Defense Did Not Submit Him to a and he again applied for a mandamus. Crowds Sit Up Waiting for Cross Examination

Major Guthrie Opens for the Prosecution

and Will Conclude this Morning -Judge Clark Admitted that He Advised Treasurer Worth Not to Obey the Court's Mandamus and that He Said There Would Be Three Vacant Seats on by Mr. Davidson. the Court if Writ Was Issued—The Major Contends that Hoke vs. Henderson Has Not Been Law Since in 1876

Justice Walter Clark of the Supreme fourt around whom the impeachment trial has been revolving for the past You days, was the stellar witness yesbelong before the Court.

The expected sensational developments not materialize; and after the prosecriba was satisfied with a number of merrogations, answers to which were itself with a few simple questions which were directed to the witness.

general surprise when Mr. F. I. Osborne, who took the witness in hand for crossexamination, announced that he could stand aside. The determination not to cross-examine the witness was reached after a brief conference between counsel for the defence.

eally a corroboration of that given by the other Justices of the Supreme Court, though it was dashed with a sufficient thought of ginger to make it enfertaining. Judge Clark revealed "court chat" chick was new to the public. He was examined by Gen. T. F. Davidson. Possibly the incident of the day that the court?" ittracted most attention was a clash between ex-Governor Jarvis and Justice | hark. The judge was about to relate conversation that took place between ex-Governor Jarvis and himself in the was beginning to relate the incident. Said ex-Governor Jarvis, with some legister of feeding; "Do you think it right detail the private conversation bewas sworn to tell the truth and the whole

Ex Covernor Jarvis-"You were not sworn to parrate a private conversation be; we on gentlemen.

he will of mandamus was under condiffice: "You, gentlemen, have a

have filed, that "Judge Montgomery Again he said that Judge onigeniery said to him on the bench The Worth. The witness admitted about it. It was not decided, but went issue it. the Treasurer not to court's mandamus, and he also admitual that he said "there will be three sents over there when the Legisin els." referring to the Supreme in the event that the writ of mandames should be obeyed by the Treas-

There was more or less surprise when it secution introduced three of the took before the House subommittee. It was understood i a for the purpose of impeachthe committee to tell the not, and the clerk was sent for, and Judge Furches had prepared the mantact the committee to tell the not, and the clerk was sent for, and Judge Furches had prepared the mantact the committee to tell the not, and the clerk was sent for, and Judge Furches had prepared the mantact the committee to tell the not, and the clerk was sent for, and Judge Furches had prepared the mantact the committee to tell the not, and the clerk was sent for, and Judge Furches had prepared the manfact the Judge Montgomery was not and then he said notice had not been

cross-examined before the committee, but that he was submitted to a most rigid cross-examination before the court.

early during the morning session, and at 11 o'clock Maj. W. A. Guthrie began to address the jury in behalf of the prosecution. Major Guthrie spoke four "About this marning the session of the prosecution." hours, and will conclude this morning. dinner time, Col. Kenan the clerk, met His conclusion will not require more than twenty minutes. He will be fol-lowed by Hon. C. M. Cook for the defence, when Gen. T. F. Davidson will it has been refused by the court twice. speak for the prosecution.

the prosecution.

The trial will last until the latter part ell when a vote will be reached.

THE MORNING SESSION

Judge Walter Clark a Witness, but Was Not Cross-Examined

When the court convened there were 47 Senators present.

Gen. T. F. Davidson called the name ply wanted to know his duty. of "Judge Walter Clark," after the roll had been called. Judge Clark was in one of the State offices and he was promptly sent for. He was administered the oath and his examination was begun

"State what position you occupy." "Justice of the Supreme Court."

"How often have you occupied that "I was first appointed in November

1889, by Judge Fowle, and I have occupied it since." "Whom did you succeed?"

"Judge Merrimon was appointed Chief Justice, and I was appointed to succeed him. The following year I was nomina-Constitution Was Amended ted and elected. It was afterwards held that it was for an unexpired term, and I was renominated in 1894 for the present term. S years."

"Prior to that time, did you occupy any position in the State?"

"I was Superior Court judge from the 15th of April, 1885, and was in that position when appointed to the Supreme Court bench.

"By whom was that appointment "By Gov. Scales."

part in the deliberation and discussion | senting opinion, and send it down to you.' beginning with the 120th N. C., and senger, and sent the dissent down to coming down practically to the present time?"

There were all kinds of reports as to "I have taken part in every discussion the character of questions that would be of the court since I have been there, 100 to Justice Clark, and there was except those on which I did not sit for that opinion. I will not issue the manpersonal reasons."

"In all these cases you sat?" "Yes, sir."

"Took part in the deliberations?"

"Yes, sir. "Do you recollect the facts connected with the issuing of the mandamus directed to the Treasurer and to the Aud-Judge Clark's testimony was practilitor in the case of White vs. Auditor?" "I think I recall most of them-all of

the material ones." , Judge Clark Tells of White Case

"Will you state them, with all the circumstances connected with them as they appeared to you as one of the judges of

"The first time the case came to my knowledge, it was docketed in our court I think about the 12th of December, and a motion was made that day, or oprome Court library relative to the soon thereafter, to advance it as matter Shance of the writ of mandamus at the to be heard under Rule 14. It was truth.' advanced and argument heard on the truth.' 19th. The case was argued by Mr. F. point raised in the argument as to the mandamus. The sole matter discussed before us was as to the amount recov-Judge Clark-"I do not insist, but I before us was as to the amount recovday, the matter came up, and the other told yesterday."
The President—"I sustain the objecjudges said it was merely a question of how much should be paid. When Judge Clark quoted Justice Montgom- they got through, I told them that they

over to the next term. Considerably Discussed

"The next term it was discussed considerably, opinions were written, coun- ence when these respondents were prester-opinions-and finally on the 22 of ent, or in respect to your protest? the court agreed there was no mandamus polled?"
issued—which is simply an opinion "Just before Colonel Kenan came in. witnesses. These were ex- which speaks for itself as printed in the Judge Montgomery said: Gentlemen, I Their 24th of September, or thereabouts, Mr. issuing this writ. You, gentlemen, have had so bravely fought. related to the oath Judge Loge Harris came into court, and moved body behind me.' After Colonel Kenan for a mandamus. He said the money went out I offered my dissenting opinion. Monigomery's testimony. The on the Treasurer to pay it. There was dissenting opinion and protest, and I Judge Montgomery was some collocuy between him and the would like to file it. Objection was before the court than before court, and finally the Chief Justice, I made. Judge Furches objected that These three witnesses think, asked him if he had served noblindge Montgomery took an interior than before court, and many the Chief Justice, I there were some recitals in the dissenting think, asked him if he had served noopinion as to the tenor of the manwas not confirmed at the White House that Judge Montgomery took an tice on the other side. He said he had damus, and he remarked that he and

served, that we could not grant it to him. I think Judge Montgomery replied to him, 'You ought to apply to the clerk.' The clerk was sent for. Mr. Harris came back on the 9th of October, and when he came back, Mr. Cook sat beside him, and Mr. Harris said he had served notice, and the counsel on the other side, Mr. Cook, was present, The court, after some talk among themselves, I do not remember exactly the conversation, asked him if he had fried affidavits. He said he nad not thought it necessary, Mr. Cook being present. The money had not been paid, the mandamus was not issued, and he wanted a mandamus. He was told that, as there were no affidavits filed, it would not be The taking of testimony was concluded issued, and he did not get inis man-

His Talk to Col. Kenan

"About Thursday, as we adjourned at me at the door, and said: Shail I have to issue that mandamus? I said, Colonel, I do not think you ought to do it with-Major Guthrie spoke eloquently. His out authority of the court. He said the speech was full of interest and held the other judges say I ought to do it, and attention of Senators closely. It was a very able presentation of the cause of matter and before you do it you ought matter, and before you do it you ought to go to the court and ask the court of next week. It is impossible now to about it. The argument was the next Thursday at one o'clock. We met in conference on Friday morning instead of afternoon ,and while we were in conference Col. Kenan came, and, as near as I can recollect, said he was very much embarrassed by the difference of crowds of assembled mendicants and enopinion between the judges, that some thought he ought to issue the mandamus and I thought he ought not, and he sim-

The Court Polled

"He was in the service of the court, ber, rather non-committal. He asked Judge Montgomery, who was the same. riews already.' He asked Judge Furches, and he said: 'As an individual, Colonel, I tell you you ought to issue it, but as a judge, I express no opinion.' He then turned to Judge Douglas, and my recol-Col. Kenan said: 'I do not know what to

Col. Kenan Satisfied

Finally, they had some further conversation, but Col. Kenan seemed to be satisfied. He went out, and when we plete as it stands. I looked for co-operaadjourned he was out there. I said to tion. In fact, without giving him any him: 'Col. Kenan, what are you going intimation of my plan, I counted on issue the mandamus.' I said: 'They did to hear that he has ome to the front not tell you so.' He said: 'I think they to push the project to a successful isdid.' I said: 'You had better be prudent "Will you state whether or not you about this matter, and before you do all. New York needed branch libraries were a member of the court, and took anything, give me time to write a disof the question of office-holding cases, I telephoned down to George, our meshim, about 6 o'clock that afternoon. About 8 o'clock the telephone bell rang, and Col. Kenan called me up and he said: 'Judge, there is no use sending damus without a written order.' I said: 'Col. Kenan, I prefer that you should send them around.' On the next morning, as well as I recollect, I think it was | to him. Saturday, it may have been Monday, when I went in the library Senator Jarvis was present. I called him in the consultation room, and narrated to him as well as I remembered, what had happened in the court room, that is, that Col. Kenan had applied for instructions, I had sent in a protest.

Governor Jarvis Calls Judge Down Mr. Jarvis-"Do you think it is proper

yor and me?" Judge Clark-"Not if you object. Mr. Jarvis-"I do not object on my own account, but I do object to your de-

tailing any private conversation." Judge Clark-"It is only because I have sworn to tell the truth and all the His party will remain in London only of his sons severely wounded.

Governor Jarvis-"You were not sworn

ference either that evening or the next Governor and Judge Montgomery was

tion.

Judge Clark-"The next I heard about that matter, as I remember now, was mg in a court conference, when were mistaken—that there was the big- on Tuesday afternoon when we meet to there to ask for \$5,000,000 with which to selection mandamins was under concome before our court before. Judge with a paper in his hands. He said he without party behind you. I have none Faircloth remarked: 'The counsel raised wished to do his duty, and he wished in small installments. And that is the last I know

of the issuance of the writ." Backed by Political Party

"What occurred either in that confer-

was there, and he wanted a mandamus I said: Gentlemen, you have read my

(Continued on mage six.)

Carnegie

WHEN HE LANDS

By Aid of Police He Dodges the Beggars-He Talks with a Reporter, but Declines to Disclose His Plans

Southampton, March 21 .- Andrew Carnegie and family landed this morning steamship line agents and scores of policemen, they ran the gauntlet of the tered the train which was waiting at the empress dock.

No such great crowd has greeted an incoming passenger since Lord Rob-

In an interview Mr. Carnegie said: same language that Judge Faircloth did. the Carnegie workmen. Why, they were equal in amount. The fund for the Carnegie employes was announced first. You understand that I thought of them first, as it was my duty to do.

"My New York library scheme is comto do? He said: 'Judge, I will have to Abram Hewitt, and I am not surprised sue. He is the noblest Roman of them

to work in co-operation with the Lenox Library, and the idea of providing a fund I had long under consideration." When told that the enthusiasm aroused

by his New York library gift had led to the mention of his name in connection with the mayorality nomination, Mr. Carnegie laughed heartily. He pointedly evaded the question whether he would accept if the nomination were tendered him, but he gave the impression that the very mention of politics was unpleasant

"Have you any further philanthropic plans for immediate fulfilment?" he was

"We shall see," he replied. "You know I never announce these things until everything is completed." "Have you any intention of extending

your munificence to the Old World?" "In that I have nothing to say, either, am only commencing to give, and who will say, though, as you tell me I am ly decreasing and the backbone of even to detail a private conversation between to be pressed with requests over here- the small army that existed is broken. that, without wishing to be impolite, requests never affect me, no matter how The war office received a cablegram toa certain well-defined principle, and on Kitchener, in which he states that Philip spect. my own judgment as to what is best for Botha, a brother of the burgher comthe general mass of the class who want."

a few days, leaving for the Rivera. Most of the persons seeking gifts from the crowds. Mr. Carnegie had retired Among those who failed to catch Mr. Carnegie's ear was a Frenchman named Adam, who had come all the way from Havre to demand \$1,000,000 for the pur- Tuesday night a party of Boers attemptpose of raising an army to aid the Boers. ed to raid cattle at the sanitary farm

no point of that kind.' I said they did to know what that was. He finally A Winchester man was seeking a donano point of that kind. I said they did not, but it was my duty to raise it. I polled the court again. Judge Douglas tion to buy his brother an artificial leg. Selves in the long grass on both sides of the poort, opened fire on the unsuspection to buy his brother an artificial leg. Selves in the long grass on both sides of the poort, opened fire on the unsuspection to buy his brother an artificial leg. Letters and telegrams from all parts in carbineers at a distance of three ter, Representative Dovener and wife, steamship Alliance for Nicaragua. He was sworn to support the constitution, it. He asked Judge Montgomery, and I thought this was a most serious Index Montgomery used this constitution to buy instruction to buy instruction. and I thought this was a most serious Judge Montgomery used this expression: ing for many days. These were collecting for many days are the said: I am bound to tell you; Calonel, ed at the company's office. They filled and it is understood that several were collecting for many days. requests for money

Funeral of Captain Irwin

Charlotte, N. C., March 21,-Special. The funeral of Capt. John R. Erwin, May the opinion was filed. Soon after you remember any expression of Judge an ex-Confederate cavalry captain and Montgomery's after the court was coldier took place today, the body being soldier, took place today, the body being interred at Steel Creek, near Charlotte. Confederate veterans bore the casket William R. Allen, Locke Craig books. Soon after the court met on the am bound to tell Colonel Kenan about of gray, the color for which the deceased

Wolcott Story Denied

Washington March 21 .- The announcement from Colorado that ex-Senator Wolcott is to succeed Ethan Allen no such proposition has ever been made taken Thursday, March 28.

to Mr. Wolcott and that Secretary Hitchcock is to remain in the cabinet. The report is, however, emphatically denied at the Interior Department, where the statement was made today that Secretary Hitchcock has no intention of retiring from office.

WADDELL WINS OUT

Wilmington Democrats Give Him a Second Term

Wilmington, N. C., March 21 .- Special.-In the primary election here today the Democrats of Wilmington showed their preference for Hon. A. M. Waddell for mayor for the next two years by giving him 1,269 votes against 1,035 for his opponent, W. E. Springer. The contest was unusually warm. The city hall was packed with people tonight to hear the returns. The announcement that Waddell was elected was greeted with deafening cheers. Waddell made a strong speech, pledging his best efforts to discharge the duties of mayor with perfect impartiality.

The Y. M. C. A. convention began its twenty-first annual session here tonight, Rev. James A. Dorritee of Charlotte, from the steamer St. Louis and pro- led the singing. Walter C. Douglas, ceeded to London. Protected by the general secretary of the Philadelphia association, made a stirring speech on work for young men in the nineteenth cen-

Reports Too Flippant

Washington, March 21-The announcement was made today that at a recent meeting of the national board of Daughert's return from South Africa. Col- ters of the American Revolution, held in and would do whatever it wanted him lege professors, seeking endowments for Washington, it was voted to exclude to do. Finally he polled the court. chairs of philosophy, jostled elbows with representatives of the press from future congresses. The reason given is that Judge Douglas was, as far as I remembers of disputed land for subsequent examinafor artificial legs. College boys cheered the organization in various parts of the tion." He asked Judge Faircloth, who told him and eager-eyed representatives of Eng- country that the proceedings of the anit was his duty to issue it. He asked lish cities, seeking donations for horamembers of the national goard, includlection is that Judge Douglas used the tion would have been paid to my gift to as not reflecting credit on the society.

Rapidly Weakening

He Was a Brother to the Commander-in-Chief-Party of Carbineers Ambushed and Forced to Retire

London, March 21 .- According to the latest advices from General Kitchener, knows what way I may turn? This I Boer opposition in South Africa is rapidpersistently they are made. I give on day, sent from Pretoria yesterday by which the British soldiers did not re-Mr. Carnegie refused to discuss the mander-in-chief, Louis Botha, has been steel trust or other industrial questions, killed in a fight at Doornberg, and two

This is expected to put an end to H. Busbee on one side, and Mr. Loge to tell the private conversation between Mr. Carnegie had been waiting all night, organized operations in the section men-Harris on the other. There was no gentlemen. I do object to the introduc- The St. Louis did not get up to her dock tioned. General Kitchener also reports tion of this matter at this time while until 2 o'clock this morning. Then there that the Boer forces in Orange River these respondents are on trial. I do not was a mighty rush on the ship. The colony have disbanded and scattered, and police had to be called on to drive back that comparatively little trouble is that comparatively little trouble is ex- Hasty Ubservations Taken by ered. When the case came up in conthat a private conversation between the at 11 o'clock p. m., leaving word that cording to General Kitchener's advises cording to General Kitchener's advices, General DeWet is near Heilbron, but it is not known how many men are with

> A dispatch from Pretoria says that Michael Hogan, an Irish patriot, was close to the city. Yesterday morning twenty Bushveldt carbineers were sen in pursuit of the raiders and tracked was moderately willing to accept the sum them to Sheepoort, fifteen miles west Sixty Boers, who had concealed them-

small parties of Boers and British troops are reported in Pretoria almost daily. The sixth contingent of the New Zeayesterday.

Found Relief in Death

Washington, March 21.-Charles H. Flemer, eighty-four years old, retired builder, committed suicide today by shooting himself in the head. For about inhabited by a race whose traditions and two months the aged man had ben conplication of diseases, and at times his suffering had been so intense that he remarked he would welcome death.

I condon, March 21.—In the House of Lords this evening Lord Salisbury moved the appointment of a joint common conditions are suffered by members on this trip must be obtained at second hand and from a very superficial exfined to his room, suffering from a com-

Thinking of Adjournment

today. While a positive denial is not Legislature has agreed to recommend the impression was conveyed that to both houses that final adjournment be Havana, not only in revising sanitary curity for the maintenance successions.

Russians and British Agree to Disagree

THEY WILL NOT FIGHT

Troops to Be Withdrawn from the Disputed Ground and served for the Future

London, March 21 .- The quarrel beween British and Russian troops over the possession of a railway siding at favoring any political idea-independ-Tien Tsin, which has promised to develop into a serious affair involving influence quite out of proportion to their -bloodshed, is now at an end. England number. This is due to the indifference and Russia have reached an amicable understanding and Lord Lansdowne has issued the following official announce-

"Russia and England have agreed to withdraw their troops from the disputed territory at Tien Tsin and reserve the question as to who has the title to the

News Agency, received this morning, ing the women's league, went to the palme, and I said: 'Colonel, you know my ries, fought to get near the American pers and that the delegates are made to says a semi-official note has been issued influential in regard to the trouble between the ed for the release of the political prison-Russians and British at Tien Tsin over ers. The women mainly belonged to the "Well, I am surprised by the interest ing Mrs. Daniel Manning, regard the the railway siding. The note declares you tell me my library gift has arous- press reports of the late continental con- that a commonplace incident has been ried children, others carried American ed New York. I supposed greater atten- gress as flippant in many instances and so terribly exaggerated that it has as- flags, and the whole party cheered for sumed the gravity of a casus belli. The the United States. The petition was desession of the disputel land and which when peace is declared. nade it necessary for Russia to order nergetic action.

feels sure that the trouble will be am- ficers, sixty-eight rebels and 150 irrecon-

terday says: communication are being brought in. The | Seventeen ampinos have been arrested British under arms are guarding the set- at Naasin, North Luzon. They were tlement. Serious developments are not concerned in the capture last October by

A Tien Tsin dispatch of today's date to the Thirty-fifth regiment. says the situation there is unchanged. Both British and Russians are abstaining from any overt acts of hostility. The | NEGRO IN LINE British have 1,000 white troops on the ground. The Russian force is far

Bloodshed Prevented Berlin, March 21 .- According to adices received here, Count Von Waldersee, during his brief stay in Tien Tsin yesterday, succeeded in his mission, which consisted merely in preventing bloodshed among the allied troops. Beyoud that it is said in official circles,

Germany will remain neutral. controversial; the Russian claims to the sian flag being there, it is said that Rus-

CUBAN VIEWS ON SNAP-SHOT PLAN

Congressman Burton

Washington, March 21.-Chairman Burton of the House Committee on Rivers and Harbors and the members of the committee who recently visited Florida, and incidentally made a trip to Cuba, have returned to the city. The party included, besides the chairman and his Representative Mercer and wife, Repre- said that there would be no resumption In addition to the committee.

The said: 1 am bound to tell you; Calonel, and the said: 1 am bound to tell you; Calonel tatives Gillett and Moody of Massachusetts were in the party. Chairman Burland mounted rifles arrived in Pretoria ton talked interestingly today with a re- today the governor announced that the porter of his impressions of the political and industrial conditions of Cuba ob-

tained in his visit to the island. "for any person to form opinions of value. 5 per cent the reserve was £3,022,691. ideas are different from our own. The amination.

conditions, but in effecting a number of reforms in civil administration. He seems to be enthusiastic in his work and is manifesting a great deal of ability and vigor. On the evening just before we left the members of the volunteer fire department, 700 in number, formed in parade and presented to him a valuable taken at the governor general's residence, What makes this action the more significant is the fact that the 700 members are all Cubans and a similar presentation has not been made to any one coming from out side of Cuba during the last twenty-eight years. .

"The bottom fact is they are a Latin race, with divers infusions, living in a tropical climate, and, dealing with the Anglo-Saxon race, they have imbibed the idea that government is a system of tyranny and plunder. We will have first to make them understand us.

"Whether we look at it from the standpoint of ultimate annexation of not, I regard a period of independence as absolutely essential. Economic conthe Question of Title Re- siderations as well as political are likely convince the Cubans that annexation or a very close alliance is best for the future of Cuba, but these are questions

which the future must determine, "Our observations would lead us to think that the great majority of people in Cuba take little interest in the form of government; but an active element, ence or anything else-would exert an of the great body of the people.

PETITION REFUSED

Liberation of Political Prison ers Out of the Question

Manila, March 21.-Constancia Pro-A-St. Petersburg dispatch to Dalziel's blete and Filomena DeLuna, representace this morning accompanied by five or six hundred native women, and petitionpoorer classes. A number of them care trouble was due to the forcible manner nied on the ground that it would only in which the British tried to obtain pos- be possible to consider such a request

Colonel Schuyler, of the Forty-sixth! regiment, has broken up a pirates' ren-The note adds that the government dezvous at Ternante, capturing eight ofcilables who control many rifles. An of-A dispatch from Tien Tsin dated yes- ficer and twenty-three men belonging to the force of General Trias, who gave "The Australian contingent and also himself up a few days ago, surrendered the British outposts from the lines of at San Francisco de Malabon yesterday-

Jose Buencamino of an escort belonging

OF PROMOTION

Benjamin Davis to Be a Lieutenant in the Army

Washington, March 21.-Benjamin O. Davis, of the District of Columbia, has the distinction of being the first color-According to Russian accounts, which ed man to pass the examination open to have reached Berlin, the question is not enlisted men of the regular army for appointment as a second lieutenant, The territory where the trouble occurred are result of the recent examination at Fort indisputable. In addition to the Rus- Leavenworth, Kansas, has just been received at the War Department. Eighteen sian boundary marks were exhibited enlisted men entered the examination, including Davis, who is a sergeant may jor of the Ninth cavalry. Twelve of the number passed and Davis was third in the order. He made an average of 91 per cent. and was particularly strong in international law and military science

and tactics. Under the law the successful candilates will be appointed to vacancies whenever they occur, in case of Davis' papointment he will be the first negro private soldier to rise from the ranks to a commission in the regular army. His remarkable success reflects credit upon himself and the colores schools of the Distrtei of Columbia in which he received his elementary education.

Negotiations Suspended

Washington, March 21 .- Senor Corea, the Nicaraguan minister, was at the State Department today to say good-bye to Secretary Hay before leaving Washington this afternoon for New York,

London, March 21 .- At the semi-annual meeting of the Bank of England net profits for the six months ended February 28, were £723,596, making the amount of reserve at that date £3,750,-"It is very difficult," said Mr. Burton, "341. After providing for a dividend of

As to the King's Oath

London, March 21 .- In the House of of Commons to consider the question of There is no indication on the surface what declaration on the question of reliof any unrest or probable disturbance. gion should be required from the kir Lincoln, Neb., March 21.—The joint It is evident that conditions have great on the occasion of his accession, and committee on adjournment of the State by improved under American occupation.