

THE CONSPIRACY WAS CONSUMMATED.

Colorado Legislature Ousts Alva Adams as Governor and Seats James H. Peabody.

M'DONALD IN TURN TO BE SEATED

It is So Nominated in the Ball but It is Not Certain that Peabody Will Resign.

Denver, March 16.—James H. Peabody today won his contest for the office of governor, from which he retired on Jan. 10, after serving a term of two years, but his victory was achieved only after he had given his pledge to resign and surrender the chair to Lieut. Gov. Jesse F. McDonald.

THE VOTE.

The vote in joint convention of the general assembly by which Gov. Alva Adams was ousted and Gov. James H. Peabody installed was 55 to 41. Ten Republicans voted with the Democratic members for Adams.

It was more in the nature of a party than a personal triumph, for both Peabody and McDonald are Republicans and Adams is a Democrat. Although the Republican majority on joint ballot is 35, the membership of the legislature being 66 Republicans and 31 Democrats, it had been found impossible to gain for Peabody enough Republican votes to reinstate him as governor for the remainder of the biennial term ending in January, 1907.

Twenty-two Republican members of the general assembly, according to report, refused to be bound by any action in caucus on the contest and entered into a compact not to vote for Peabody. A majority of them, however, were in favor of seating the lieutenant-governor in the event that Peabody should be found to do so legally. Finally the leaders of the opposing Republican factions arranged a compromise by which Peabody would be vindicated by being declared elected and McDonald would be made governor.

WHERE BARGAIN WAS MADE.

At the conference at which the bargain was made pledges were given to the independent Republicans by the heads of four large corporations who had been active supporters of Peabody that he would retire after being seated and permit the lieutenant-governor to take the office of governor. Gov. Peabody's resignation, it is said, was placed in the hands of W. S. Boynton and will be filed by him with the secretary of state tomorrow.

ADAMS SURRENDERS OFFICE.

Gov. Adams, who had spent the day packing his effects, surrendered his office to Gov. Peabody shortly after 5 o'clock this afternoon. Scores of letters, telegrams and telephone messages had reached the executive chamber during the day urging Adams to hold his seat by force, but he decided to ignore this advice.

TO ISSUE FORMAL STATEMENT.

In conversation he said he felt outraged at the action of the general assembly and expressed surprise that Mr. Peabody should become a party to what he termed a conspiracy to secure the office for a man who had no claim whatever to the place. Later Gov. Adams will issue a formal statement to the public regarding the result of the contest.

WHO McDONALD IS.

Jesse F. McDonald, who is slated to become governor of Colorado, was born in Ashland, O., in 1858. He came to Colorado in 1879 and has extensive mining interests in Leadville and elsewhere. "While I started the McDonald boom, I do not wish to be considered solely responsible for its successful ending."

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Senator Morton Alexander tonight. "McDonald is the man to satisfy the Republican ranks and bring peace to the state, disrupted long enough by political dissension. The people of the state will not settle down to quiet business pursuits."

PEABODY APPEARS.

Gov. Peabody was escorted before the joint assembly by a committee after the adoption of the report and resolutions restoring him to the office of governor. He was greeted with cheers. The oath of office was administered to him by Chief Justice Gabbler. When the applause following the ceremony subsided Gov. Peabody thanked the members of the legislature for having "done their duty" and assured them that their action would meet with the approbation of their constituents. He said that his election would do away once for all with criminal elections and if this end was attained a great good would come to the state.

HE MAY RESIGN.

While the new governor was speaking a senator said he was leaning on the grounds outside the capitol. No hint was given in Mr. Peabody's speech of his intention of resigning. The joint convention adjourned until next Tuesday, when it is expected a report on the bribery charges will be made.

Gov. Peabody, accompanied by Adj.-Gen. Sherman M. Bell and a number of friends, went directly to the governor's chamber after the conclusion of the inauguration ceremony. Gov. Adams had left when Gov. Peabody had arrived, but the retiring governor's private secretary, Alfred Patek, was still in the office. Gov. Peabody invited Gov. Adams, and when told that he had done said, "I am very sorry. I expected to see him."

ALMOST A ROW.

Gov. Peabody then introduced himself to Mr. Patek, remarking that he had been seated as governor and offered to shake hands. Mr. Patek drew back and uttered a curious remark, which caused Col. F. N. Gross of the Colorado national guard to seize Mr. Patek by the shoulders and demand that he repeat the remark he had made. Before Mr. Patek could reply Gen. Bell separated the two men. Gov. Peabody remained in the office about 20 minutes receiving congratulations from many callers.

THINKS HE WON'T RESIGN.

Standing on the portico of Gov. Peabody's residence tonight, while a band played and a chorus of voices shouted congratulations, D. H. Fairley, chairman of the Republican state central committee, engaged in conversation with a representative of the Associated Press. "Will Peabody resign?" he was asked. "I think not," was the reply. "Has he signed a resignation?" "A tentative one, yes." "That will be done with it?" "No, that is not the plan of the chairman." "Was that a part of the plan to seat him, Mr. Fairley?" the reporter asked. "I believe so," responded Mr. Fairley. The appearance at the door of Gov. Peabody interrupted the conversation and the governor himself came out upon the portico and addressed the crowd. He thanked his friends for their loyalty but made no reference to his intentions regarding the governorship.

STORY OF THE CONTEST.

Alva Adams was inaugurated as governor on Jan. 10, the canvass of election returns of the general assembly having shown a plurality of 9,774 votes for him. Two days later James H. Peabody filed a contest for the office, which he had reluctantly surrendered.

On Jan. 17 the general assembly in joint convention authorized a committee of 27 members (eight Republicans and nine Democrats) to hear the evidence in the contest and report its conclusions. Fourteen days later were allowed the contestant and contestee for the introduction of evidence and five days additional were given the contestor to introduce evidence in rebuttal. The committee consisted 14 days more in considering the evidence and preparing its reports. These were submitted to the joint convention on March 10.

Fourteen Republican members of the committee signed a report submitted by Peabody's counsel, which found a majority of 2,380 for Peabody in the state by rejecting the entire vote of 16 precincts in other counties on the ground of fraud and conspiracy on the part of the Democrats.

The nine Democratic committeemen presented a report declaring that Peabody had failed to prove his election and recommending dismissal of his contest.

William H. Griffith, chairman of the contest committee and three other Republican members reported that there was much fraud shown in 48 precincts of Denver, but that the allegations of fraud in the 56 other precincts which Peabody had asked to have thrown out had been disproved and recommended that the contest be dismissed.

Senator Morton Alexander, one of the signers of the majority report, also presented another report which recommended that the election of governor be declared null and void and the lieutenant-governor be seated as governor. He subsequently amended his report by striking out the reference to the lieutenant-governor and it then passed simply for declaring the office of governor vacant.

REFERRED TO SUPREME COURT.

Being asked for an opinion on this method of settling the contest, the supreme court pronounced it illegal. Arguments by attorneys for the contestants before the joint convention were concluded last Saturday and action on the contest has since been deferred from day to day, while efforts were being made to unite the Republicans for Peabody.

The joint convention consisted of 97 members and the Republican majority on joint ballot was 35. Twenty-two Republicans, however, were opposed to seating Peabody and for the remainder of the biennial term and they finally forced the former governor to agree to resign the office to Lieut.-Gov. McDonald within 24 hours after being seated.

SAYS PEABODY WILL RESIGN.

Denver, Colo., March 17.—The Denver Republican which has been a consistent supporter of Gov. James H. Peabody throughout his political career, today says that he has determined to resign the governorship to which he was inaugurated yesterday as a result of the decision of the joint assembly on the contest filed by him against Alva Adams. It says: "Today a conference will be held which will be attended by the leading Republicans of the state and Gov. Peabody will leave the matter with them. If he consulted his own desires he would step aside before the week ends. However, he made no pledges that would be binding if it were to the interest of the state or the Republican party to hold him there."

Chairman D. B. Fairley of the Republican state central committee is opposed to the governor's resigning. Lieut.-Gov. McDonald is quoted as saying, "I'm in the hands of the leaders of the Republican party. I have no personal knowledge that Gov. Peabody is going to resign. I have not been consulted. I can say that if I become a governor that I will assume the office without being pledged to any one or any faction."

SENATOR MORGAN MAKES CHARGES.

Declares William Nelson Cromwell Is Prime Mover in Dominican Financial Scheme.

QUESTION DEBATED ALL DAY.

Says Motive Was to Frustrate Plans Of Alabama People to Secure Concessions.

Washington, March 16.—Senator Morgan occupied practically the entire time in the discussion of the Santo Domingo treaty in executive session of the senate today. He made a sensational speech in which he charged that William Nelson Cromwell of New York, who was prominently connected with the sale of the Panama canal property to the United States, was the prime mover in a scheme to influence the United States in the financial affairs of the Dominican government. He asserted that Mr. Cromwell was actuated by a desire to frustrate a plan of a Mr. and Mrs. Reader, natives of Alabama, who are operating under the name of the Reader syndicate, to get certain concessions from the Dominican government and promote the interests of a syndicate he represented, which, it is alleged holds a number of claims against the Dominican republic, including a large part of the debts against the Dominican government.

The alleged disclosures were debated all day, and the senate is divided as to whether Senator Morgan made a case. The Democrats insist that he did, while the leaders among the Republicans declare that the charges were made up of a mass of matter which contained no conclusive evidence that Mr. Cromwell had used any undue influence. The speeches were made behind closed doors. Senator Morgan held his audience to the conclusion of his remarks.

The tentative program of the senate continues to be adjournment without date on Saturday without permitting the Dominican treaty to come to a vote. It is probable that it will be recommitted.

Among the senate leaders today a new plan was advanced in regard to Santo Domingo, but it deals with the next session of Congress. It has been suggested that if the whole matter is allowed to go over a joint resolution might be passed by Congress to authorize the president to do the very things that are proposed by the treaty. If this course were pursued a majority vote is all that would be required to place the entire matter in the hands of the president. It is understood that the plan found favor when it was suggested at the White House by the senators who called there today. Some doubt was expressed as to the constitutionality of dealing with this question except by treaty, but the case of the annexation of Hawaii, which was done by joint resolution, was used as a precedent, and Republican leaders believe it to be feasible.

Adjournment of the session cannot be had until Saturday because of the situation in relation to the nominations for judgeships in Illinois, which cannot be determined before that time. Treaty discussion will go on for the two days, the session is expected to continue, and something more may be expected of the charges made by Senator Morgan. It is possible that the question of the appointment of a commission to inquire into Santo Domingo affairs, particularly as to the character of her indebtedness, will come up in a variety of forms, but the adoption of any such plan is not considered likely.

Among the committee members after the senate went into executive session and at first gained slight attention until his charges were developed. The senator said that he knew other senators who knew them; they were the original concessionaires in Santo Domingo and a treaty had been drawn up between them and the Dominican government which the Readers were to present to this government for consideration. This treaty, he said, was interfered with by Mr. Cromwell, who, the Readers charged, induced the Morales government to nullify it under the proviso that the United States would deal directly with Santo Domingo.

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was alleged that he sent an agent to President Morales and used the argument that the United States was ready to finance the Dominican government and get it out of all its difficulties. It was charged that Mr. Cromwell represented a number of claimants whose securities would be advanced in value if the United States took charge, and that his agent represented to President Morales that Mr. Cromwell was responsible for the formation of the government of Panama and the United States would do for Santo Domingo as much or more than had been done for Panama. When this argument was made, according to the Readers, the Morales government threw over the alleged agreement with them and started the negotiations with the alleged agent of Mr. Cromwell. It was then that Mr. Cromwell, it was alleged, induced Santo Domingo to ask the United States to administer the customs affairs of the island.

During the discussion Senator Morgan repeatedly referred to a treaty negotiated by the Readers, which he said "had never seen the light of day," because of the interference of Mr. Cromwell's representative, Senator Platt (Conn.) said that he did not want the discussion to go any farther until that treaty had been produced. Thereupon Senator Morgan said that he had produced the treaty and that it was declared by Republican senators that the treaty gave everything to Santo Domingo, concessions to the Readers and practically nothing to the United States. These senators subsequently declared that charges based on such a document were not entitled to consideration.

Senator Fowler defended Mr. Cromwell, saying that he knew him personally and believed him incapable of the acts charged. At the same time he said that the documents presented by Senator Morgan should be printed in order that all senators might have a chance to examine them.

SENATE WANTS INFORMATION.

Washington, March 16.—Despite the fact that it is recognized that there are not enough votes for the ratification of the Santo Domingo treaty, there was a general return today of Republican members who have been absent. Senators Lodge, Kittredge, who have been away for a few days, were in their seats, and Senator Dolliver is within reach if there should be a call for him. After the reading of the journal Mr. Teller asked if there were objections to consideration of his resolution of inquiry concerning Santo Domingo affairs. Mr. Cullom, who had arisen to move an executive session, said that an opportunity would be given tomorrow for the consideration of the resolution.

"I know that," said Mr. Teller, "but if we are called to vote on the treaty this week we will have to act without the information."

"Well, I do not believe the information we would get is worth much, anyway," said Mr. Cullom.

Mr. Teller said he did not want the resolution to lose its place, and it was agreed that he might call it up tomorrow.

The senate then went into executive session. In the executive session the Newlands resolution was agreed to, calling on the president, if not incompatible with the public interests, to send to the senate certain information in regard to Dominican affairs.

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