

APPOINTED SENATORS.

The Majority Report Favors Their Being Elected—Minority Report Held Over.

WASHINGTON, March 23.—The reports of the majority and minority on the contested election case of Lee Mantle, senator appointed by the governor of Montana, were made to the senate today, M. Hoar submitting the report of the majority in favor of seating Mr. Mantle, and Mr. Vance, chairman of the committee, the report against.

The majority state that they began their inquiry with the primal and controlling mandate of the constitution resting upon them that the senate

should be kept full and the separate representation therein of each state should be preserved. The constitution provided that no state should ever be deprived of its equal vote in the senate except by its own consent to a change in the constitution. This consideration was held to be of infinitely more importance than the question whether the appointment should be made if the legislature failed to elect a senator. The majority holds that the constitution of the United States did not mean to permit a state to be unrepresented and that the constitution's purpose had been carried out as far as possible by the statute of 1805 and that the inability of a state legislature where there was more than one candidate to agree upon a senator was by no means equivalent to a refusal of the state to elect one.

The majority holds that the language of the constitution was well suited to confer the power upon the governor of appointing to a vacancy occurring at the beginning of a term or to a vacancy which began to exist when a legislature was actually in session and continued after the adjournment of the legislature as any language likely to be used. After quoting various definitions of the word "vacancy," the majority came to the conclusion that the words of the constitution conveyed to an ordinary apprehension the simple meaning that if there be vacancy by the resignation or otherwise the executive may make temporary appointments, etc. It declares:

The language of the constitution, it seems to us, was carefully designed to apply to the case of not a single vacancy which might occur only in a single recess of the legislature, but to every case where a legislature having adjourned without action, a second or third vacancy should occur which, under the language of the constitution, may be provided for by the temporary appointments.

The minority report, adverse to the right to the seat, will be made tomorrow by Mr. Vance.

ROACH'S PAST RECORD.

Republican Senators Want to See the Cadaver Mr. Roach Has in His Closet.

WASHINGTON, March 23.—After numerous conferences among themselves, the republican members of the senate have decided that they will insist upon an investigation of the charges that have been made in the public prints relative to the character of Mr. Roach, recently elected a senator by the legislature of North Dakota, and now occupying a seat in the senate as a delegate. Republicans say that in view of the seriousness of the charges, it is the duty of the democrats to ask that a committee for this purpose be appointed, if Mr. Roach himself does not make the request. If this is not done, it is understood on the authority of a republican who is moving actively in the matter, that a motion with such a purpose in view will be introduced by a republican. It is also said that the republicans will protest against any attempt to adjourn this extraordinary session of the senate until this matter has been brought before it.

THE INJUNCTION OF SECRECY.

Efforts to Have It Removed From the Russian Treaty.

WASHINGTON, March 23.—The senate was in executive session yesterday afternoon for upwards of an hour and the greater part of that time was consumed in a discussion relative to the release of the injunction of secrecy on the treaty with Russia that was recently ratified by the senate. The inflexible

BANK ROBBERY.

Caney, Kan., Visited By Outlaws Starr and Newcomb.

THEIR WORK QUIETLY ACCOMPLISHED

A Wheat Sack Receives the Booty and the Robbers Decamp Before the People Are Aware of What Was Taking Place.

CANEY, Kan., March 23.—A bank robbery, which was not only one of the most daring in the annals of crime on the border, but was at the same time one of the most unique, was committed in this town. So quietly was it done that outside of the ten men who were quietly stood up in a row no one in the town knew it until it was over and the robbers had departed with their booty.

The officials of the bank were busily engaged in their work at the hour mentioned when on looking up they were surprised to find themselves covered with revolvers in the hands of two unmasked robbers, one a half breed Indian known to be the outlaw Ed Newcomb, and a white man who was recognized as the notorious Henry Starr. Cashier Perry Hollingsworth, Assistant Cashier H. A. Scurr and Judge McEnery, vice president of the First National bank of Coffeyville, were the three men in the bank, and Assistant Cashier Scurr took refuge in the vault and closed the door behind him, but Starr ordered Hollingsworth to open the vault or die.

He then told Scurr to open the safe, which he did, and at the point of a gun, emptied \$3,000 in bank bills and gold into a wheat sack held by the Indian. The robber then went through the money drawer, securing about \$500. They had previously secured the Winchester and revolver that were lying on the cashier's counter, and there was no opportunity for those inside to alarm the people passing by the open door of the bank. Before they finished their work there were seven patrons of the bank dropped in one by one to make deposits, and each one was compelled to throw up his hands and march behind the counter.

The robbers, while at work, laughingly told the frightened officials that the Daltons were not all dead by a sight, and that they were going to pay the bank across the way a visit.

They then had the nerve to march these ten men out into the yard back of the building, which is inclosed by a high board fence, and locking the rear door of the bank, walked hurriedly out of the front door into the street, where they had their horses tied. Mounting them they rode rapidly south into the Indian territory, lying two miles south of Caney. It was fully ten minutes before a posse was organized and in pursuit, and the chase was exciting, the pursued and the pursuers riding like the wind across the level prairie. The robbers were superbly mounted, and if they succeeded in eluding the posse until night they would be safe. The citizens are greatly excited, and should the robbers be caught they will be mobbed by the people.

RIGHTS OF CORPORATIONS.

The United States Supreme Court Puts a Limit on Condemnation Proceedings.

WASHINGTON, March 23.—The supreme court of the United States has declared its opinion that the United States could not condemn the property of private corporations without considering in the proceedings the earning capacity thereof.

The opinion was rendered by Justice Brewer, in the case of the appeal of the Monongahela Navigation Co. from the judgment of the circuit court for the western district of Pennsylvania in condemnation proceedings instituted by the United States.

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