made with the senator soon after his sen-atorial election. On this business he said

he was still employed. He had ever since

he had not received any money from any other source than Mr. Clark. He had

On cross-examination, Mr. Fine stated

he had been a supporter of Mr. Clark, of

Butte, since 1888, when Mr. Clark was a

fit of J. L. Truscatt, a member of the leg-

in either January or February last. He

would have to go to Montana after it.

The committee adjourned until Monday.

WEBSTER DAVIS' TRIP.

Not Due to Strained Relations With

the President.

the forerunner of his retirement to pri-vate life. It has been asserted that Pres-

ident McKinley was dissatisfied with his administration of his office as assistant secretary, particularly his rulings with relation to pension claims. These statements need no denial to those who are familiar with the relations between the assistant secretary and

the inauguration came to Washington and

presented his papers. The following Sat-urday he met the president at one of the

he accompanied the president to his pri-vate office, and to his utter amazement

was informed by Mr. McKinley that the

latter had already seen his application for United States attorney for the West-ern district of Missouri, but that he would

rather have Mr. Davis accept another office. The president said he had not then decided what place to give him. Within a week the president informed him that he had decided to give him the as-

cordial

of the interior, Mr. Davis has accomp

lished more in that office than any of hi

pensions frequently appealed the cases de

cases the decision of the assistant secre

to the attorney-general for a judicia

attorney-general for the interior depart-

decision of Mr. Davis been reversed.

was friction between Mr. Davis and Sec

last six months. On the contrary, the ut-most harmony has prevalled. Last fall

ngton in impaired health, and at

a long sea voyage. The war in South Af-rica had begun and Mr. Davis concluded

o visit that country. He called on Secre-

tary Hitchcock and asked for an indefinite

Honor for Mr. Dunn.

Charleston News and Courier.

Mr. Arthur W. Dunn, of the Associated Press, has just been elected vice-president

of the Gridiron Club, of Washington, that

He is now in charge of the capital work of the Associated

Press, and he fills the bill very acceptably

He is a hustler for news, and he knows what to do with it when he gets it. He is

one of the most energetic members of the

club, and performs well any part to which he is assigned in the club entertainments.

General Stanton Dead.

OMAHA, Jan. 24.-Brigadier-General T.

Par

celebrated organiza-

paper men. Mr. Dunn comes from

"the wild and woolly

West," hitving had

the Minneapolis Tri-

bune, St. Paul Pion-

eer Press and the

Portland Oregonian, and other papers in the far Northwest.

long experience with

tion of bright news

campalgns.

ing party. When the reception was

vate life.

treachery of Marcus Daly.'

TURNER AND

Another Day of Philippine Speeches in the Senate.

TURNER CONCLUDED HIS ADDRESS

McEnery Spoke on the Race Question in the South-Caffery Called for Correspondence.

WASHINGTON, Jan. 22.-Again today the senate's session was devoted entirely to speechmaking. Turner of Washingto ided his address upon the Philippine ion. He was followed by Ross of Vermont with a thoughtful and carefully ed speech, in which he also discuss the Philippine question in connection with lutions which he had offered. His presentation of the question was given thoughtful attention by his colleagues. McEnery of Louisians delivered the con-cluding speech of the session on the race question in the South. He took strong rounds in support of the constitution o to the constitution of North Carolina, which it is alleged will disfranchise a large class of voters.

The Proceedings.

When the senate opened, Kyle (ind., S. D.) offered and secured the adoption of a resolution directing the commissioner of labor to investigate the effect upon labor production and wages of the international copyright act, and report to the senate.

Pettigrew (sll. S. D.) offered a resolution calling upon the president to send to the senate the report of General J. C. Bates relating to the treaty with the sultan of Sulu. The resolution asked the salaries to be paid the sultan and his officials, from what fund they are to be paid, what ser vices the officials performed, and whether these officers are under the civil service, Objection was made and the resolution

Caffery (dem. La.) then presented three resolutions calling upon the president for the correspondence with Great Britain concerning the Clayton-Bulwer trenty, the correspondence with the Colombian government as to the Panama canal, and the indence with the new Panama Canal Company, of France. The resolu tions were adopted.

ution offered vesterday by Al len (pop. Neb.), calling upon the secretary of the treasury for the correspondence and the substance of all the verbal commun cations which he has had with officials the National City bank, of New York, concerning the transfer of the old custom-house to the National City bank, was

Turner (fus., Wash.) concluded his speech on the Philippine question, begun yesterday, and then Ross (rep., Vt.) ad dressed the senate on the Philippine ques-

(dem., La.) addressed the senate. While McEnery was speaking he was interrupted by Butler (pop., N. C.), who inquired whether McEnery, when the amendment to the Louisiana constitution, similar to under consideration, did not pronounce it

McEnery replied that he had pronounced it unconstitutional, but, inasmuch as it was adopted, he had said that he would support it in the senate. He felt it his duty to his constituents to do so, and he would niways be found supporting the laws and constitution of both his state and his

rection in this connection, he said: "I don't stop to inquire now whether my country in the Philippines is right or not. I don't inquire who fired the first shot which precipitated hostilities. It is enough for me to know that my government has been assalled, and I will uphold its hands until its enemies are brought into sub-

Butler then read copies of letters written by McEnery in which he declared the amendment to the Louisiana constitution was "grossly unconstitutional, and that it was so regarded by the ablest constitu-

When McEnery had concluded, Tillman and amend an act to provide for the collection of abandaned property, and the prevention of frauds in insurrectionary districts within the United States, Till man asked Davis (rep., Minn.) to make an explanation of the measure. Davis said the claims were not only just but it was bounden duty of congress to provide for their payment.

In answer to an inquiry from Hale (rep. Me.), Davis replied that the claims cov-ered captured and abandoned catton. Hale said: "Why, that will amount to \$90,000,000 or \$100,000,000."

To this Davis dissented, saying that under court decisions the claims for captured and abandoned cotton would aggregate about \$8,000,000. This money was in the treasury and had been held by the United States for 30 years for those to whom the urts had adjudged it to belong. Davis said the payment of the claims was as clear an act of justice as ever was presented. "The bill is not," said he, "sluiceway for the payment of all the claim which have been referred to by Mr. Hale."

The bill was objected to, and it went over. The senate then, at 4:45 P. M., went into executive session, and at 5:30

THE UTAH APPOINTMENTS.

Investigation by House Committee Into the Charges of Polygamy. WASHINGTON, Jan. 23.-The investigation directed by the house concerning Titah were polygamists at the time of their nt, was resumed today by the house committee on postoffices and post

General Bristow, fourth assistant postmaster-general, submitted a petition in the case of Orson Smith, postmaster at Logan, Utah, dated at Logan, December 6, 1897, and directed to the president. It states that Smith is "not a fit person to hold this position or any position under the government of the United States, because he is an ecclesiast of the Mormon church, holding high office in that church." It also specifies the alleged polyg-amous status of the appointee. This peti-tion, it was explained, was received and briefed in the usual way, but no atten-tion was directed to it until the recent agi-tation occurred. General Bristow and there were other papers relating to Utah, containing private and political matters which it was desired to submit to the commilitee in executive session. A sub-committee was appointed to go over the

papers in executive session. H. A. Drury, chief of a section in the postoffice department handling matters re-lating to Utah, stated that he had no recollection of the petition, and knew nothing of the polygamous charges until attention had recently been directed to them. The petition was not called to on of the postmaster-general or the

After discussing the scope of the investigation, the committee decided to have Chairman Loud ascertain whether indictments had been found against the ap-pointees said to be polygamists, on the ground of their polygamy. The inquiry will be resumed at the call of the chair-

PACIFIC CABLE PROJECT,

Captain Squier and Governor Brady Before the Bouse Committee. WASHINGTON, Jan. 23,-The question of a government cable across the Pacific was considered today by the house committee on interstate and foreign comm A large number of government officials

Squier, acting chief of the signal service, and Governor Brady, of Alaska, who wishes to have the Alaskan route for a cable fully considered. Captain Squier said there was no longer any doubt as to the practicability of the Pacific cable from a technical and engineering point of view, and he gave the letalls of the routes, viz.: That via Midway island being miles, and that vid Wake island Either of these routes, he said, was equal, if not superior, to the British route via Fanning island.

Ordnance Board Reorganized. WASHINGTON, Jan. 23 .- The secretary of war issued an order today almost en-tirely reorganizing the board of ordnance tirely reorganizing the board of ordnance. General Miles, who is ex-officio chairman, is the only member of the former board retained. The new members are: Brigadier-General John M. Wilson, chief of engineers; Brigadier-General W. R. Buffing-ton, chief of ordnance; Colonel John L. Rogers, of the Fifth artillery, and Thomas

Henderson, of Illinois. Mr. Henderson, who is the only civilian on the board, succeeds Thomas J. Out-waite, of Ohio. The military members of the board who have been relieved from further services are Colonel R. T. Frank, formerly of the First artillery, retired; Captain Charles B. Wheeler, of the ordnance department, and Captain Joseph E. Kuhl, corps of engineers.

It is said that there is no special significance in the action of the secretary of war in this matter beyond a desire to bership the best military talent possible under existing conditions of the service.

Presidential Nominations.

WASHINGTON, Jan. 23 .- The president day sent the following nominations to the senate:

Navy-Lleutenant-commanders to be ommanders; William W. Kimball, Willlam P. Day, J. C. Wilson, Lieutenants to be lieutenant-commanders; William S. Hogg, Robert I. Reed. Passed Assistant Surgeon Hatton N. T. Harris to be sur

Marine corps-Lieutenant-Colonel Henry Cochrane, to be colonel; Major Allen Kelton, to be a lieutenant-colonel; Captain Lincoln Karmany, to be a major.

What the State Department Spent WASHINGTON, Jan. 33.—The presiden-mas sent to the senate, in response to a resolution of inquiry, a report from Sec-retary Hay as to the portion of the \$50,-990,600 defense appropriation expended by the state department. The total amoun was \$493,800, the principal items being Paris peace commission\$155,16 Philippine commission
Transportation of destitute refugees 126,420 from Cuba and Puerto Rico 14.840

Cablegrams 8,624 The Samoan Debate.

ay of special agents

WASHINGTON, Jan. 23.-The senate in executive session today discussed the Samoan treaty on the basis of the motion of Senator Jones, of Arkansas, to recon-sider the vote by which the treaty was ratified. Speeches were made in support of the motion to reconsider by Senator Jones, Pettigrew, Allen and Money, an in opposition by Senators Davis and For-aker. At the conclusion of the debate a vote was ordered, but a roll-call disclosed the absence of a quorum. The call of the roll showed 11 for and 22 against.

A SENSIBLE VIEW.

What Would Occur in Case of Either British or Boer Failure.

St. Paul Pioneer-Press. There is not a Boer, who will not, un ler English rule, be as free as he is today, within the limits of comr He will not be free to send his policeme into a private house without a warrant and shoot down its owner when he offers resistance. He will not be free to deny to Jews and Catholics and every one who is not a professor of the Dutch Reformed eligion, the rights of suffrage and of ditizenship; he will not be free to force pon the outlander within his border taxation without representation, nor to deny to those who desire it common sanitary protection. He will have just as much voice in the conduct of his government as the Cape Dutch have today, and it is not at all impossible that, like the Cape Dutch, he will name one of his own race as prime minister of the colony. It is even possible that the two Boer repubics will be granted autonomy, conditioned nly on the guarantee of Anglo-Saxon liberty to those within their borders.

British failure in South Africa would nean a serious blow to British prestige as an international factor. It would mean the rapid disintegration of the British empire and the reduction of England to the position of Italy, a second-rate power, without influence, except as a make weight on one side or the other of the even this would concern the United States it may be profitable to imagine what would have occurred if the Continental ealousy of this country had not found in England a passive but determined obsta cle to their scheme of intervention in the Spanish wor. After all our talk and noise bout freeing Cuba, we should have been either subjected to the humiliation of withdrawal or have been compelled wage an interminable war with all Europe. And the situation in 1898 is likely to recur at any time. The Continent is even more jealous of our influence and power than it ever was.

THE PHILIPPINE WAR.

Otis' Report of Casualties.

WASHINGTON, Jan. 23.—The following list of casualties was received today at the war department from General Otis Deaths-Variola, December 28, John Goodling, Thirteenth infantry; December Everett Barker; January 13, William Sisk, Thirty-third Infantry; dysentery January 12, John C. Bottorf, Twenty-third infantry: January 11, William Brady, Ninth Infantry: January 18, James Ross, Thirty-fifth infantry; January 17, William McQuade, sergeant Third artil-lery; chronic diarrhoea, January 14, Frank House, Fourth infantry; January 15, George G. Atwood, Twenty-fifth infantry. Wounds in action-January 12, Peter Madden, Fourth cavalry: January Charles Sigleman, Eleventh cavalry.

Found in Rio Agno Bautista, Luzon, overed with incised wounds, January 6, oseph Crispl, musician, Seventh infantry. Tuberculosis, January 16, Robert Mills corporal, Eleventh cavalry; pneumonia, January 17, Walter Harris, Fortleth infantry; gunshot, accidental, January 12, Barkia, corporal Twenty-seventh

Transport Thomas Due This Week. SAN FRANCISCO, Jen. 23.-The transort Thomas, which has on board the odies of Major-General Lawton and Major John A. Logan, jr., is expected to arrive from the Philippines next Thursday Friday, Mrs. Lawton is accompanying the remains of her husband, which are to e buried with honors in Arlington cen Major Logan's body is to be at Youngstown, O., the home of his wife and her family. Under orders from the secretary of war, Major-General Shafter and a squad of soldiers will escort General Lawton's remains East.

Pay for Troops in the Philippines. SAN FRANCISCO, Jan. 23.-The transport Pennsylvania, which is under order to sail from this port January 25, will carry funds for paying off the United States troops now in the Philippines, Ma-jor William Comegys, paymaster, United States army is assigned the duty of acting as custodian of this fund, which will were present, including Captain O. G. amount to about \$1,150,000.

READ AT THE BEARING OF THE

In Several of Them He Pressed the Montana Senator for Pay for Services Rendered. he was still employed. He had ever since then been engaged in working for the disbarment of Senator W. A. Clark, of Madison county. He had been engaged to do this work by Senator Clark himself, but no specific compensation had been agreed upon. Since getting the \$2000 he had received about \$5000, making \$5000 in all. Since the meeting of the legislature he had not received any money from any

WASHINGTON, Jan. 23.-The senat committee on privileges and elections to-day adjourned over until Monday in its nvestigations of the charges of Senator Clark, of Montana. Witnesses for the prosecution were abgent, and Senator Faulkner, for the defense, indicated a de-sire that none of those who are to be called as witnesses on that side testify until the prosecution had completed its case. While no positive statement was made to this effect, the committee indi-cated quite positively that the Clark wit nesses might be called by the prosecution

after Monday.

The principal witnesses today were Mr. Ector, recalled, and State Representative Fine. The latter, though a friend of Mr. Clark, gave testimony from which the prosecution evidently derived much satisfaction. He said that he had received faction. He said that he had received about \$5000 from Mr. Clark since the adbeard which is charged with the duty of protecting our extensive sea coast from foreign attack, and to include in its memtor Clark, of Madison county, Montana who voted in opposition to the senator. The day's session was opened by the reading of a dispatch from Columbus, O. saying that the absent witness, Murphy had been in that city last week. In reply to inquiries, Faulkner and Hartman both said they knew nothing as to the where-

abouts of Murphy. The presentation of the Ector letters was not accomplished without a tilt between the two ex-senators, Edmunds and Faulkner, who are engaged as counsel on the two sides of the controversy. Faulkner stated that two of the letters had failed to arrive in the package first re-ceived from Butte, but that he had wired Root to make a search for them, and if they could be found, to forward them. Edmunds wanted to know who Root was, and said, so far as appeared here, the postmaster or the street inspector of Butte might as well be asked to supply letters Had Mr. Faulkner opened the letters' Mr. Faulkner replied that he had no opened them, but that all the letters bear-

ing on the investigation were there.

Charles W. Clark substantiated Mr. Faulkner's statement, saying that all the Ector letters received were here, and the letters were then read. There were five or six of them addressed to Mr. Blokford and four to Clark. All were identified by Mr. Ector, who was again placed on the stand There were only two letters dated prior to the November election of 1898. They were dated at Stephensville, and related to the sition to Mr. Woods, the candidate for the house, that he was supporting, were working "like fury," and that the Ciark men

'need some encouragement." "To make a thorough canvass of the 2000 voters of the county requires the stuff," he said, and he added that he wanted at least \$500.

The next two letters of date, respec-tively, November 17 and 21, just after the legislative election, referred to the efforts of Woods and the opposition to get him. He told of Woods' debts and said he had agreed to be bound by whatever he did in the premises. The latter letters from December 7, 1898, to October 31, 1899, related almost entirely to Mr. Ector's efforts to collect what he thought was due to him for his efforts in Senator Clark's behalf. In December, he wrote Mr. Clark saying he did not know to whom he must apply for his dues. "Of course," he said, "I am after what there is in it for me."

March 1 he wrote Mr. Bickford asking him about the 10 per centum of his (Bick-ford's) receipts from Clark, which he (Ector) considered he was to have. It was also in March that he wrote his second letter to Mr. Clark. In this letter he reviewed at length his efforts in Clark's behalf, expressing his continued loyalty to Clark and his determined opposition to Dalyism. "If you strike while the iron is hot," he wrote, "you can stampede the Irish king." He also said in this letter that two of Daly's men had promised \$5000 to him during the senatorial contest for information as to Clark's movements, bu that he had refused to entertain the offer. In the following June he wrote to Mr.

Bickford, saying that he had come to the conclusion that it was useless to de upon receiving anything through Bickford He had, he said, another opportunity to make a stake, and he did not propose to let that opportunity go by, as he had the opportunity which had presented itself in the winter before.

The last letter of the series was dated october 31 last, and was addressed to Mr. Clark. In this letter he asked if he was to expect anything. In the letters he pleaded poverty and debt as the controllng reason for the pressure he was trying to bring to bear upon Mr. Clark. On cross-examination, Ector said that

Woods had been an original Clark man, and that he would probably have remained so unless corrupt means were used on the other side. He had thought it possible that Woods might be controlled by getting possession of the mortgage, "I told Bick ford that the best plan was to pay off the mortgage, and then he would have strings on him and thus have him solid." He had Woods that he could get enough money out of Clark to pay his debts, but he had declined to enter into the deal. He had never had any authority to dispose of his vote. In one of his letters he had eferred to some one as "an incubus."
"To whom did you refer?" asked Faulk-

"To Marcus Daly," came the reply

promptly.
In another letter he had expressed the opinion that it was important that Clark should see Woods first, but he said his purpose in this was simply to "bring Clark

In reply to a question as to whether he had been promised anything for coming to Washington to testify in this case, Ec-tor said that Receiver Ranft, of the Missoula land office, had advanced him \$100, taking an order upon the committee.
"In one of your letters you speak of

having received an offer of \$5000 from the opposition to Mr. Clark," said Mr. Bierney, on redirect examination. "Was that "No, sir," responded the witness, "That

was a bluff. Mr. Ector was then excused, and the committee took a recess until 3 o'clock.
State Senator J. R. McKay, republican,
from Custer county, Mont, said he was
one of the four republicans of the legisliture who had refused to vote for Clark. He said the announcement of the inten tion of the republicans to change their votes to Clark was not made until the last republican caucus prior to the elec tion of United States senator. There was very little said at this caucus, and after the 10 men withdrew the four remained deciding to continue to vote for a repub-lican. He said he had been approached once or twice, and asked to vote for Clark. Among those who had come to see him was Senator Philipps, who said he could get \$15,000 for his vote. He had declined to enter into an agreement of the kind. The next witness was B. J. Fine, a demo-cratic member of the legislature from Madison county, who said he had been a friend of Senator Clark for many years, and had been one of his active supporters

in the campaign for the senate. Mr. Campbell subjected the witness to a very

searching investigation. He first inquires

as to Mr. Fine's financial condition prior to the election. He had had enough to

ive on, and thought his cash amounted to

bout \$300 or \$500. His business was then

as now, that of a mining operator. Upon

starting to Helena to attend the session

of the legislature he had deposited \$300 or

time deposited more money in the bank,

H. Stanton, ex-paymaster-general, United States army, died here today of a com-plication of liver and stomach troubles aged 65. Promoter Miller Located. NEW YORK, Jan. 23.-William F. Mil-er, who conducted the 520 per cent Franklin syndicate in Brooklyn, has been located

Now It's Evans' Stout, as well as Evans' Ale, here and everywhere.

in Canada, and is under surveillance.

putting in as much as \$2000 at one time in June, but it was not true that W. A. Pollard held a certificate of \$5250 belonging to

\$2000 which he had deposited in June from the bank of W. A. Clark, and had taken it from Butte at the instance of Mr. Well-MAJORITY IS AGAINST GIVING HIM A SEAT. come. This was part payment for service and expenses in the work he was doing for Senator Clark, on an arrangement

Arguments in Support of Its Position-Views of the Minority of the Committee.

WASHINGTON, Jan. 23 .- At the open ing of today's session, Senator Turiey, of Tennessee, reported from the committee on privileges and elections the resolution on the case of Quay. The resolution follows: "That Hon, Matthew S. Quay is not entitled to take his seat in this body as sen ator from the state of Pennsylvania." never rendered any account to Mr. Clark nor kept a memorandum book, but had kept the whole matter in his diary. The resolution was the judgment of a majority of the committee, Senator Tur-ley called attention to the resolution of the minority of the committee, which was to the effect that Quay was entitled to a seat in the senate. Both resolutions

were accompanied by reports in their sup-

candidate for delegate to congress and was defeated, the witness said, "by the The majority report opposing the eating of Mr. Quay was signed In response to a question from Mr. Faulkner, he said he had never received seating of Mr. Quay was signed by Senators Caffery, Pettus, Turley, Harris and Burrows, the last-named was signed ttus, Turley, any money from Mr. Cark or any of his representatives for his vote for him. He also stated that while the investigation being the only republican signing it. The minority report bears the signa-tures of Senators Hoar, Chandler, Pritchinto the record of Mr. Clark, of Madison, was still in progress, he thought it had ard and McComas, all republicans, and advocates giving the seat to Mr. Quay. The majority report first reviews the cirgone far enough to insure his disbarmen whenever that task should be undertaken.
The last witness of the day was David cumstances under which Mr. Quay's appointment was made, including the failure of the Pennsylvania legislature to C. Brewn, a democrat, who had been col-lector of customs for Montana and Idaho for the past seven years. Mr. Brown is quite deaf, and questions were asked through an ear trumpret. He said he was

ed States schator occurs or comes to pass, if the next legislature does not fill it, it continues to exist. It is the same va-cancy, not a new one. Now the state exa friend of Mr. Clark, but that he had never spent any money in the senator's behalf. He denied emphatically that \$5000 ecutive is given power to make a temperary appointment in case of a vacancy, not as long as it continues or exists, but had been placed to his credit in the bank of Fort Benton last January for the beneonly until the next meeting of the legis-lature, which is then required to fill the islature. His business was large and he was disposing of money every day, but he vacancy. This clearly means that the could not remember the name of any one person from whom he had received money paramount intent to have the legislature choose the senators is to prevail, and that whenever the legislature has had the opwas asked to produce his bank deposit book, and said that in order to do that he portunity to fill the vacancy, either before or after it occurs, the executive has no power to appoint. And when we take the phrase, 'if vacancies happen by resigna-tion or otherwise during the recess of the legislature of any state,' if we concede that the general word 'otherwise' is not qualified nor limited by the specific word 'resignation' and that it includes vacancles which are caused by efflux of time and which can be foreseen as well as vacancies which are caused by a cas-NEW YORK, Jan. 23 .- A special to the ualty or the happenings of an unexpected event, and which cannot be foreseen, still it must be construed and defined with ref-Herald from Washington says: Trustworthy information here does not sustain the recent stories in regard to the prospective retirement from the interior department of the assistant secretary. erence to the balance of the phrase so as to give effect to all its parts; and it thus results that the vacancy, no matter Webster Davis, now in South Africa. These stories have endeavored to make it appear that Mr. Davis' trip to the Cape is how it is produced, must happen, take place or begin during a recess of the legislature; and this of itself would be de

cisive against Mr. Quay's claim." Continuing, the report says: "Thus construed, this clause of the constitution affords every facility for always keeping the senate filled with senators who are real representatives of their respective states. A senator who is chosen by the legislature of his state is likely to be the choice of the majority of the citizens of his state. A senator who is appointed by an executive is frequently only pointed by an executive is frequently only the personal or political favorite of the

assistant secretary and the president.

Mr. Dayls, after McKinley's election.

announced his candidacy for the place of United States attorney for the western district of Missouri, and shortly after "The legislature, as we construe the clause, chooses the senator in the first instance. If he declines to serve or dies public receptions. To the surprise of the young Missourian, Mr. McKinley invited him to step behind the line of the receivbefore he is inducted into office or if, after qualifying, he dies, resigns or is expelled, the executive may make a temper rary appointment until the legisla tre meets again: or, if, owing to changes in state constitutions, the legislature which is authorized to fill the term at its commencement cannot meet until after the term commences, the executive can also make a temporary appointment. Every contingency is thus provided for except the sole contingency that the legislature will fail to perform its sworn duty. Against a contingency of this kind the framers of the constitution did not intend to provide."

sistant secretaryship of the interior. Mr. Davis accepted the office and his appoint-ment, followed a few days later. From that date the relations between the young After discussing at length the circumstances under which the constitution was framed, the majority announces its con-clusion as follows: "We think that the Missourian and the chief executive have clusion as follows: "We think t Although the youngest man who has ver filled the place of assistant secretary templated nor intended to provide for a case where a state, by its own deliberate act, should deprive its legislature of the power to fill at entire term at its beginpredecessors, and at the same time has taken an active part in many political ning. In our opinion they never intended to give the executive of a state the power to fill an entire term by original appoint ment unless, possibly, in a case where the legislature had chosen and the person Early in 1898 some friction arose between the commissioner of pensions and the assistant secretary of the interior by reason of the fact that many of the decisions of the pension office were reversed by the assistant secretary. The commissioner of elected had refused to accept or died before qualification. In other words, we conclude that the power of appointment was not to be exercised unless the va-cancy occurred in the recess of the legis-lature and was occasioned by some casclded by the assistant secretary to the sec-retary of the interior. In each of these ualty like death or resignation." The report then quotes numerous precedents, beginning with that of Kenzy Johns, of tary was sustained, notwithstanding the fact that many of the cases were referred Delaware, in 1794, and closing with the case of Henry W. Corbett, of Oregon, in

opinion, and many more to the assistant 1896. It then ends as follows: "The statement of these cases and prece lents shows that from the beginning of ment. The records of the interior depart-ment show that not in a single case has the government to the present time th senate has never recognized the right of a state executive to make a temporary but, on the contrary, they have all been sustained by the secretary. After the retirement last March of Corappointment, where the vacancy happened or occurred during a session of the legis-lature. It shows further that for 75 years nellus N. Bliss, as secretary of the in-terior, it was currently reported that there the senate has refused to recognize the right of a state executive to make a temporary appointment, even where the varetary Hitchcock. But there has certainly been no friction between the two in the cancy happened or occurred during a recess of the legislature, if the legislature either before or after it occurred and prior most harmony has prevalled. Last fall Mr. Davis was invited and took a promito the date of the appointment had had an opportunity to fill it. The fundamental principle thus established is that if the nent part in the political campaign in Ohio. As a result he returned to Washlegislature either before or after the hap pening of a vacancy has had an oppor-tunity to fill it, then there is no power suggestion of his physician decided to take in the state executive to appoint. The resuit is fatal to the claims of Mr. Quay No danger or evil has resulted to the eave of absence, explaining his reasons government from the enforcement of this therefor, which was promptly granted. If Mr. Davis has any intention of retiring, it is not known to his friends here.

We therefore submit that the senate by its previous solemn and deliberate de-cisions." for its own honor and dignity, should stand

The Minority Report The minority report takes the opposite view. Quoting section 3, article I, of the nstitution, the minority says that the failure of the governor to call the legislature together to elect a senator does not act to deprive the governor of the power of appointment. Referring to the constitutional provision, the question is asked: "Does the language of the con-stitution of the United States mean just what the constitution of the commonwealth of Pennsylvania says, 'in case of a vacancy in the office of United States senator in a recess between sessions,' or does it mean that the vacancy must be one which comes by chance, or that it does not apply at all to the case of a vacancy at the beginning of a term which does not come by chance, but is foreseen and inevitable?"

This question is answered as follows: 'If the words have the former meaning, then all distinctions between cases where legislature has been in session and those where a legislature has not been in session between vacancles at the beginning of a term and vacancies beginning after the term itself has begun and the office for that term once filled, are without importance. We think that the former is the true meaning of the consti-tution. We think that it was the intent of the constitution to provide, as far as essible, that every state should have

wo senators. "First-The constitutional convention nesitated between conferring the power of appointing senators upon the executive and the legislature in the state in the beginning. Like the legislature, the execu-tive of the state was supposed to repre-sent the will of the people. Under the constitution then existing he appointed

all state officers and appointed judges | MONTAGU.WHITE RECEIVED is no reason to suppose that they con sidered the executive an unfit instrument for such appointment. And they settled the question by giving the power of per-manent appointment to the legislature and of temporary appointment to the execu-

Second-We can conceive no likely to have influenced the framers of the constitution for making a distinction between cases of vacancy occurring in one way, or at one time and vacancies occurring in any other way or at any other time. The office of senator may be at any time of infinite importance to the interests of a state. Upon a single vote may often depend and sometimes has depended the fate of measures which would bring prosperity or misery into every workshop and almost every family in Pennsylvania.

"We do not believe that when the con

stitution was enacted it would have oc-

within a week of the adjournment of the legislature or at a time when there were three parties in the legislature who could not agree, or at a time when the two houses who formerly made an election by concurrent vote, were of ways of think-ing in politics so different that they could not be reconciled, that the state must remain unrepresented until a new leg-sla-ture should be chosen. They meant, as we believe, that for the interest of the state and the interest of the whole country the senate should always be full, so far as they could devise a constitutiona mechanism to accomplish that purpose."

They say further: "The language of the very clause in question cannot be construed as the opponents of Mr. Quay would construe it, or in any other way. than the undersigned construe it, without destroying its own purpose. If there be no power in the executive of Pennsylvania to appoint a successor to Mr. Quay under this clause of the constitution, there is no power in the legislature to choose such occessor until the end of the term, and in every case where a senator dies or resigns, where the legislature is not in session, or where, after such death or resignation the legislature has met and adjourned without a choice or wherever, at the beginning of the term the vacancy remains unfilled, it must remain unfilled until the end of the six years, according to the logic of the majority of the com-

nittee. On another point the minority says:
"It is said that if the legislature has been
in session after a vacancy and has falled to fill it the state is in fault; that the legislature has neglected its duty and so t is not unjust that the state should suffer. There are two answers to this argu-ment. First, that it is for the interest of the whole people that every state should be fully represented; and, second, that there is no fault to be imputed to the egislature of a state or to the people where a majority vote is required, if there e a failure to elect. Will anybody claim that the case of a failure to elect a president for want of a constitutional majority, a case provided for by conferring a power upon the house of represent atives, voting by states, is the case o fault or negligence on the part of the

The minority then give considerable attention to the various cases and conclude as follows: "The case of Allen of Wash ngton, was decided with the Lee Manth case, and without argument, a decision to which Mr. Beckwith, of Wyoming, submitted without further contest. At that time there was an earnest division the senate on an important question relating to the currency, which created for the time being more earnest differnces of opinion than those existing be tween the two great political parties on other questions. It was a time not favorable to a dispassionate, nonpartisan udgment. We prefer the authority of he New Hampshire case, which was acted on, also in the case of Mr. Pasco, of Florida, and we think that a decision which must inevitably deprive states in the Union for long periods of time of their rightful representation under the constiution will not be permitted long to stand. and that no settlement of the question in derogation of the rights of the state, and, as we conceive, in violation of the intent of the framers of the constitution should

THE RUNNING RACES.

Yesterday's Winners at Oakland and New Orleans.

SAN FRANCISCO, Jan. 23.-The weather t Oakland was fine and the track fast, The results were: Five furlangs, selling-Momentum wor York II second, Strongoli third;

Futurity course, selling-Redwarld won V. Hayes second; Coming Event third; time, 1:12%. Six furlongs, selling-Revanna won, Tiuron second, Good Hope third; time,

:13%. Seven furlongs, selling-Gauntlet won, Montallade second, Whitcomb third; time, 1:27%.

One mile, selling-Silvertone won, Wyoming second, Toribio third; time, 1:40%. Six furlongs, selling—Sly won, Afamada second, Snips third; time, 1:13.

Races at New Orleans. NEW ORLEANS, Jan. 23.-The results f the races were:

Selling, mile and a sixteenth-Aster won, Voyageur second, King Elkwood third: time, 1:50%. Selling, two miles-Our Nelly won, School Girl second, Elidorpha third; time,

Handicap, hurdle, mile and an eighth-Cheesemite won, Joe Bell second, Glover third; time, 2:06, Handleap, six furlongs—Belle of Mem-phis won, Dollie Weithoff second, Ed Gartland II third; time, 1:14.

Selling, one mile-Sir Blaze won, Bright Night second, Jim Conway third; time, Selling, mile and a sixteenth-Village Pride won, Miss Ross second, Jimp third; time, 1:49%.

* BAD FOR MOLINEUX.

His Testimony at the Inquest Admitted at the Trial. NEW YORK, Jan. 23.-In the trial of

Roland B. Molineux, Recorder Goff to-day admitted as evidence the testimony of the defendant when he was a witness in the coroner's inquest into the death of Mrs. Adams. The defense fought bitterly against the admission of this testimon and half the day was spent in discussion of its admissibility. Finally the recorder ruled that Molineux, while before the coroner's jury, was not charged with mur-der, and that Mr. Osborne might place Mollneux' testimony before the jury. Two damaging, flat contradicti tween Molineux' testimony at the inques and the evidence produced in his trial exist. At the coroner's inquest Molineur lenled ever having used or seen any o the tri-crescent, robin's-egg blue paper. In the trial the Burns letter, signed by Molineux and written on such paper, was preduced and acknowledged by him. Molineux also denied at the inquest that he ever sent for patent medicine by mail. This same Burns letter, signed by Molineux, is an order for a patent medicine.

A clever rascal recently succeeded in sell the peasants of a remote town in Russia ickets which purported to admit them to Para-

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Bears the Signature of Chart H. Fletcher.

GRANTED AN AUDIENCE BY THE SECRETARY OF STATE.

Acknowledged His Visit to This Country Is to Work Up Sympathy for the Boer Cause.

WASHINGTON, Jan. 23. - Montagu White, consul-general of the South African Republic in London, called at the state department this afternoon and had conference with Secretary Hay. At the eginning he put himself on a safe footng by informing the secretary that he had no credentials and no official character whatever. He frankly admitted, how-ever, that he was in the United States for the purpose of aiding his countrymen to enlist the sympathy of the American people. The secretary accorded him an hour's udlence without interruption

Stock Exchange Rumors.

LONDON, Jan. 23.-11 was reported on talions of British troops have been captured by the Boers. There is nothing here to confirm the rumors on the Berim bourse and the stock exchange of this city. The fact that Buller was heard from this morning, when he sent lists of casualties to British troops, seems to disprove

The officials of the war office entirely discredit the stock exchange stories, as also the report of Lord Dundonald's entry into Ladysmith. The officials said to a representative of the Associated Press that no decisive news was expected for two or three days relating either to the relief of Ladysmith or to any conclusive victory or defeat, as other operations at present being conducted by General Buller were of a lengthy character.

RERIAN Jan 21 -There was a rumor on the bourse today that General Buller has suffered defeat.

Attack on Colesbury Boers.

PRETORIA, Jan. 21.-A dispatch from Coleaburg says that the British attacked the Boer positions there this morning. There was heavy fighting, but with what result is not known. According to the latest from the front, the Boers were holding their positions.

A dispatch from Colenso, dated January

18, says a patrol of 200 men under Field Cornet Opperman, while scouting, was sur-rounded, but succeeded in fighting its way back. It is reported that four men were killed and 30 wounded and made prisoners.

Bombardment of Kimberley. KIMBERLEY, Jan. M .- Boers contin ctive, and a heavy bombardment of this place is taking place.

MODDER RIVER, Tuesday, Jan. 23.-A. heliograph message from Kimberley says the Boers vigorously renewed the bompardment today.

ANOTHER VETERANS' BILL.

Tongue Asks \$100 a Year for Each Indian or Spanish War Fighter,

WASHINGTON, Jan. 19 -The till recentintroduced by Representative Tongue appropriating \$100 a year for each veteran of the Indian wars, as well as the Spanof the Indian wars, as well as the Span-leh war, provided such veterans are dis-abled and are inmates of state soldiers' homes, is but one effort in the direction of recognizing the justice of the claim of the Indian war veterans. Of course, first of all, Mr. Tongue would like to have his regular Indian war veterans but have his regular Indian war veteran bill passed, so that the veterans of the state Indian wars will be allowed to draw pensions from the general government the same as veterans of civil and other wars. This second measure would only reach a small per cent of the veterans of these wars, but that even will be a concession that will be to the interest of the veterans who are disabled and unable to support themselves. This bill was introduced at the request of a number of the soldier organigntions of Oregon, who also requested the other members of the delegation to support such a measure. While it is rather diffiult at this time to predict the fate of th's bill, it has one thing against that is that it would carry a good-sized appropriation, and hills with appropriafavor in the house at this time. avor in the house at this time. Such a bill would probably be able to get through the senate, but it would have to go through the house by default, unless there can be a large amount of interest aroused

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