

# LATE CHIEF JUSTICE

## Melville W. Fuller Possessed Great Administrative Ability.

### First to Stop Phonetic Spelling—Bad Land Titles in the District of Columbia Probed by Committee.

Washington.—The late chief justice of the Supreme court, Melville W. Fuller of Illinois, was regarded in Washington as an ideal man for presiding officer of that august bench. He attained his high position in spite of the fact that when President Cleveland appointed him he was only a practicing lawyer of no great national reputation and had never held a judicial office. The skepticism which met his appointment was almost as universal as is now the judgment that Mr. Fuller ranked with his illustrious predecessors as a practical and hard-working man. Originally holding to legal tenets which grew to be out of touch with



Melville W. Fuller.

modern thought, the late chief justice well illustrated the purpose of the bench by listening to the reasonable arguments of lawyers better versed at the outset than he, and before the end of his judicial career was found in the Supreme court record reversing the applied principles of law which he brought with him to Washington. By many astute lawyers this is regarded as one of the most striking examples of the largeness of the judicial mind of the late chief justice.

Combined with these judicial functions great administrative ability is required of the chief justice of the Supreme court. This quality Chief Justice Fuller possessed in great degree. Few, if any, complaints have ever been made during his administration as presiding officer of the court that the wheels of justice of the highest tribunal of the land were turning too slowly or unevenly. Behind the outward manifestation of the courtly gentleman and his mild-mannered voice, which in recent years has been almost inaudible to those seated on the edge of the court room, was a tremendous force of character and a keen sense of justice and a capability for hard and persistent work wholly out of proportion with his years.

Justice Fuller never pretended to voice the opinions of any one but himself and had no liking for the limelight. His position in Washington made it possible for him to fix his social status where he willed. He had no liking whatever for anything smacking of ostentatious display. On and off the bench he was the personification of judicial dignity. He possessed a sense of humor which he employed quietly and with effect. The subjects of his conversation were full of substance, scholarly and profound and rich in wisdom.

It was Justice Fuller who practically settled the fate of the Roosevelt propaganda for phonetic spelling. At the time when congress was daily receiving messages from the White House spelled in the new form of orthography and when the house of representatives was trying to nerve itself to the point of putting a quetus on this new system Justice Fuller quietly squelched its use in the Supreme court. At that time the government printing office, under orders from President Roosevelt, was printing all documents for the executive departments, including the department of justice, in phonetic spelling. This included briefs which were submitted to the Supreme court. In a land case presented to the court Solicitor General Henry M. Hoyt offered one of these briefs. In glancing through it hastily Chief Justice Fuller espied a quotation from an opinion rendered by former Associate Justice Bradley, in which the word "through" was spelled "thru."

"Did I understand you to say that this purports to be a literal quotation from the opinion of Justice Bradley?" inquired the chief justice.

It was not necessary for him to say more. Mr. Hoyt realized from this inquiry that phonetic spelling would not be tolerated by the Supreme court, and that serious blunder had been made in changing the spelling used by a former member of that court. He promptly and quietly informed the court that there would be no repetition of the offense. That ended phonetic spelling in the third co-ordinate branch of the government, and shortly thereafter congress itself limited its use to correspondence between the executive departments.

With other members of the court, Justice Fuller had an abhorrence for those who used its decisions as a ve-

nicle for making money on the stock market. Nothing was ever said on the subject in open court, but every obstacle was put in the way of such persons when opportunity offered. When the Consolidated Gas case from New York was decided it was an open secret that a lawyer who had a telephonic connection with a stock broker had made a good round sum of money out of it. When the company later petitioned for a rehearing before the court, the lawyer again was on hand prepared if possible to duplicate his former winning. He waited all day for the expected announcement, but it was not until he gave up his quest that he found that the decision had been given to the chief clerk of the court, by Justice Fuller early in the day, and he in turn had quietly informed the newspaper men.

### PROBE BAD LANDS TITLES.

A report recently made to congress by a commission appointed to examine land titles in the District of Columbia disclosed that many lots of land occupied by modern business houses and residences in the national capital are still owned by the government, notwithstanding the present tenants believe they have a clear title to the property. For example, the Washington Gaslight company occupies a whole square on Twenty-eighth street, which is claimed by the government. A paving company occupies a large tract of land near Rock creek to which the government lays claim. A triangular piece of land, now occupied by many residences, is according to the report, the property of the government.

This question of land titles in the national capital is not a new one. Two years ago congress created a commission to study it. The commission consisted of the attorney general, the secretary of war, Senator Scott of West Virginia; Representative Bartholdt of Missouri, and one of the district commissioners. The report reveals a horrible land tangle, which the courts will probably never be able to straighten out. The tangle is the outcome of the wild speculation in real estate that took place for a good many years after the capital was laid out.

The story, according to the lawyers who have conducted the investigation, is one of romance and disaster. James Greenleaf of Massachusetts, from whose family the poet Whittier took his middle name, was according to the story, laid before congress, the first and greatest of the three land operators whose names figure most in the early deeds. Greenleaf made the first contract to buy of the commissioners who distributed the parcels of land in possession of the United States. He was joined later by Robert Morris, the financier of the revolution, and by John Nicholson. All three before their death were in jail for debts growing out of their ventures in Washington land. What Morris made through his financial transactions during the dark days of the revolution he lost in Washington lands.

Private lands were acquired in Washington in the early days by a very simple process. The territory "not exceeding" ten miles square was ceded to the United States government by Maryland and Virginia and placed under the authority of three commissioners, appointed by the president. They or any two of them were required, under the direction of the



Senator Scott.

president to survey and by prope-motes and bounds define and limit a district of territory, and the territory so defined was established as a permanent seat of the government of the United States. Power was given the commissioners to purchase or accept land on the eastern side of the Potomac, for the use of the United States, and the commissioners were further required to provide suitable buildings for the accommodation of congress, the president and public officers of the government of the United States. It was to raise money to erect the public buildings that the government planned to sell its land to private parties.

The report to congress relates that President Washington met with the original proprietors in Georgetown, March 29, 1791. As a result of this conference, an agreement was entered into which resulted in certain deeds of trust, under which the proprietors of the land conveyed their holdings in trust to Thomas Beall, son of George Beall, and John MacKall Gantt. In consideration of the sum of five shillings and the various trusts, each of the proprietors conveyed his land to be laid out into such streets, squares, parcels and lots as the president might approve for the purpose of the federal city. For the residue, the various parcels were to be fairly divided, one-half to go to the original proprietors of the land and the other half to the United States.



## Uncle Sam Probes Third Degree System



WASHINGTON.—One of the investigating committees set in motion at the late session of congress that is expected to yield some interesting results is the subcommittee of five senators, members of the judiciary committee, who have been directed to investigate and report on the workings of the "third degree," as exemplified by federal officers in criminal prosecutions.

The investigation will take a wide range. One member of the committee will be sent to Oklahoma to learn what basis there is for the charge made by Gov. Haskell and his friends, that the prosecutions started against him under the Roosevelt administration were inspired by personal malice, and that the methods resorted to by the special agents of the government in their efforts to convict Haskell, were discreditable.

Another branch of the investigation will relate to some of the western prosecutions, especially those conducted by Robert Kay Devlin, as United States attorney for the Northern district of California. Devlin's nomination was hung up in the judiciary committee of the senate for a long time, on a complaint that he had

persecuted Dr. Perrin, one of the defendants in certain land-fraud cases, who, after being indicted, was finally discharged for want of evidence.

A special agent of the department of justice sent out to investigate the charge made a written report that Dr. Perrin should never have been indicted; that improper methods were employed to bring about his indictment, and even after the government officers were aware that they could not make a case against Dr. Perrin, the indictment was allowed to hang over his head for many months, to his great personal detriment.

The methods of Francis J. Heney and Detective Burns may be inquired into, and it is not unlikely that some attention may be given to the charge made against the method of administering the criminal laws in Alaska, especially at Juneau, where the United States attorney and United States marshal were recently removed from office on the complaint of Gov. Walter-E. Clark.

The resolution directing an investigation was offered by Senator Heyburn of Idaho, and was based upon reports in newspapers of the police methods employed in the Saylor murder case at Atlantic City. That case was not one with which the federal government had to do, but, in as much as the methods complained of may infringe the constitutional guarantees of the individual citizen, the committee feels that it has jurisdiction, and that case along with others complained of will be investigated.

## "Corpse" Aroused by Noise, Runs Away



"THERE'S a dead man in that alley."

This exclamation by an excited colored man at Eleventh and E streets, in Washington, caused considerable consternation among pedestrians and loungers in that vicinity a few days ago. He pointed to a narrow alleyway on the north side of E street between Eleventh and Twelfth streets, between two buildings.

Pretty soon the mouth of the little alley was blocked by curious people. A business man in the neighborhood who peered over the heads of the morbid crowd and saw a man stretched out full length, and apparently very ill or dead, in the alleyway, telephoned to the Emergency hospital for an ambulance. Other men ran hither and thither in search of a policeman.

"He may be drunk," suggested an old man as he gazed at the prostrate form.

"No," another man declared, "I reckon it is a case of heat prostration."

"I think he's just dreamin' about Jack Johnson's victory," said a third.

In the meantime the Emergency hospital ambulance with clanging gong arrived on the scene, and a policeman with perspiration streaming down his face rushed up to the mouth of the alley and was forcing his way through the crowd to get at the supposed dead man.

The noise aroused the "corpse." The prostrate figure slowly arose, disclosing the stalwart form of a negro.

He gazed in astonishment at the crowd that blocked up the entrance to the alley and saw the policeman and white-coated Emergency surgeon elbowing their way toward him. With a yawn and a stretch of his arms, the negro darted into the side door of a printing office, slamming the door behind him.

Investigation disclosed the fact that the negro has been employed at the printing establishment a number of years. He said he was tired and went out into the quiet, cool alleyway to take a nap during the lunch hour. That was all.

## Sold MacVeagh Spoiled Vinegar; Fined



JAMES WILSON, secretary of agriculture, has been hot-footing it after a Chicago man who had the temerity to sell Franklin MacVeagh, secretary of the treasury, a barrel of bogus vinegar. MacVeagh bought the vinegar believing it was the real thing, the kind that father used to make on the farm, fit to put on lettuce and pickle pigs' feet with and all that sort of thing.

The looks and smell of the stuff made him suspicious, and so he hallooed for the pure food inspectors to come and examine. They reported the alleged vinegar was in reality adulterated and artificially colored and misbranded. A criminal information was filed against the luckless storekeeper and he was taken into the United States court, accused of deceiving and misleading MacVeagh.

## Government's O. K. on the Lowly Toad



A RECENT bulletin of the department of agriculture in Washington has taken up the case of the toad, dispelling the "host of vague and ludicrous fancies as to its venomous qualities. Its medicinal virtues, or most commonly, the hidden toadstone of priceless value."

Touching toads, says the bulletin, does not produce warts on the hands. The toad's breath does not cause convulsions in children, nor does a toad in a newly dug well insure a good and unending water supply, nor in a new made cellar will one bring prosperity to the household.

The Massachusetts experiment station has been investigating the habits, food and economic value of the toad, and the result establishes its

claim to consideration and appreciation. First of all, as to the longevity of the toad, the investigators express the opinion that many toads reach an age of at least ten or fifteen years. They also believe it possible for the toad to live for a limited time without food, but doubt stories about toads being found in rocks and trees.

"The toad," says the pamphlet, "is a nocturnal animal, and ventures out during the day only when tempted by an abundance of food or when the air and moving insects, centipedes, etc. At is full of moisture. It eats only living night, soon after sundown, or even before on cool evenings. It emerges from its shelter and slowly hops about in search of food. Almost a regular beat is covered. In the country this includes forays along roadsides, into gardens and cultivated fields and wherever insect food is abundant and grass or other thick herbage does not prevent locomotion. In cities and suburban villages the lawns, walks and particularly the spots beneath electric lamps are favorite hunting grounds.

## HAYING IN RAINY WEATHER

Not Advisable to Cut Too Much Grass at One Mowing—Will Dry Quickly When Stirred.

It is not advisable to cut much grass at one mowing. If possible wait until the weather settles. Cut in the afternoon of a clear day, the next morning put the horse-drawn mower to work and keep the hay flying and whirling in the air. Keep the hay stirring—the grass will dry out and cure much faster when it is flying in the air than when spread out on the ground. If the grass is heavy—and you have no tedder, let every helper take a fork and turn the half-cured hay over so the bottom will dry; as soon as the hay is partly cured, put in the rake and make small windrows. After the field is forked over commence at the beginning and rake two windrows together by turning the hay over with the rake several times—most of the moisture will evaporate—and all of the hand-labor will be avoided. As soon as it settles bunch it. In case there are indications of rain, haul two or three loads of the half-cured hay into the barn or bar-rack and deposit one load in each mow. Then if rainy weather continues let the hay in the barn be placed on the scaffold over the driveway, where it can get the moist air. Spread one pack of salt over each load of hay. When hay is heavy spread it out thin for a few days. By spreading a layer of straw or old hay between every half load put in the mow most of the moisture will be taken up by the straw. By this means several loads of clover hay may be secured without being damaged by rain. The side delivery rake in connection with the tedder is a great help in the quick curing of hay in showery weather. The clover and mixed grasses and orchard grass should be secured in the best possible condition, as such hay contains just the nutriment required for the making of milk, beef and mutton.

Timothy and red top should be cut before the seeds become hard. The timothy harvest should be delayed until after the grain is cut and hauled in; two weeks delay with the timothy harvest will not injure the hay seriously. Secure the clover and mixed hay and get the grain in the bar-rack; these are the two important crops.

## AMERICAN APPLE IN EUROPE

Desirable That European Market for Fruits Grown in United States Be Developed.

That a desirable European market for American-grown fruits may be developed is the opinion of Orlando Harrison of Harrison's nurseries, Berlin, Md., former president of the American Association of Nurserymen, who made an extensive foreign trip last season. In an address before the Peninsula Horticultural society, Wilmington, Del., Mr. Harrison made the following statements:

"In recommending the growing of winter apples, I want to assure you that if you will grow and pack only good fruit, it can be sold. While in Europe last season I visited the fruit markets and found the fruit dealers welcomed our fruit. More fruit from America should be sent over. We should form an apple league of some kind and introduce our apples there, putting the price so the people would buy them.

"I was told the demand for bananas was increased many times over what it was some years ago by a man sending a cargo there and selling them at a very low price, and after that he gradually increased the demand and the price as well. The price of apples should be in reach of every working man. By doing this many times the quantity of fruit would be consumed. The Europeans are not fruit eaters like the Americans, and it is up to us to cultivate that trade."

## To Get Rid of Ants.

To rid your garden of ants effectually you must find the location of the nests. They can then be easily destroyed by benzoin, gasoline, bisulphide of carbon or boiling water. The large ants which sometimes make their nests above the surface of the grass on the lawn should be destroyed by bisulphide of carbon. Punch a number of holes in the nests and pour a teaspoonful of carbon down each hole. Throw a dark blanket over the holes for a few moments, then remove it and explode the carbon by means of a light at the end of a pole. The slight explosions drive the fumes down through the underground tunnels and destroy the ants.

## Success in Rearing Chickens.

We are having splendid success with our chickens, the best we have ever experienced. In fact, the reports from all over the country are more encouraging than I have ever known them to be before, says a writer in Baltimore American. This leads us to conclude that gradually the poultrymen of the country are becoming more thoroughly informed of the principles involved in the successful rearing of chickens.

## Bull Thistles.

Bull thistles, common in pastures, cannot always be killed by mowing. Mowing tends to prevent maturity of seed. Cutting off the thistles just below the surface of the ground, two or three times a year, will effectually eradicate them.

## The Neat Lawn.

A neat lawn and surroundings attract the attention of every passerby and are infectious in a community.

## GIRLS PENNED IN CAR

TWO TOTS PRISONERS, HUNGRY AND THIRSTY 72 HOURS.

Ride From Buffalo to Hoboken Where Searching Railroad Officials Find Them Unconscious—Victims of Boys' Prank.

New York.—Two small girls who were penned in a pitch dark refrigerator car by boys whose sense of humor was abnormal were found lying in the car when it reached Hoboken from Buffalo.

They were not able to walk. It was some time before they could speak. They had been seventy-two hours without food or drink or sufficient air. That they were alive at all was a thing to wonder at.

Mary Mori is 10 and Nelsie De Forko is 8. Both girls live at 21 Indiana street, Buffalo. The two girls used every day to run around the Lackawanna freight yards in Buffalo.

Boys of their age and older hung around the freight yard. One morning, a couple of these boys shouted out to the girls: "Hey! There's bananas in that car. Want some bananas? Back in that car you'll find some. G'wan, in."

It was an empty refrigerator car to which the boys pointed. The two girls clambered into it and began poking over the floor. They heard the heavy door bang to and found themselves in blackness. They rushed for the door and pounded on it. They could hear the boys outside laughing in derision.

The boys made no attempt to open the car door and the girls got frightened. They screamed a little and kicked with their bare feet. Pretty soon they heard the voices of the boys and knew them to be trying to open the door. The door never budged. A little longer the two girls kicked and beat upon the door. Then Mary Mori heard Nelsie fall upon the floor of the car and begin to sob.

They heard an engine puffing louder every second. Bang! Mary was bumped to the floor. There was an interval of several minutes. Then the engine chugged, the car gave a jerk, and in the darkness they knew themselves to be moving. They were moving rapidly now. Mary coaxed Nelsie up into a corner. They sat there and sobbed as the train sped.

After a long time they felt hollow and hungry. Mary and Nelsie explored the floor of the car. They found nothing at all. The two girls found they were to be without food or water. Besides, it was so hot and stifling they found it a labor to breathe, and moving about was exhausting. They lay perfectly still, therefore, and in time the first faintness of hunger left them.

But it was intolerably hot, and their thirst grew. It was night now. The beam of light was gone. Yet neither girl slept. The roar of the train was loud and steady. Great tears rolled down their cheeks.

During the first night Mary made a useful discovery, the only relief they hit upon the whole journey. She imparted it at once to Nelsie. You take your thumb and catch the tears on it. Then you sip the tears. They are salt and inadequate, but they cool the mouth. In experimenting with this discovery they passed the rest of the night.

At length the beam of light appeared, red and pleasurable. All that day the two lay on the floor of the car, jolted each minute and turning from side to side. Then night came on. It is possible the girls slept fitfully, though they could not recollect having done so. The second morning found them a little weaker. They no longer spoke to each other in one syllable words. Nelsie tried to repeat a prayer. She repeated "Ave Maria" to herself several times.

Then came night and as the beam of light faded Mary's consciousness faded, too, and Nelsie, who could cry no more, lapsed into quietness.

But when the two girls didn't come home the first night their parents had gone anxiously to the police. Some were found who had seen the children in the freight yard. F. H. C. Schoeffe, chief special agent of the Lackawanna, thereupon telegraphed Chief Beatty of the Lackawanna special police in Hoboken to peer instantly into every empty that reached Hoboken. For two days not an empty car reached Hoboken without being examined in a hurry.

On the third when a string of twenty-five empty cars came rolling in Yardmaster Dutton, who happened to be moving about the yard, pounced on refrigerator car No. 6986 and pried open the door. He jumped inside. There in the corner he found the two barefooted girls black with dirt. Nelsie was unconscious.

It took the doctor two hours to bring both girls to.

## Dog Bites Off Boy's Tongue.

Philadelphia, Pa.—Feeding his pet dog in a novel way, allowing the animal to take bits of food from his mouth, Francis Zoraskie, six years old, of 438 Wharton street, lost the tip of his tongue. The dog clipped off a bite in taking the food. The boy was taken to Mt. Sinai hospital, but is not seriously hurt.

## Pussy's Rival.

Figg—It's singular how those old writers live on and on. I can understand it in Plutarch's case.

Fogg—Why Plutarch, especially? Figg—His lives outnumber those of a cat.