

and that in the proceedings the established rules of evidence should be applied. It is well known to everybody that this was not the case. It is true that there was a strong effort made by the honorable senators from Alabama, Maryland, Kansas and North Carolina, at the beginning of the investigation, to exclude all the irrelevant testimony, but their efforts were unavailing.

The senators who filed a minority report expressed in emphatic terms their condemnation of the proceedings in this respect, as well as a denunciation of the character and practices of the principal attorney and of some of his witnesses who testified for the prosecution.

Gratitude to Friends. "Mr. President, I desire in retiring from the senate to state that I have been formed some warm friends whom I regret to leave. I have received from the honorable presiding officer the most courteous attention, an deeply sensible of the generous sympathy and support of almost all my democratic colleagues, and for the cordial good wishes of a great number of republican friends I wish to express my profound gratitude.

The result of admission of all kinds of hearsay, irrelevant, mischievous and perjured testimony was damaging in the extreme to the respondent as through the medium of both the respectable and the venal press most widespread publicity was given throughout the land to falsehoods touching the respondent and likewise a large number of most eminent and upright legislators who supported him and who are the peers of the boasted men of any state in this union.

Compares it to Dreyfus Case. "The prevailing theory of presumptive innocence was largely ignored in the Dreyfus case, where the prosecution was based upon a presumption of guilt.

"In order to change the result of the election it would be necessary to establish that eight members of the legislature were corruptly influenced.

"Much stress has been laid upon the comparative financial condition of two or three legislators before and after the senatorial contest. Bremen gave full explanation of the circumstances and conditions relating to such matters. The presumption is that if their financial condition was better they acquired it innocently. This is a plain proposition of law and the burden of proof did not rest upon them. From their well known characters, I do not believe them dishonest and even if they were, must be reminded that there was such legislation before that assembly involving millions of dollars in which some of the memorialists were deeply interested and although they appear here as apostles of purity, it is well known in Montana that they would not fail to take the opportunity of any casting his ballot to suit their wishes.

To Break Down Dats's Rule. "He reiterated that he went into the contest of 1898 merely for the purpose of breaking down Dats's rule in Montana and not for the purpose of promoting his own political interests. He said that he made this undertaking with the distinctly expressed understanding that his name should not be used in connection with the senatorial race and I defy anyone to show that I was such a candidate until after the election and not until in December of 1898.

"Clark discussed at length the allegations of the committee with reference to business transactions with members of the Montana legislature conducted in his name.

Speaking of the "White side incident," Clark contended that the story was incredible in view of Williams's sagacity. "It is not possible," he said, "that a man of Williams's ability, experience and sagacity could fall into such a trap, or that he would if he were so disposed attempt to bribe two men in the presence of each other, known to each other, and of whom at least one of them, he might expect to be betrayed. There is not a man living who knows John B. Williams who would for an instant believe such a story. The whole scheme is in accordance with the tactics of the prosecutors in this case, as we were prepared to prove, but were not allowed to do so by the committee."

Clark also dealt with the committee's reference to the conduct of the republican legislators in voting for him, saying on this point that "the senate should remember that the members of the legislature were better acquainted with the conditions than the senate committee on privileges and elections and that each legislator had an opportunity of investigating the truth or falsity of the charges made by Whiteside, on his own account and in his own way."

Clark referred with feeling to Campaign Congressman Campbell's part in the prosecution, saying: "Mr. Campbell first appeared as a pretended friend of the cause of co-operation in the interest of good government in Montana, where, at first, he feigned sleep in order to obtain information which he might use to betray his friends. Thereafter he threw off the mask and went to work to encompass my defeat, having been employed as he stated, as counsel for a mining company belonging to the Anaconda company at a salary of \$5,000 per annum, ostensibly as a blind, as he could not remember on the witness stand the name of the company for which he pretended to act."

At the conclusion of Mr. Clark's speech many senators crowded around him and shook his hand most cordially. As soon as he returned Mr. Chandler asked that the consideration of the resolution declaring the seat vacant be postponed until tomorrow, which was done.

Announces Resignation. Senator Clark announced his resignation as follows: "Acting upon my own judgment, and holding no one responsible for the result, I have concluded to place my resignation in the hands of the chief executive of Montana and I here submit a copy of the same addressed to him under date of May 11, and which is now in his hands."

The letter follows: "WASHINGTON, May 11, 1906. To His Excellency, the Governor of Montana, Helena, Mont.—Dear Sir: The sixth legislative assembly on the 8th day of January, 1899, elected me to represent the state of Montana in the senate of the United States for the term commencing on the 4th day of March, 1899.

"Under the authority of the credentials signed by the governor of Montana, I entered upon the discharge of the duties of the United States senator, the 11th day of December, after qualifying by taking the oath of office prescribed by law.

"On the 4th day of December, 1899, two memorials were presented to the senate of the United States praying that my right and title to continue to act as a senator under the credentials which certified to my election should be investigated.

"These memorials with the accompanying papers were referred to a standing committee of that body. After a protracted investigation of the allegations of said memorialists the committee has submitted its conclusion to the senate, in which it finds that the seat which I now occupy under the credentials issued by authority of the vote taken in the joint assembly of the legislature on the 25th day of January, 1899, should be declared vacant.

Failure to Prove Charges. "None of the charges affecting my person or name, or which alleged that I had personally been guilty of corrupt practices, have been sustained by the finding of the committee.

"Conscious of the rectitude of my own conduct, and after a critical examination of all the evidence taken by the committee, I am unwilling to continue to occupy a seat in the senate of the United States under credentials which its committee has declared void for their authority upon the action of a legislature which was not free and unobscured in its political convictions. It is supposed that those friends who were so loyal to me during that bitter contest did not resort to dishonorable or corrupt means to influence the action of the members of the legislature in their choice of a senator, yet I am unwilling to continue to occupy a seat in the senate of the United States under credentials which its committee has declared void for their authority upon the action of a legislature which was not free and unobscured in its political convictions.

"Self-respect and due regard for the duty to the people of the state of Montana demand that I should return the credentials under which I am acting as one of the representatives in the senate of the United States, leaving the state and her people to take such action as will conserve and promote her best interests in the national council.

Influenced by these considerations I deem it eminently proper without unnecessary delay, to resign the position of United States senator from the state of Montana, to which I was chosen by the sixth legislative assembly of Montana on the 28th day of January, 1899.

"With sentiments of esteem I remain, respectfully yours, W. A. CLARK."

CLARK SAYS HE'LL ACCEPT Resignation News by Telegram of His Appointment is Appreciated by the Compliment.

WASHINGTON, May 15.—Senator Clark tonight received the following telegram announcing his appointment: "Helena, May 15.—Senator W. A. Clark, Washington: I have the honor to inform you that I have this day appointed you to fill the vacancy in Montana's representation in the senate of the United States."

"A. E. SPRIGGS, Acting Governor."

The senator also received the following telegram from his son: "Governor Spriggs today appointed you as senator. Congratulations. 'G. W. CLARK."

Senator Clark accepted the appointment in the following reply to Governor Spriggs's message: "Washington, D. C., May 15.—Hon. A. E. Spriggs, Governor of Montana: Dear Governor, I have the honor to acknowledge the receipt of your very complimentary message informing me of my appointment to fill the vacancy in the United States senate caused by my resignation, and to inform you of my acceptance thereof. I thank you to relate the high compliment implied by your action and pledge myself to discharge the duties of the office in the interests of all the people of the state to the best of my ability.

"With assurance of my esteem, I am yours sincerely, W. A. CLARK."

Smith Starts for Helena. GRASS VALLEY, Cal., May 15.—Governor Smith of Montana left here this afternoon for Montana, via Salt Lake, taking the eastbound train at Coifax. His departure was unexpected and was hastened by the resignation of Senator Clark and his reappointment by Lieutenant Governor Spriggs. No expression could be secured from the governor.

Attempt to Censure Republicans. HELENA, Mont., May 15.—In the republican convention today a resolution to censure the republican members of the legislature was introduced by W. Clark, republican, for United States senator, but was voted down. Eleven of sixteen republicans in the legislature voted for Clark.

BOER ENVOYS IN NEW YORK (Continued from First Page.) The soil has enriched it for the growth of love of liberty and independence. It is not the spirit of fear that has brought us here, but we felt that needless blood was being shed. We come to your government and your people. We appeal to no party, no religion, no sect, but to the sense of justice which is common to all men. Let a little more be shed for even a little republic to ask.

"It has been said there was a certain per cent we would not please. If there are any of them here tonight let them come forward and make any statement they may wish to answer them offhand and am sure I can convince them. We do not wish to appeal only to your sentiments but to your common sense as well. What Great Britain wanted was our gold and diamonds. When we were poor they paid no attention to us. Then there must be some excuse for doing so, and they talk about the franchise and many other things equally vague and false."

SEIZING AFRICAN TERRITORY German Troops Take Three Thousand Square Miles in Congo Free State.

LONDON, May 15.—Lionel Doble, who is conducting a Cape to Cairo expedition, fitted out by the London Daily Express, sends by wire and steamer from Uvira, north of Lake Tanganyika, the following: "The situation here is critical. The Germans have forcibly seized all the Congo Free State territory up to Ruhez river, occupying 3,000 square miles of Congo territory with 1,000 soldiers, fifteen officers and cannon.

"The Belgian officer withdrew from his station under threat of instant attack. The Germans burned the station. Their officers acted on instructions from Berlin."

DISAFFECTION ON GOLD COAST. Ashantis Seek to Have the Other Tribes Join Them.

ACORA, Gold Coast, May 15.—The situation is unchanged. It is said in official circles that the governor and commander-in-chief of the Gold Coast colony, Sir Frederick Mitchell-Hodgson, has announced his intention, unless immediately relieved, to make an attempt to rush the coast. There are now 450 troops at Kumasi, 450 on their way from Jebba.

No Increase in Duties. RIO DE JANEIRO, May 15.—It is officially announced that the government will not ask congress to impose an additional gold duty on imports. It is possible, however, that the government may raise the rate of corresponding reduction made in the paper duties.

Stephen Crane in Better. LONDON, May 15.—Stephen Crane, the American novelist, who has been in ill health for some time past at Brede place, Sussex, is now in better health. He was removed to Dover today, in order to derive benefit from the change of air.

Home for Children. SACRAMENTO, Cal., May 15.—Mrs. Leland Stanford, on the anniversary of her deceased son's birth, has delivered over to Bishop Doane of the old Stanford mission, which shall hereafter be known as the "Home for Children of the Home." At the same time the \$50,000 transfer was made which is to serve as an endowment fund for the institution.

STARTS NEW COMPLICATIONS

Clark's Latest Move Opens a Field in Which Precedents Are Few.

SENATORS CONSIDER THE POINT GRAVE Not Inclined to Give Offhand Opinions on What Involves Some Apparently Delicate Points of Constitutional Law.

WASHINGTON, May 15.—(Special Telegram.)—The announcement that Lieutenant Governor A. E. Spriggs, acting as Governor of Montana in the absence of Governor Smith, had appointed William A. Clark senator from that state created a widespread discussion tonight in the senate. It was supposed that Mr. Clark's resignation, made today in senate under somewhat dramatic circumstances, would effectually dispose of his contested election case which was before the senate today for consideration, but under the light of recent developments it now appears to be surrounded with technical difficulties which promise to bother the senate not a little. Is Mr. Clark a member of the body to which he has tendered his resignation? Is he subject to expulsion after resignation? Are the questions of the ablest lawyers in the senate are not prepared to answer offhand?

In fifty years there have been but two cases parallel with the Clark case so far as resignation goes. Alex. Corvick of Kansas, who was elected senator from Kansas in 1876, commencing March 4, 1877, resigned under charges March 24, 1878. Eugene Casserly of California, elected senator for the term commencing March 4, 1880, resigned without investigation November 29, 1873. In both these cases the senate, by subsequent act, recognized the resignation of these senators as terminating their relationship with the upper branch, or presumably upon the theory that a member of a body may resign without being asked to do so, or by the will or caprice of the body of which he was a member.

Some Senatorial Suggestions. Senator Chandler, chairman of the committee on privileges and elections, would only say when informed of the appointment: "I regret that if it is needed by congress, it is absolutely all illegal and dangerous competition, or which may injure harvest or oppress labor."

MacArthur's List of Candidates. WASHINGTON, May 15.—(Special.)—General MacArthur's latest casualty list includes: Died of wounds received in action—May 2, Company I, Twenty-third infantry, Sergeant Guy A. Wyeth; April 23, Company I, Forty-third infantry, Charles Dolloff; April 1, Company E, Forty-third infantry, Oliver M. Pendergrast; May 3, Company F, Fifty-third infantry, Thomas O. Bates.

Academy of the United States. WASHINGTON, May 15.—The Postoffice department has issued an order forbidding the delivery of mail and the payment of money orders to the American School of Magnetic Healing, 5 W. Weltermer street, and S. A. Kelly, all of Nevada. This was based on a claim that money was obtained under false pretenses.

DUPUY VICE W. P. ROBINSON Division Superintendent of the Lackawanna Becomes Manager of the Grand Island.

ST. JOSEPH, Mo., May 15.—It is announced that W. P. Dupuy, division superintendent of the Lackawanna and Western, will succeed W. P. Robinson, jr., as general manager of the St. Joseph & Grand Island, Robinson having resigned.

Dupuy is well known in western railroad circles, having acted as division superintendent of the Chicago Great Western. Dupuy is expected to assume charge of the Grand Island this week.

Labor Strike in Probable. NEW YORK, May 15.—The joint arbitration committee of the National Metal Trades Association and the International Association of Machinists was in secret session again today. It has been reported that a deadlock and that if an agreement is not reached soon 100,000 men may be called out, the strike extending all over the country. Nothing was given out in regard to this matter today.

California Delegates at Large. SACRAMENTO, Cal., May 15.—S. Grant, J. R. Barce, George A. Knight and N. D. Ridout were elected delegates at large by the republican convention today.

Point of View. Detroit Journal. The beautiful Griselda depicted his passionate praise. "I am but a worm after all," she sighed, the traditions of her Puritan ancestry being strong upon her.

Movements of Ocean Vessels, May 10. At New York—Arrived—Maasdam, from Rotterdam; Bremen, via Cherbourg and Southampton. Sailed—Admiral Courbet, for Portland, Ore. Sailed, 14th—Kaiser Wilhelm, for Bremen and Naples, for New York. Sailed—Coran, for Philadelphia.

At London—Arrived—Ambrosia, from Baltimore; Arrived—Laurinda, from Baltimore. Arrived—H. Meier, from Baltimore. Arrived—Laurentine, from New York, for Glasgow.

Business is Better. Returns made to the comptroller of the currency by the national banks of the country show conclusively that the business situation is greatly improved, even compared with the excellent condition which prevailed last year at this time. Only a few of the national banks have replied so far to the call of the comptroller on April 26, but a sufficient number has been received to show better conditions generally.

Omaha banks report individual deposits at \$19,918,368 against \$18,987,372 in February last. The present volume of loans and discounts is \$12,196,874, a gain of more than \$78,000 since February. Average reserve is 26.32 per cent against 28.09 per cent in February.

ANTI-TRUST ACTION SOUGHT

Constitutional Amendment and New Bill Against Combinations Proposed.

HOUSE JUDICIARY COMMITTEE ACTS By a Party Vote, Democrats Dissenting, a Resolution Adopted Amending to the Sherman Law Proposed.

WASHINGTON, May 15.—The trust question led to animated discussion in the house committee on judiciary, a resolution being adopted by a party vote to amend finally being adopted by a party vote to define, regulate, control, prohibit or dissolve trusts, monopolies or combinations, whether in the form of a corporation or otherwise. This amendment and a bill restricting trusts were framed some time ago by a special subcommittee on trusts. After many delays the work of the subcommittee was brought before the full committee today with a view to getting the trust question before the house.

After several attempts to amend the resolution, which were defeated on party lines, the committee adopted it, also by a party vote, the democrats voting in the affirmative. The constitutional amendment, as agreed to and reported to the house, proposes the following as article XVI of the constitution: Section 1. All powers conferred by this constitution on the several states, and the territories, the District of Columbia and all territory under the sovereignty and subject to the jurisdiction of the United States, shall have power to define, regulate, control, prohibit or dissolve trusts, monopolies or combinations, whether existing in the form of a corporation or otherwise. Such power may continue to exercise such power in any manner not in conflict with the laws of the United States.

Section 2. Congress shall have power to enforce the provisions of this article by appropriate legislation. The majority report favoring the constitutional amendment says in part: "In our judgment it is the plain duty of congress to take prompt action to propose and submit to the people of the United States such a remedy as will enable them to protect themselves against absolutely all illegal and dangerous combinations, whether in the form of a corporation or otherwise, which may injure harvest or oppress labor."

It is expected that the broad and comprehensive proposition embodied in this joint resolution will meet strong opposition and be subjected to one after another of congress. It is not the existence, but the abuse of corporate powers and combined efforts of corporations, combinations and individuals which are the cause of the trouble. Such a remedy is necessary for the protection of a competent controlling and restraining power—a power of absolute supervision over the operations of all industrial enterprises throughout the entire union.

When a corporation or business association becomes a monopoly or when any other combination of corporations or men, associations, individuals or firms, for the purpose of increasing or decreasing the production of goods or the sale of such articles, or for the purpose of increasing or decreasing the price of such articles, or for the purpose of preventing competition in the manufacture, production or sale thereof, is, for the purposes of the act, declared illegal, it is then provided that such an organization may be proceeded against and restrained from carrying on interstate commerce, and, if declared illegal, may be forbidden the use of the mails and interstate commerce in its products or property and the prohibited. The provision is added that such articles may be carried for the use of the consignee, or consignee.

Other sections confer jurisdiction upon the district and circuit courts, prescribe penalties and forfeitures for a violation of the act and make it the duty of the attorney general and the several district attorneys of the United States to enforce the provisions of the act. Another section provides that persons shall not be excused from testifying or producing books or papers on the ground that their testimony will incriminate them, but this provision is limited so that any evidence given by such person cannot be used against him in any other court or place. All other provisions heretofore suggested relating to the marking and branding of goods and to the making and filing of reports by corporations, joint stock companies and partnerships were eliminated by the subcommittee by a report made to the full committee and a report to the subcommittee as finally submitted has been adopted by the full committee.

No vote was cast against the bill on the floor. The bill reported to the house by the judiciary committee is amendatory of the act approved July 2, 1890, and commonly known as the Sherman law. Sections 1, 2, 3, and 4 of the act are amended by increasing the penalties and increasing the respect. The other sections of the act are not touched. The Sherman act is further amended by adding five new sections, one of which relates to the time when it is to go into effect.

The new sections direct that every corporation, association, joint stock company or partnership doing business in the United States, producing, manufacturing or selling any article of commerce when organized, managed or carrying on business for the purpose of controlling or monopolizing the manufacture, production or sale of any such article, or for the purpose of increasing or decreasing the price of such article, or for the purpose of preventing competition in the manufacture, production or sale thereof, is, for the purposes of the act, declared illegal. It is then provided that such an organization may be proceeded against and restrained from carrying on interstate commerce, and, if declared illegal, may be forbidden the use of the mails and interstate commerce in its products or property and the prohibited. The provision is added that such articles may be carried for the use of the consignee, or consignee.

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Other sections confer jurisdiction upon the district and circuit courts, prescribe penalties and forfeitures for a violation of the act and make it the duty of the attorney general and the several district attorneys of the United States to enforce the provisions of the act. Another section provides that persons shall not be excused from testifying or producing books or papers on the ground that their testimony will incriminate them, but this provision is limited so that any evidence given by such person cannot be used against him in any other court or place. All other provisions heretofore suggested relating to the marking and branding of goods and to the making and filing of reports by corporations, joint stock companies and partnerships were eliminated by the subcommittee by a report made to the full committee and a report to the subcommittee as finally submitted has been adopted by the full committee.

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ANTI-TRUST ACTION SOUGHT

Constitutional Amendment and New Bill Against Combinations Proposed.

HOUSE JUDICIARY COMMITTEE ACTS By a Party Vote, Democrats Dissenting, a Resolution Adopted Amending to the Sherman Law Proposed.

WASHINGTON, May 15.—The trust question led to animated discussion in