The Evening Times

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CRONJE REPORTED SAFE

The Boer General Said to Have Reached Bloemfontein.

Crippled by the Loss of Artillery, Ammunition, and Camp Equipments—May Be Driven to Pretoria or Passes Leading to Natal—A Despatch Received From Buller.

LONDON, Feb. 19.—The War Office has received a despatch from General Lord Roberts, dated Jacobsdal, February 18, 11:40 p. m. The message confirms the Jacobsdal despatches of this morning in regard to the various movements that have taken place within the past few days. No later official news has been received here in regard to the pursuit.

It is reported that General Cronje with his force of 8,000 has managed to outsprint the pursuing forces of Generals Kitchener and Kelly-Kenny, and has reached the vicinity of Bloemfontein so far ahead of the British pursuers that he will have time to take advantage of the defensive works of that city and make a stand which will check the advance of the Englishmen.

His pursuit, however, has been so persistent and harassing that nearly all his camp implements, his big ammunition, and over two hundred wagons, including the teams to each, and many pieces of artillery, have fallen into the hands of the British. The loss of so much of his artillery, together with the reported abandonment of big guns on the Magarsfontein hill, will seriously cripple him, and if the British keep up their aggressive movements, will finally compel him to retreat toward Pretoria or into the passes leading to Natal.

Apprehension is being caused by the movements of several Boer commanders, apparently operating independently of Cronje, who are harassing the right flank of Kitchener's force and still roam along the Modder, interfering with the British line of communication.

In the neighborhood of Colenso Buller is making a peculiar fight. It is alleged he is again attempting to relieve Ladysmith. It is likely he is simply keeping the Boers there busy. Perhaps after his taking of Hussar and Cingolo Hills and his move upon Monte Cristo he will awake in a snare, to retreat from which will cost many lives.

The War Office has issued a dispatch from General Buller, dated at Cheveley Camp, February 19, which confirms the statement made in the Cheveley Camp despatch of last night, and adds the following: "The enemy, after a slight resistance, abandoned a strong position and was driven across the Tugela.

"The Second Brigade, under General Hildyard, captured several camps, a wagon load of ammunition, several wagon loads of supplies, and some prisoners. I do not think our casualties were heavy."

PRESIDENT KRUGER'S PLAN.

Intimated That Boer Women Will Fight in the Trenches.

LONDON, Feb. 19.—William T. Stead's "Reviews of Reviews" intimates that President Kurger's plan to make England pay a "price that will stagger humanity" for victory over the Transvaal is to fill the trenches with women. Such a step would be a thrilling evidence of their unflinching determination to maintain their liberty, no matter what the cost in blood, and would have tremendous moral effect, not only upon the British soldiers themselves, but upon all the nations of the world.

Boer women handle the rifle with a skill but little, if any, inferior to that of the men, but if British troops fired on women, no matter what the circumstances, it is believed such a storm of indignant protest would sweep around the world that the powers would join in a protest that would check England.

BOERS LEAVE DORDRECHT.

General Brabant Enters, Capturing Wagons and Prisoners.

STERKSTROOM, Cape Colony, Feb. 18.—The Boers evacuated Dordrecht during the night, retreating unmolested. General Brabant has occupied the town and the surrounding hills. He captured two wagons and two prisoners.

VISITED QUEEN VICTORIA.

Bugler Dunn the Recipient of Honors at Osborne.

LONDON, Feb. 19.—Bugler Dunn, the boy who was wounded in the right arm during the battle of Colenso, but insisted on remaining on the firing line, visited the Queen at Osborne today in the uniform he wore during the battle.

Her Majesty was evidently pleased to see the boy and told him she hoped he would have a very successful career. The Queen presented Master Dunn with a silver-mounted bugle suitably inscribed.

RUMORS OF INTERVENTION.

Secretary Hay Has Heard Nothing of Germany's Alleged Intention.

For the past few days a report has been in circulation here that Germany intended to intervene between the British and the Boers. Part of the report was that Emperor William had been sounded by Dr. Leyds, the Boer agent in Europe, on the propositon that Germany assert suzenrainty or absolute control over the Boer Republics and demand of Great Britain that the war end.

It was also said in connection with the report that Germany's action would be so timed that the war would be brought to a conclusion within sixty days, and that the Government here had advices that Germany intended to intervene.

Secretary Hay, when asked concerning these rumors, said that this Government had no such information.

Going to South Africa.

SOMERVILLE, Mass., Feb. 19.—Rev. Peter MacQueen, pastor of the Day Street Congregational Church, has resigned. In the document he stated that it was his intention to visit the battlefields of South Africa. He was formerly a newspaper man and was a war correspondent in Cuba and in the Philippines.

A Memorial to Lieutenant Tait.

LONDON, Feb. 19.—A movement is on foot to erect a memorial to Lieut. F. O. Tait, the amateur golf champion, who died of wounds received during General MacDonald's reconnoissance aorund Koodoosberg.

Flynn's Business College, 8th and K. Business, Shorthand, Typewriting—$25 a year.

GOEBEL'S FRIENDS WIN.

The Kentucky Legislature Confirms Its Previous Action.

FRANKFORT, Ky., Feb. 19.—In both houses this morning a resolution was adopted confirming the action of the Democratic members, since the adjournment here on January 31, declaring Goebel and Beckham Governor and Lieutenant Governor, respectively. The vote for the resolution was taken viva voce in the Senate. Both Presidents (pro tempore) Carter and Marshall presided at the same time during the session, the Republicans recognizing Marshall and the Democrats recognizing Carter.

Marshall is determined to perform the duties of the office. His position is this:

"I am Lieutenant Governor as long as this litigation continues, and I intend to be Lieutenant Governor."

Hon. Lige Sebree, of Henderson, explained the situation in these words:

"Mr. Marshall is Lieutenant Governor, and, of course, he must preside. The Democrats can say what they please, but he will exercise his rights. What the Democrats will do is a question. I hear they will either hold a rump session in the Senate chamber or withdraw to the City Hall or courthouse. In either event they will lack a quorum.

"A man who is on the inside said this morning that at the most they will be able to muster only nineteen Senators. They, themselves, have acknowledged nineteen is not a quorum. When they wanted to adjourn from Louisville to Frankfort they skirmished around to get twenty men, saying they could not do anything with less than that number."

Taylor will hold on, and wait for action by the courts. His only hope lies in the Federal courts. He attended church yesterday for the first time in several weeks. He went to the Presbyterian Church, of which Rev. Dr. Blaney is pastor. He walked to the church through the streets, accompanied by Col. E. E. Wright, of Bowling Green.

After the services Taylor met an ovation at the hands of the congregation. Men and women gathered about him at his pew and congratulated him on the stand he has taken. Several of the women were very effusive.

"Thank God, we have a Governor who will stand for his rights," exclaimed a woman from Frankfort as she grasped his hand.

The guard around the Executive Mansion was withdrawn today for the first time.

ARMY REORGANIZATION BILL.

It Contains a Provision for the Retirement of Engan.

A special bill for the reorganization of the Army, prepared by Secretary Root, has been sent to Congress. It provides for fixing the rank of the Adjutant General, that of Major General, and Secretary Root gives military and administrative reasons why this should be done.

An additional feature of the legislation asked for, provides for one-third of the promotions to be made by selection. This is to enable the President to reward specially gallant and meritorious services. This appeals alike to the service and the country, and yet maintains in a reasonable degree promotions by seniority.

It recognizes both length, as well as special fitness of service, and its provisions are so guarded that only the most deserving shall receive special recognition and in no case be the creatures of personal or political intervention.

The bill gives the President control of the tenure of office of the heads of staff departments, and he can by and with the advice and consent of the Senate, make a new head of a department at any time when in his judgment the efficiency of the service would be increased thereby—the officer relieved being transferred to the retired list. This places the Army staff on about the same footing as the heads of the Navy staff departments.

The only immediate result under this provision would be the probable retirement of General Eagan, Commissary General, now undergoing suspension. In the Adjutant General's and Inspector General's departments, there will be no further appointments, but by detail from the next lower grade of the line for a term of four years. This will give a large number of experienced staff officers to meet future requirements and the emergencies of active service. The selections, too, are to be made on recommendation of boards of officers appointed to ascertain the records and fitness of officers for these details.

The Quartermaster's and Subsistence Departments, the Ordnance and Signal Corps, are also to be filled in like manner. None of these provisions for details in any way interferes with the tenure of officers now in the regular staff departments, or with their promotions as now provided by law. They will, however, serve one year in five, with such branch of the line as the Secretary of War may designate. This insures all having experience with troops of the line, and keeping the line and staff of the Army in close touch and sympathy.

The reorganization of the artillery, the only change proposed in the line of the Army, is based on advanced ideas and largely in use in other countries, and urgently called for by our present system of seacoast artillery defenses. It insures the care of the heavy ordnance, and the training of officers and men to handle these guns in active service.

The office of post chaplain is abolished and one provided for each regiment of the line of the Army, regular and volunteer. The chaplain's rank and pay are made those of a captain mounted.

Secretary Root has also sent to the Chairmen of the Senate and House Military Committees a draft of a bill that purports to strengthen our military system and remedies the defects developed in our organization during the Spanish-American War. The changes are by no means as radical as many seem to have anticipated. It is a conservative measure and has the favorable opinion of the best officers of the service.

A COMMERCIAL MUSEUM.

Proposed Aid for the Ocean Trade of Pacific Slope States.

Senator Perkins of California called upon the President this morning and introduced B. I. Wheeler, President of the University of California. The nature of their call was largely personal, but during it the subject of a commercial museum for the Pacific Coast was introduced and became a subject of much interest to the President. The idea is to interest trade and commerce in the possibilities of the States bordering on the Pacific Ocean.

Senator Perkins is an ardent advocate of the proposition, and it is believed he will take steps to put the matter into such shape as to bring it up for official attention.

Mr. Reed at the Capitol.

The familiar portly form of Thomas B. Reed was seen about the House today for the first time this session. Mr. Reed ensconced himself in a capacious chair in the room of the Committee on Ways and Means and received a number of his former colleagues. Mr. Reed said he was in Washington on a matter before one of the departments and merely dropped in for a few moments. He will remain in the city several days.

THE PORTO RICAN TARIFF

Mr. Payne Opens the Debate on the Customs Measure.

Heartily in Favor of Its Enactment Without a Change in Its Provisions—Mr. Sulzer Asserts That the War Tax on Beer Should Be Repealed—The Macrum Resolution.

The beginning of a week's debate on the Porto Rican bill, making the customs dues on imports into the United States from Porto Rico, and vice versa, 25 per cent of the rate charged against imports from other countries, did not fill the galleries at the opening of the session of the House today, nor did it suffice to fill more than half the seats on the floor.

This being, under the rules, suspension day, before entering upon the Porto Rican matter Mr. Dolliver of Iowa, from the Committee on Ways and Means, moved the passage, under suspension of the rules, of the bill to abolish the use of one-sixth and one-eighth barrels in handling beer. He said that the bill was desired by the brewers, who found the use of the small packages a nuisance and loss, and the Treasury Department reported that the change would not affect the revenues of the Government.

On motion of Mr. Fletcher, the bill was made to take effect June 30 next, so as to give the coopers who make these packages time in which to work up their stock of materials.

Mr. Sulzer of New York, in behalf of the bill, said that while it favored the brewers somewhat, the war tax on beer should be repealed, and he asked some Republican to say why it had not been repealed.

Mr. Otjen, of Wisconsin, representing the large brewing interests of Milwaukee, advocated the passage of the bill.

Referring to Mr. Sulzer's question, Mr. Terry of Arkansas, said the reason why the war tax was not repealed was that without it the Dingley tariff law would have proved one of the most lamentable legislative failures on record. (Derisive applause from the Republicans).

The bill was further advocated by Messrs. Bartholdt of Missouri, and Babcock of Wisconsin, and passed.

Then at 12:45, on motion of Mr. Payne, Chairman of the Committee on Ways and Means, the House resolved itself into Committee of the Whole to consider the bill.

An agreement was sought to be made that general debate extend till Saturday evening, the bill to be reported to the House at 2 o'clock next Monday, but because Mr. Payne would not consent that the minority might have the opportunity to offer a substitute, objection was made by Mr. Richardson of Tennessee.

Pending the motion, Mr. Hitt reported the Wheeler resolution from the Committee on Foreign Affairs, providing for an investigation of the charges made by Mr. Macrum, former Consul at Pretoria, that his official mail was opened by a British censor at Durban, and that a secret alliance existed between the United States and Great Britain. It was agreed to.

Mr. Payne opened the debate on the Porto Rican Tariff measure.

Mr. Payne's Speech.

Mr. Payne said in part:

"An incident to the late war with Spain was the invasion of Porto Rico. Whatever differences there may have been as to the policy of annexing the Philippine Islands, I know of no opposition anywhere to the annexation of this gem of the Antilles; but the same treaty that ceded the sovereignty of Porto Rico also turned over the government of the Philippine Islands to the United States. This Treaty of Peace was not made in a corner, and its terms were soon known by every citizen of this Republic. The President sent it to the Senate promptly, and though a majority of that body was hostile to his Administration the Treaty obtained the necessary two-thirds vote under the Constitution to make it a part of the supreme law of the land. The responsibility for whatever there was of good or ill in the annexation of these islands was shared by all political parties, and by what seemed to be the overwhelming sentiment of the American people.

"But the annexation was not yet complete. The same Constitution that gives the President and Senate authority to conclude treaties also provides that no appropriation of money should be made from the Treasury except by laws of Congress. This Treaty could have been nullified by the House of Representatives had it seen fit in its judgment and discretion to withhold the appropriation of the $20,000,000 which we gave in exchange for the Philippine Islands. The appropriation of this money was not a mere formality on the part of the House of Representatives, but was an act ratifying the Treaty with Spain. Every member who voted for it shared the responsibility of the Executive and of the Senate in the acquisition of the Philippine Islands.

"On the vote for the appropriation of $20,000,000 for the purpose of the carrying into effect the Treaty of Peace with Spain, which was taken on the 20th day of February, 1899, 219 were recorded in the affirmative and only 33 in the negative. Among those recorded in the affirmative were three gentlemen who signed the minority report on this bill now under discussion, while only one of them voted in the negative. Many members of this House, who have since most vociferously condemned the Administration for its endeavor to restore peace and order in our new possessions, voted for this appropriation ratifying the Treaty, and are in honor and good faith bound to all the consequences which follow from it. No law fraught with such momentous consequences ever received so large and almost unanimous endorsement and support of the people. This Treaty was fully concluded on the 11th day of April last. Let us then in a manly and patriotic way meet the conditions and responsibilities which our own acts have placed upon our common country.

"This bill, by its terms, relates only to the Island of Porto Rico. It cannot be taken as a precedent of any legislative action in reference to the Philippine Islands when the present insurrection shall have been overcome, except in so far as we assert in it our view of our power under the American Constitution."

After describing the island and its resources, referring to the loss sustained by the hurricane of last August, Mr. Payne continued:

Our Duty to Porto Rico.

"All agree that the first and most important duty we owe to the people of this island is to open up markets for them. In no other way can we allay the feeling of discontent likely to arise among a people who have realized so little in the change from Spanish oppression of four hundred years to the prosperity and liberty which follows the American flag."

Discussing this, the speaker said that no change of the tariff law would be necessary to permit the Porto Ricans to send their coffee into the United States free of duty. The original bill would also have given free entry to their sugar and tobacco, and, of course, would have permitted the free entry into Porto Rico of all products of the United States. But General Davis, Military Governor of the island, had informed the committee that if this was done, the receipts of the island would not be sufficient to meet the expenses of government so the substitute was framed. It levied a duty amounting to 25 per cent of the regular tariff on all goods passing between the United States and Porto Rico, and the regular duty on all foreign goods. It was estimated that this would produce an annual revenue of $1,750,000 from customs, which added to the internal revenues of the island would produce $2,500,000. General Davis estimates the expenditures at $1,950,000. The substitute meant prosperity and happiness for the people of Porto Rico, and would work no harm to the United States. A preferential duty of 75 per cent would speedily transfer all the trade of the island, which amounted to over $17,000,000 in 1897, to this country. Turning then to the question of Constitutional power, Mr. Payne said there was no decision of the Supreme Court directly involved in the question.

Power to Acquire Territory.

"It is now universally conceded," he said, "that we have the power to acquire territory by conquest or by treaty. I find no limit in the Constitution to this power. It may be for the purpose of removing all fetters from the mouth of a great river, or for coaling stations, or for the building of an isthmian canal, the opening of guano beds, or the formation of States, or any other end which may suit the purpose of the American people. Having acquired it, the nation may dispose of territory. This is inherent to the right to acquire, and it is as broad as the right. We never lose these rights until we give to the territory the attributes of a State, or otherwise extend the Constitution over it. This right also comes from the expressed language of the Constitution, 'that Congress shall have power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States.' In governing the Territories Congress has all the powers of States and of the United States combined. Such has been the legislative construction of the Constitution for a hundred years. Congress has always assumed that its power was supreme."

Mr. Payne then reviewed the legislation pertinent to the case, asserting as a conclusion that the "part of the Constitution which directs that duties must be equal in all parts of the United States does not apply to Territories."

In conclusion, referring to the passage of the act for the annexation of Hawaii, Mr. Payne said: "The debate was strong and furious, but according to my recollection no gentleman in the opposition raised the cry of imperialism against the manner in which Congress asserted the right to its absolute power to provide any sort of government for this new territory. Nor is there any danger in all this. Congress, representing the American people, is ever swift to put the power of government into the hands of any people of the territory belonging to the United States. As for the people of Porto Rico, I would give as fast as their own good will warrant. Pass this bill, which even the gentleman from Massachusetts admits is a well-considered measure from a fiscal standpoint, and give them better markets and abundant revenue. Do not tie down their destinies to the whim of the 90 per cent illiterate or to the caprice of the 10 per cent of the educated, who have known no government except Spanish misrule. Keep them all in leading strings, until you have educated them up to the full stature of American manhood and then crown them with the glory of American citizenship. In the meantime give them all the rights accorded to our own people under the Constitution consistent with their best interest and happiness.

The Philippines.

"What shall we do with the Philippines? First, stamp out insurrection and restore law and order. Then investigate and legislate with caution, always remembering their welfare and our own. If, in the meantime, the Supreme Court should declare that your interpretation of the Constitution is right, which I do not for a moment believe, then our task will be fraught with the greatest difficulty. But I believe that American statesmanship will in that event work out the problem to the elevation of the Filipino and the glory of our country. If we prove to be right in our contention, our task will be far easier. It will be safe to trust the American people and their representatives. We will teach them the principles of the American Constitution. In the meantime we will not ourselves forget those people in our dealings with them. Our constant aim shall be to elevate them, and whether we incorporate them finally into our system or send them forth among the nations of the world, we will vouchsafe to them the blessings of liberty. Wherever our flag goes up it shall not come down without having first guaranteed under its folds the blessings of civilization, of liberty, and of sovereign citizenship."

Mr. Payne was followed by Mr. Richardson of Tennessee, who made a long speech against the bill.

"In my judgment," he said, "the pending bill is more dangerous to the liberties of the people of this Republic than any measure ever before seriously presented to the American Congress. It will prove more far-reaching in its provisions and disastrous in the results that must of necessity follow if it should be enacted into law than any act ever passed by Congress.

"The bill is framed upon the idea and the assumption that Congress enters upon the government of Porto Rico unrestrained by the provisions of the Constitution.

"This we deny. Those of us who oppose this measure, I believe, without exception maintain that the bill cannot be enacted into law without a total disregard and violation of not simply the spirit but the express letter of the Constitution."

EXPENSES OF THE DISTRICT.

The Commissioners Before the Subcommittee on Appropriations.

Commissioners Ross, Wight, and Beach, Auditor Petty and Collector of Taxes Davis were at the Capitol this morning and appeared before the subcommittee on appropriations for the District. They explained the needs of the District and carefully went over the estimates submitted at the opening of Congress.

It is doubtful if the estimates of the Commissioners will be allowed in full. Commissioner Ross agrees with Representative Mudd that the District revenues should not be used for the maintenance of the parks over which the District has no control. This is the first time, he said, the District has been called upon to pay one-half the expenses for the maintenance of the parks, which are under the exclusive jurisdiction of the United States.

Five-Year Terms for Clerks.

Representative Lacey of Iowa introduced in the House today a bill to amend the Civil Service law limiting the tenure of office to five years. All clerks at the expiration of their terms are to be eligible for reappointment for a like period, but they are to be required to pass a practical examination by the head of the Department. The bill was referred to the Committee on Reform in the Civil Service.

For the Relief of Claimants.

In the Senate this morning after an explanation by Mr. Hoar, Chairman of the Judiciary Committee, the House bill for the relief of claimants having suits pending against the United States in the Circuit and District courts affected by the act of June 7, 1898, was passed.

Retired Marine Officers' Pay.

The President has approved a joint resolution providing for the pay of certain retired officers of the Marine Corps.

THE CLARK INQUISITION

Dr. Tracey, of Montana, on the Witness Stand.

He Tells of His Interviews With Justice Hunt and Attorney General Nolan—The Reasons Given for Making Proposals—A Letter Presented to the Committee by Mr. Chandler.

Senator Clark did not return to the witness stand before the committee which is investigating his election today. He was under direct examination when the committee adjourned on Saturday evening, and it was supposed that his examination would be continued this forenoon. Instead of this, however, the witness chair was occupied by Dr. William Tracey, of Montana, who recently has come into great prominence in the case through the testimony of Justice Hunt, of the Supreme Court of Montana, and Mr. Nolan, the Attorney General of Montana.

Many Spectators Present.

The general understanding that Senator William A. Clark of Montana would return to the witness stand before the Committee on Privileges and Elections of the Senate this morning attracted an unusual number of spectators.

The Montana Senatorial enquiry was begun on January 5 and few days have passed since that time that one or more sessions of the investigating committee have not been held. It is said that the interest in the case at bar has been more general than in any other contested election case with which Congress has been called upon to deal. During the six weeks that the enquiry has been in progress, interest has not flagged during a single day. The leading men in Montana, and many others have appeared as witnesses either for or against Senator Clark. Probably a majority of the members of the Montana Legislature have given testimony, in the main, favorable to Senator Clark. The three Justices of the Supreme Court of the State, the State Treasurer, and other State officers have appeared on the stand, and a large number of men recognized as political leaders have testified. These men have been accompanied by friends and the result of all this has been that the room of the Committee on Privileges and Elections and the corridors around it have often been congested with people from Montana.

The first to enter the committee room after it had been opened this morning was Senator Chandler, chairman of the committee. During all the sessions of the committee he has not been tardy a single day. Representative Campbell of Montana and former Representative Hartman of that State, who are counsel-in-chief and associate counsel, respectively, for the memorialists, against Senator Clark, arrived early and proceeded immediately with the work of formulating questions to put to Senator Clark when he should come under their cross-examination.

Former Senator Faulkner, counsel-in-chief for Senator Clark, and who is fighting the greatest legal battle of his life in defence of his client, appeared in the council chamber before the hands of the committee clock indicated many minutes past 10. Attorney General Nolan, of Montana, and Henry L. Stiff, Speaker of the Montana House of Representatives, came early and took up their accustomed places in the chamber.

At 10:15 a tall stranger entered the room and was greeted as Dr. Tracey. This is the man who, Justice Hunt, of the Montana Supreme Court, testified, attempted to influence him to throw the Wellcome disbarment case out of court.

Senators Turley and Pettus, members of the committee, were prompt, but Senators Caffery, Burrows, Pritchard, Harris, and McComas were tardy.

Senator Chandler informally announced that he had obtained a copy of the letter on the tariff which Senator Clark sent to the Republican caucus, and which, it alleged, influenced the Republican members of the Legislature in casting their votes for Clark.

A copy of Senator Clark's letter follows:

Helena, Mont., January 16, 1899.

Hon. S. S. Hobson:

Dear Sir—In reply to your valued favor of this date requesting me to define my position on the tariff question I beg to state that I am in favor of a high protective duty on wool, lead, hides, and on every other product of this State in order that producers of raw material shall get an equitable advantage in the distribution of tariff duties. It is manifest that the present schedule is inadequate to discharge the expenses of the Government, and there will necessarily have to be an increase and a readjustment.

The manufacturing interests are entitled to enough to protect them against cheap foreign labor, and they should be satisfied to allow the producers of raw material to have an equal advantage.

I maintain that no representative of this State in the National Congress should allow himself to be committed by caucus or otherwise to any policy that would be in conflict with or prejudicial to the interests of the State.

Yours, sincerely,
W. A. CLARK.

Senator Clark entered the committee room at 10:20 and took a seat near his attorneys, Mr. Faulkner and Roger Foster, of New York.

The First Witness.

The first witness sworn was Dr. William Tracey. He was born in Ontario and had lived in Montana fourteen or fifteen years. He was forty-four years old. During his residence in Montana he had practiced medicine. Senator Chandler compelled the witness to give the names of all the persons with whom he had spoken about the case between the time of receiving the subpoena to appear before the committee and his departure from Helena. He had come East as far as Chicago with Chief Justice Brantley. He had talked with no one at Chicago about the case excepting his brother and a tailor. When he reached Washington the first man he talked with was Mr. Faulkner. The witness said he knew Frank E. Corbett, Charles W. Clark, John S. M. Neill, and Justice Hunt. He did not meet Corbett on August 5 last year.

Mr. Chandler asked: "Did you see Justice Hunt on August 5?"

"I did."

"State what was said."

"Justice Hunt came to my office often. I had left word with his wife that I wanted to see him. I spoke to the judge and told him that there was a funny proposition which I would make, though I would not ask him to do anything wrong. I told him that there was a party in town who would give him $50,000 to throw the Wellcome case out of court. I told him that Wellcome was a good fellow. He said he could not consider such a proposition.

"That afternoon I went out to Judge Hunt's house. I told him that it was rumored that one of the justices of the Supreme Court had been bought."

"Did you renew the proposition you had made?"

"Yes; I told him that if he could make the money decently I would like to see him make it."

"Did you ever have any other interview with Justice Hunt about this case?"

"Yes; about three weeks later. I met him. I asked him if he had changed his mind about the proposition, and he answered no. I told him that I was very glad of it. He said all the money that Clark and Daly had could not influence him."

"Did you have a fourth interview with Judge Hunt?"

"Yes. I was handed a despatch from Washington saying that Attorney General Nolan had told the Senate Committee that I had attempted to bribe Justice Hunt. I showed the message to Justice Hunt. I told him that it was a very serious matter. I told him it was a jest, that I was not in earnest, that I did not intend to offer him a bribe and that I had no sum of money to give him for any action which he might take in the Wellcome case.

"Did you have an interview with Attorney General Nolan?"

"Yes."

"What did you say to him?"

"Well, I told him that he might make a $100,000 out of this case. That was about all that was said."

"What did Nolan say?"

"He thought it was a pretty good idea."

"Did he reject the proposition?"

"No, sir; he did not."

"Did you meet him after that?"

"Yes; I told him he ought to make $100,000."

"How did you come to make this proposition?"

The Witness Explains.

"Well, I was never authorized by anyone. The only motive I had was this: There were all kinds of rumors about Judge Hunt being owned by Marcus Daly. I did not believe these rumors, but I determined to test him."

"You deliberately, after having been his physician for several years, and without any authorization by anyone, took it upon yourself to test your friend's honesty and morality?"

"Yes, sir."

Senator McComas asked: "You have stated your purpose with regard to Judge Hunt, now why on two occasions did you talk with Nolan about money and the Wellcome case?"

"That was a pure 'josh.' I have often joked Nolan."

"About making money in his official capacity?"

"No, sir."

The witness was asked about his information concerning the arrival of a special train at Helena on August 5. The witness had heard that Marcus Daly's private car had come to take Judge Hunt's children. He had also heard that a special train from Butte had come in with Charles W. Clark, Frank E. Corbett, and John P. Wellcome.

Senator Burrows took the witness under a severe cross-examination.

Senator Turley asked: "When did the idea of testing Judge Hunt enter your mind?"

"On the 5th of August."

"After this special train from Butte had arrived?"

"I do not know when that train came in."

"Did you talk with anyone before you sent for Judge Hunt?"

"No, sir."

"Did you tell Judge Hunt that his health was bad, and a trip to Europe would do him good?"

"I think I did."

"At your first interview, did he reject the proposition?"

"He did."

"Then, if you were inspired by feelings of friendship, why did you repeat the test? Were you not satisfied that he was honest?"

"I never had any doubt in my own mind about his honesty."

"Then, why did you want to test him for your personal satisfaction?"

"Well, there was a good deal of gossip."

"When you told Judge Hunt that it was all a joke, and your real purpose, as you say, was to test his integrity, you did not tell him the truth, did you?"

"No, sir."

"Why did you not tell Judge Hunt that you had put him to a test, if you were inspired by pure friendship for him??"

"I don't know. I suppose I did not want him to know that I was pumping him."

Senator Caffery asked: "Do you consider it the part of a friend to go and offer a bribe to a friend to test his honor?"

"Well, I don't know."

"Did you believe that Judge Hunt was incorruptible?"

"I did."

"Then, when there is common gossip affecting the good name of your friends, is it your practice to go about testing them?"

"It is not my practice."

"Then, why did you do it in his case?"

"I am sorry I did."

Senator Chandler forced the witness finally to admit that on August 5 the only special train he heard about was that which came from Butte. It was at another time that Marcus Daly's private car came to Helena.

Mr. Birney, for the memorialists, cross-examined the witness.

"When did you begin to advocate Mr. Clark's election to the Senate?"

"When I found that Mr. Toole had no chance of election."

"Did you talk with any members of the Legislature about Mr. Clark's candidacy?"

"Yes, I did."

"Did you urge them to vote for Senator Clark?"

"I did not urge them."

"You advised them, did you not?"

"You might put it that way."

"You heard rumors of bribery affecting the Republican members of the Legislature?"

"Yes, sir."

"You had friends among them?"

"Yes, sir."

"Did you test any of them?"

"No, sir; they were not as particular friends of mine as Judge Hunt was."

The witness fell into the fault which so many of the men from Montana have committed—that is of answering questions inaudibly. Dr. Tracey was sharply reprimanded by Senator Chandler and Senator Hoar, and was severely criticised by other members of the committee. After repeated efforts to get the witness to speak louder, and after supplying him with several glasses of water, the policy was adopted of having the stenographer, who sat directly next to Dr. Tracey, read the answers given by the witness.

Mr. Birney made the witness tell of how a few months ago he sold a block of stock in the American National Bank of Helena to A. L. Smith, cashier of the Montana National Bank. This is Clark Brothers' bank.

The witness said he was interested in mining with Mr. Smith and others.

At noon the committee took a recess.

EDWIN MAYO DROPS DEAD.

The Star in "Pudd'nhead Wilson" Expires in Quebec.

QUEBEC, Quebec, Feb. 19.—Edwin Mayo, the actor who appeared in Montreal last week in "Pudd'nhead Wilson," dropped dead here in the Chauteau Frontenac at 2 o'clock this morning.

Prayers for General Molineux.

CAPE MAY, N. J., Feb. 19.—Prayers were offered yesterday in the Episcopal Church of the Advent for General Molineux. In the prayers sympathy was extended to him in his affliction because of the conviction of his son, Roland.

Russian Troops Increased.

LONDON, Feb. 19.—In the House of Commons, today, Lord George Hamilton, Secretary of State for India, replying to a question by Mr. John Herbert Roberts, Liberal member for the west division of Denbighshire, stated that the Government had received information which indicated an increase in the number of Russian troops on the Afghanistan frontier. He added that the relations of Great Britain with the Ameer had undergone no change.

An Unprecedented Record has been made in 1899, by the importation of 109,303 cases of G. H. Mumm's Extra Dry, or 72,495 cases more than any other brand. Enormous purchases of the finest vintages enable them to supply all demands, and no other champagne, no matter what the price, can excel it in quality.

LOCAL TELEPHONE RATES

Mr. Hale Precipitates a Lively Discussion in the Senate.

He Offers a Resolution, Which Is Adopted, Calling Upon the District Commissioners for an Explanation Why the Mandate of Congress Fixing Charges Is Not Complied With.

In the Senate today Mr. Hale offered a resolution calling on the Commissioners of the District of Columbia for a report as to why the law of last Congress, fixing telephone prices in Washington, has not been carried out. No provision of law, Mr. Hale stated, could be plainer than that act, yet it was set aside. It was not the first time that Congress had attempted to protect the people of the District and had its action destroyed by some judge or other. He saw in the newspapers that this provision as to telephones, not passed in a hurry, had been "seized and throttled by some judge," who said that Congress had no business to pass such a law, and that it was un-Constitutional.

Mr. Gallinger remarked that the judge who heard the case had taken the ground that the act was a practical confiscation of the property of the telephone company, and he intimated that a similar confiscation might be attempted by Congress of the property of the street railroad companies of Washington by a reduction of fare, as had been already proposed.

Mr. Hale insisted that the law should not be allowed to be throttled by an inferior judge, and that the decision should be carried to a superior court.

Mr. Foraker assumed that the decision would be taken to a superior court; but that, he said, did not affect the priority of an inferior judge holding that the law wrought a confiscation of property and was therefore un-Constitutional.

Mr. Platt of Connecticut deprecated any reflections upon a court, as courts were the only things in this country that stood between society and anarchy. He assumed that the law officers would do their duty and that there would be a final decision of the subject by the Supreme Court.

Mr. Tillman raised a little storm of words by a suggestion that the Constitution had never been extended to the District of Columbia, and that if it existed there it existed also in the territories recently acquired. That argument was met by Mr. Foraker with the assertion that the Constitution had existed in the States of Virginia and Maryland, from which the District had been carved; that it was specifically extended to the District in 1871, when the District Government was created, and that there was an abundance of precedents both for extending and withholding the Constitution.

"I want to find out," Mr. Tillman shrieked, "whether this judge, this little fellow up here whom we have created, has the power to stop our legislation?"

The Constitutional question took a serious turn, and Mr. Lindsay quoted an argument of Daniel Webster to the effect that the Constitution could not be applied to the Territories—that it only applied to States and not to Territories. But Mr. Lindsay also admitted that Mr. Calhoun, in the same debate, denied that proposition in all its fullness and claimed that the Constitution of its own force extended (at least its appropriate provisions) to all the territory within the domain of the United States.

Mr. Vest asked Mr. Lindsay whether Chief Justice Marshall had not (prior to that debate on the territory acquired from Mexico) decided emphatically that wherever the jurisdiction of the United States extended the Constitution went proprio vigore, and that decision, Mr. Vest asserted, had never been reversed.

Mr. Lindsay said he was willing to admit that Chief Justice Marshall had made that decision, but it was in a case arising in the District of Columbia. He remarked that the Constitution had been extended by direct act of Congress in 1849 to the territory acquired from Mexico.

Mr. Hoar suggested that Mr. Lindsay, who was about to take his seat, expand his ideas.

"This has been," said Mr. Lindsay, "a Government of expansion."

"I thought that that was what was coming," Mr. Hoar remarked satirically.

"We have expanded the application of Constitutional law," said Mr. Lindsay. "Jefferson did not believe we could acquire any territory without an amendment of the Constitution. Yet all the departments of the Government overruled his opinion.

"Mr. Jefferson did not believe that we could create a State out of territory not included within the original boundaries of the United States. But we have advanced over that doctrine and have admitted a number of states out of territory acquired since the adoption of the Constitution.

"Mr. Webster did not believe that we could by act of Congress extend the Constitution over territory acquired, by admitting the territory into the Union. Mr. Webster was overruled in that regard and the Constitution was extended."

At the end of an hour and a half's debate Mr. Hale's resolution was adopted and at 2 o'clock the Senate proceeded to the consideration of the bill to provide a government for the Territory of Hawaii.

Bill to Purchase a Square.

Representative Allen of Maine introduced a bill to purchase the square beginning at the corner of South Capitol and B Streets, running west on B Street 119 feet, thence southerly 502 feet, thence east 255 feet, then north 483 feet, to the place of beginning. The bill provides for the erection of a building for the use of the House of Representatives.

Porto Rico's New Treasurer.

Lieut.-Col. Henry R. Brinkerhoff, of the Eleventh Infantry, has been appointed Treasurer of the Island of Porto Rico by the Secretary of War, to relieve Major James A. Buchanan, of the Fifteenth Infantry, who has been filling that position, but desires to return to this country.

Bill to Widen Warder Avenue.

Representative Pearre of Maryland today introduced a bill for widening and extending Warder Avenue and opening a highway through Whitney Close, along Soldiers' Home grounds.

Norfolk & Washington Steamboat Co. Delightful trips daily at 6:30 p. m. to Old Point Comfort, Newport News, Norfolk, and Virginia Beach. For schedule, see page 7.