of the bill would be unlikely to desire a reconsideration unless they gained another vote. Absence of one of the opponents on account of death or sickness or any other contingency would not aid them, as they must have twenty-six votes to pass the bill.

Chanler's action yesterday in voting with Agnew on the motion to lie on the table the right to reconsider has created much comment and was discussed widely here today. A few of the more bitter opponents of the bills criticize him strongly, but the more generally accepted opinion is that it was a wise move from a political point of view, as all the Democrats in the senate, except Fuller of Brooklyn and Taylor of Middletown, had gone on record against the proposed reform which had wide popularity.

Four Defeated Bills.

The victory for the racing interests was won by the three senators who, besides Wilcox, were in doubt until yesterday. Gratian, of Albany, got his orders from William Barnes, jr., political boss who made him swear.

Knaep was subjected to tremendous pressure from Clinton county yesterday and he gave in to his political sponsors. Cassidy had been wavering for some time. He voted with the friends of the bills last week. He steadfastly refused to say yesterday how he would vote until his name was called. No one knows when he reached his conclusions.

Witness Accuses Dimond



Sketch of Henry P. Dimond, One of the Accused Land Defaulters, Whose Name Was First Brought Into the Testimony Today.

Former Land Attorney Tells of "System" of Alleged Defrauders.

Says Benson and Hyde Shared Profits on the Property Handled.

For the first time during the trial of John A. Benson, Frederick Hyde, Joost Schneider, and Henry Dimond, under charge of obtaining lands through fraud, the name of Dimond was brought into the testimony, when John McPhaul, a law clerk in the land office, identified a deed for land made out to Isaac Leibes and executed by Dimond.

Walter I. Slack, formerly a land attorney in the employ of Benson and Hyde, furnished what the Government's attorneys claim is sufficient to prove the collusion which is said to have existed between Hyde and Benson, and between these two and Dimond.

Slack said that he was employed at different times by both Benson and Hyde, and that during the time he was working for the former he met Dimond, who told him that he (Dimond) had been given charge of the land department of the work.

Private Wire System.

Supporting his opening statement that he would show that the offices of Benson and Hyde were connected by private phone, and that Dimond knew of the alleged transactions of the two, Assistant Attorney Hugh drew from Slack the sworn statement upholding this declaration. Slack said that Benson's office was about one block away from Hyde's and that a private telephone wire connected the two. Slack also said that this private exchange was connected with the office of Dimond, who occupied a room in the suite rented by Hyde.

He stated that a joint account of specific lands bought and sold was kept and that Benson and Hyde derived equal shares of the profits accruing from the purchase and sale of these lands, which were in the forest and school reservations. He said that the majority of these lands were in Oregon and California.

Identifies Deeds.

At this point he identified a deed made out in the name of Elizabeth Dimond. He said that most of the Oregon tracts stood in the name of C. W. Clark or F. A. Hyde.

The witness said that there must have been at least 50,000 acres of forest reserved selection while he was there. Slack stated that the only item of joint expense was Dimond's salary, when the latter came to Washington. For his services Slack said that Dimond received \$150 a month, which was paid by Hyde when Dimond was in San Francisco. When Dimond came to Washington he received \$150 a month salary, and \$100 expenses, which was placed on the joint account.

EMPLOYERS' BILL HAS SUBSTITUTE; SENATE SATISFIED

Measure of Committee On Education and Labor Favored.

Senator Dooliver this afternoon called up the employers' liability bill, which passed the House a few days ago, and after making a statement concerning the measure, moved to substitute the bill recently reported by the Senate Committee on Education and Labor.

Senator Dooliver made his request for unanimous consent to take up the measure. Senator Nelson of Minnesota, who had previously entered objection to it, announced the withdrawal of the objection saying that on examination of the bill he was satisfied with it. Unanimous consent was granted.

Reflects on Committee.

Senator Dooliver proceeded to an explanation of the measure in the course of which he made one statement which contained a suggestive reflection on the work of the House Committee on Judiciary.

He said that the bill reported and passed by the House had been so restricted that it included only employees of railroad corporations engaged in interstate commerce. Other classes of concerns engaged in interstate commerce were excepted from this provision and the Senate indicated the opinion that the imposition of a special class of corporations would be very likely to result in the bill being declared unconstitutional.

Examination of the House committee's report failed to develop any explanation of this omission and the Senator admitted that he had wondered a great deal at it.

Plan of Uninterested Person.

In a reply to a question by Senator Foraker touching on the same point Senator Dooliver said: "I have rather assumed that somebody who was not particularly interested in the ultimate success of the measure had that change made realizing that it might result in the bill being held unconstitutional."

A constitutional discussion promptly developed, headed by Senators Clay and Bacon of Georgia, who demanded to know whether if this bill passed it would nullify the laws of the State as to employers' liability in all cases in which interstate commerce was involved. Senator Dooliver indicated that he did not believe the State laws would be thus nullified; Senator Bacon proceeded to a long argument in support of the theory that so soon as the Federal Government had enacted a statute on the subject it would nullify all State laws so far as concerned interstate commerce.

WOULD IMPROVE YOSEMITE.

Representatives Englebright, Knowland and Neidham of California today asked the House Committee on Appropriations to recommend to the House the appropriation of \$200,000 for the improvement of the Yosemite valley. They indicated they would be satisfied with \$125,000.

SUPPRESS ANARCHY, PRESIDENT URGES IN SHORT MESSAGE

"The Enemy of All Mankind," He Declares to Congress.

Holds Every Other Question Insignificant in Asking Legislation.

President Roosevelt appealed to Congress today, in a special message, to enact legislation for the suppression of anarchy. The President declared that in his opinion every other question sinks into insignificance when compared to an evil which "is the enemy of all mankind." Incidentally, the message is the shortest ever sent to Congress by President Roosevelt.

The message in full reads as follows: "To the Senate and House of Representatives: "I herewith submit a letter from the Department of Justice, which explains itself. Under this opinion, it holds that existing statutes give the President the power to prohibit the Postmaster General from being used as an instrument in the commission of crime; that is, to prohibit the use of the mails for the advocacy of murder, arson and treason, and I shall act upon such construction."

"Unquestionably, however, there should be further legislation by Congress in this matter. When compared with the suppression of anarchy, every other question sinks into insignificance. The anarchist is the enemy of humanity, the enemy of all mankind, and his is a deeper degree of criminality than any other. No immigrant is allowed to come to our shores if he is an anarchist; and no paper published here or abroad should be permitted circulation in this country if it propagates anarchistic opinions."

"THEODORE ROOSEVELT."

Mr. Bonaparte's Letter.

Accompanying the message was a letter from Attorney General Bonaparte, in reply to a request from the President, with reference to the use of the mails by anarchistic papers. The Attorney General reviews at great length the article published in La Questione Sociale, which Postmaster General Meyer barred from the mails, on the ground that it was intended to incite anarchy.

He finds that the article not only suggests, but urges, arson, murder, riot, and treason, both against the State and National Governments.

"There hardly can be a more seditious libel at common law," Mr. Bonaparte says. "It is quite clear, however, that such a publication constitutes no offense against the United States, in the sense of some Federal statute making it one."

"Although expressing the opinion that the Postoffice Department has ample authority to deny the paper the use of the mails, the Attorney General says that the power of the Congress to constitute an offense against the United States, Mr. Bonaparte thus makes the following conclusions: "The circulation and distribution of the paper in question, supposing it to be correctly translated, was clearly an offense against the United States."

"That of this offense the courts of the United States have no jurisdiction in the absence of any act of Congress declaring it a crime and authorizing its punishment."

"In compliance with your instructions, I have carefully investigated the statutes of the United States to see if they contain any provision making such a publication an offense against the United States, authorizing its exclusion from the mails."

"There are some other provisions of law, such as those relating to letters, circulars, etc., connected with the transportation of noxious insects in the mails which declare certain classes of matter unmailable, but they do not affect the case of an article of this character, and I am obliged to report that I can find no such provision of law directing the exclusion or suspension of the mails, or rendering its deposit in the mails an offense against the United States."

"There can be no doubt, however, that the Congress has full power under the Constitution to exclude such publications from the mails."

"I have the honor, therefore, to advise you that it is clearly and fully within the power of the Congress to exclude from the mails the publications similar to the one set forth in the clippings inclosed with your letter, and to make the use, or attempted use, of the mails for the transmission of such writings a crime against the United States."

"There remains to be considered the interesting and important question whether, in the absence of any legislative prohibition, the transmission of such publications through the mails, the Postmaster General, the exercise of his authority as head of the Postoffice Department and acting under your instructions, has the right to exclude from the mails and this question is one of no little difficulty."

"I advise you that, in my opinion, the Postmaster General will be justified in excluding from the mails any issue of any periodical, otherwise entitled to the privileges of second class mail matter, which shall contain any article constituting a seditious libel and counseling such crimes as murder, arson, riot, and treason."

He holds that Congress has full power under the Constitution to enact a law expressly excluding such matter from the mails, and making it a criminal offense to attempt to use the mails for its circulation.

"But in the absence of compelling language," he says, "a construction of the statutes should not be adopted which would render officers of the Government accessories to grave crimes and convert the postoffice into an agency destructive of the ends of the Government. In several statutes relating to