

## A LULL IN THE FIGHTING

MANCHURIAN WEATHER IS ANYTHING BUT PLEASANT.

Tokio Reports Number Of Skirmishes With The Czars' Forces In Northwestern Korea—Strike In Russia.

**S. T. PETERSBURG**—According to General Kuropatkin's latest reports, which indicate the wounding of a third Russian general, in Dembowski, the operations at Sandjapu and the fighting at Shakhe have been momentarily suspended. The Russians successfully repulsed the latest attack of the Japanese eastward with heavy loss. The cold is still intense, there being 24 degrees of frost. There are indications that the Japanese are preparing to break the inactivity on their own account as soon as the weather moderates. The war office is closed, further facts regarding the reports that General Kuropatkin is about to give up his command cannot be obtained. The rumor, however, is generally discredited. General Kuropatkin in a report to Emperor Nicholas says: "No fighting was reported on February 4. At present activity is confined to operations by our volunteers which harass the enemy. There is artillery firing on both sides and a hasty strengthening of positions by both the Russians and the Japanese."

General Kuropatkin on Friday reported the repulse of the Japanese advance guard on the left flank towards Saosyr and Chansan with slight losses, the Japanese leaving fifty dead on the field.

**TOKIO**—There were a number of serious skirmishes along the Shakhe and Hun rivers Friday night and Saturday. The Russians shelled portions of the Japanese line Friday night and small bodies of Russians attacked Waitao and Titi mountains and places in those vicinities. Reports received from Japanese Manchurian headquarters say all the attacks were repulsed.

Friday afternoon Russian batteries stationed at Luchientun and Wampao mountain, north of the Shakhe river, and at other places shelled the Japanese positions. Saturday morning six hundred cavalry comprising one force and two companies of infantry and one battery another, simultaneously attacked Chituitse on the right bank of the Hun river. The Russians appeared to have reserves. The Japanese garrison at Chituitse was defending the place when the report of the attack was forwarded.

Three hundred Russian cavalry with two guns occupied Songchin, on Plaksin, bay, northeastern Korea January 24 but abandoned the town January 28 and retired northward.

**ESINKHETCHEN**, (Delayed)—The Russian loss in the successful reconnaissance of Vantzo pass was nine wounded.

**MUKDEN**—During the night of February 4 the Japanese artillery facing the Russian right opened a terrific fire on the Russian positions southeast of Sandjapu in preparation for an attack. The Russian artillery replied and the cannonading lasted until after noon.

During the night of February 2 the Japanese attacked the village of Schaantan and adjoining Russian positions, but by daylight of February 3 they had been defeated along the entire front.

The Russians even advanced slightly. The Russian losses were about 800, and those of the Japanese were heavy.

Japanese prisoners believed that an important movement is pending.

### Briefs In Behalf Of Smoot.

**WASHINGTON**—Separate briefs will be filed Monday with the senate committee on privileges and elections by A. S. Worthington of this city and Waldemar Van Cott of Salt Lake, counsel for Senator Smoot in the investigation of protests against the latter retaining his seat in the senate. Mr. Worthington deals with the question whether it requires a two-thirds vote or a majority vote to vacate Senator Smoot's seat. He contends on principle and on precedent that when Senator Smoot was sworn in the question of his qualification was passed upon once for all, and that he can be removed now only by a vote of expulsion and only on the ground that since he was elected to the senate he has committed some criminal offense and that to do this will require a two-thirds vote.

## TO DEFEAT REBELS

TROUBLE AT BUENOS AYRES MAY NOT LAST LONG.

### DECISIVE ACTION IS TAKEN

TROOPS SENT OUT TO SUBDUCE REVOLUTIONISTS.

Strongholds Of Rebels To Be Attacked At Once And An End Put To Disorder And Rioting.

**BUENOS AYRES**—Owing to the partial interruption of telegraphic and railway service precise information concerning the insurrectionary movement in the provinces is unobtainable, but the government evidently is in possession of favorable messages which express confidence in the prompt suppression of the outbreak the movement is now limited to the provinces of Rosario, Santa Fe, Mendoza, Cordoba and Southern Buenos Ayres and sections south between the Plate river and Bahai Blanca, where it is reported Colonel Momembelle, commanding the government forces, has inflicted a severe defeat on the rebels.

President Quintana declares that he will not interfere between the law and revolutionary prisoners of whom there are 300 already in the hands of the government.

The capital is entirely tranquil and conditions are normal. Protests against the movement is general, and prices on the stock exchange have been fully maintained in the belief that the outbreak will be suppressed within a few days. The revolutionary leaders, doctors Piro G. Molina, Camille Cretto and Hipolito Irigoyen are represented as being men of no political influence, but they are assisted by a portion of the military forces, which renders the insurrection more of a mutiny than a revolution.

**PARIS**—Manuel Quintana, son of the president of Argentina, has sent the following cablegram to the Figaro:

"**BUENOS AYRES**—Revolt abortive. Order re-established. The threat of his insurrection has weighed on the country for three years. The people are now reassured and unanimously condemn the attempt. Public life is in full activity. Greatest confidence in the future."

**BUENOS AYRES**—In attacks upon the police station Saturday morning several rioters were killed, about thirty were injured and some 250 arrested. Order has been completely restored, and the city presents a normal aspect.

Ex-President Roca has telegraphed President Quintana offering his services in aid of the restoration of order. The province of Santa Fe is reported tranquil.

With a view to avoiding bloodshed the government has sent a sufficient large force to Mendoza and Cordoba to easily overpower the few hundred of revolutionaries. It is hoped the latter will be forced to surrender without fighting, there are 5,000 men marching on these two towns by different routes.

The revolution being practically crushed, the government has annulled the decree calling out there reserves.

All the newspapers here strongly condemn the revolutionary movement.

President Quintana was in consultation with the members of the cabinet regarding the situation. It was agreed that energetic measures should be taken for the suppression of the revolt.

General Winter at the head of a large government force is within six hours march of Cordoba, and General Fotheringham, who has an adequate number of troops is within about ten miles of Mendoza.

The government has received news that Major Matosa had a fight at Villamiria with a band of 200 revolutionists proceeding from Cordoba with the intention of attacking the arsenal at Rio Cuarto. Major Matosa turned back the revolutionists and arrested a number of them, who will be sent to Buenos Ayres for trial before the civil courts.

## CALL SWAYNE CASE

FLORIDA JUDGE OFFENSE DEFENSE TO THE SENATE.

### MAKE NO GENERAL DENIAL

ADMITS HOUSE CHARGES, BUT JUSTIFIES HIS ACTS.

Reply To Impeachment Read By John M. Thurston, And A Motion Adopted To Begin Trial February 10.

**WASHINGTON**—Through his counsel, Judge Swayne made formal response in the senate to the articles of impeachment voted by the house of representatives. The answer was a formidable document in point of size. Each of the twelve articles of impeachment was answered at length. In every case the fact charged was admitted, but explained from Judge Swayne's point of view, and in addition it was contended that even if the conditions were true as charged they were not of a character to justify proceedings for impeachment for "high crimes and misdemeanors."

The answer was read by Former Senator Thurston, and when he concluded the senate issued an order requesting the house to file its formal reply by next Monday and directed that all pleadings shall be in by February 9, so the trial may proceed on February 10. The proceedings attracted a large audience to the galleries and most of the senators were in their seats. After the trial was suspended senator Stone, Berry and Morgan spoke in opposition to the joint statehood bill in its present form.

At 12:30 p. m. the senate resolved itself into an impeachment court for the continuation of the trial of Judge Charles Swayne.

The order for the day included only the answer of Judge Swayne to the accusation of the house, and this was presented by Former Senators Higgins and Thurston on behalf of the respondent, who failed to appear in person. The galleries were crowded.

Mr. Thurston read Judge Swayne's answer, a typewritten document of fifty pages. He took up the specifications of the charges in detail, contending that they were not such as should be taken cognizance of by the senate. Taking up the first charge of receiving \$10 a day for expenses were not so great, he admitted the receipt of the money as charged, but denied that his conduct in this respect was contrary to law, as the allowance of \$10 a day was intended to be a fixed and definite allowance for judges when holding court outside their districts. Judge Swayne said that other judges generally have drawn the full amount of \$10 a day, and that up to the beginning of the present proceeding he had not received any intimation from the auditing officers from the treasury department or from others that his course in accepting the full amount allowed was contrary either to law or custom.

The charge that in 1893 Judge Swayne had appropriated to his own use a railway car of the Jacksonville Tampa & Key West Railway company was denied. Judge Swayne admitted the use of the car, but said that it was occupied by himself and friends in going from Delaware to Florida on the invitation of the receiver of the road.

### Russian Advance A Failure

**GENERAL OKU'S HEADQUARTERS**—Via Tien Tsin.—The Russian attempt to turn General Oku's left flank has proved a complete failure. Following on the failure of the recent cavalry raid down the railway, this, it is thought by the Japanese, will probably induce the Russians to await in the future the Japanese attacks. The attempts, even with the bombardment of other portions of the line or a cavalry movement round the flank, was doomed to failure from the start. The Japanese were at Helkoutal, but withdrew its small force from there and allowed the Russians to occupy the position until they could move over enough men to make its recapture certain.

## PROOF OF COMBINE

SUPREME COURT SAYS IT EXISTS AMONG PACKERS.

### EVIDENCE OF CONSPIRACY

CHICAGO HOUSES VIOLATING THE ANTI-TRUST LAW

Refuse To Bid Against Each Other And Force Prices Up And Down At Will—Judge Grosscup Makes Comment.

**WASHINGTON**—The supreme court of the United States decided the case of the United States versus Swift & Co., known as the beef trust case, charging conspiracy among the packers to fix prices on fresh meats etc. The opinion was handed down by Justice Holmes and affirmed the decision of the court below which was against the packers.

In his opinion Justice Holmes discussed at length the various contentions of the packers, and disposed of them individually. He admitted that some of the charges were less specific than desirable, but said this was necessarily true on account of the vast extent of the field covered. He added that sufficient had been shown to prove continuous offenses, and an offense of such a nature as to justify the proceeding. The opinion continues the injunction granted against the packers under the Sherman anti-trust law by the lower courts. The opinion was concurred in by all the members of the court.

Summarizing the bill, Justice Holmes said:

"It charges a combination of a dominant proportion of the dealers in fresh meats throughout the United States not to bid against each other in the live stock markets of the different states to bid up prices for a few days in order to induce the cattlemen to send their stock to the stock yards; to fix prices at which they will sell and to that end to restrict shipments of meat when necessary; to establish a uniform rule of credit to dealers and to keep a blacklist to make uniform and improper charges for cartage and finally to get less than lawful rates from the railroads to the exclusion of competitors."

Referring to the allegation of lack of continuity in the charges, he said: "Whatever may be thought concerning the proper construction of the statute, a bill in equity is not to be read and construed as an indictment would have been read and construed a hundred years ago, but it is to be taken to mean what it fairly conveys to a dispassionate reader by a fairly exact use of English speech. Thus read this bill seems to us intended to allege successive elements of a single connected scheme."

He disposed of the charge of "multifariousness" in the following language:

"This scheme as whole seems to us to be within reach of the law. The constituent elements as we have stated them, are enough to give to the scheme a body and for all that we can say to accomplish it. Moreover, whatever we may think of them separately when we take them up as elements of the scheme. It is suggested that the several acts charged are lawful and that intent can make no difference. But they are bound together as the parts of a single plan. The plan may make the parts unlawful. Intent is almost essential to such a convention and essential to such an attempt. Where acts are not sufficient in themselves to produce a result which the law seeks to prevent—for instance, the monopoly—but require further acts in addition to the mere forces of nature it brings that result to pass, an intent to bring it to pass is necessary in order to produce a dangerous probability that it will happen."

He also said: "The commission alleged embraces restraint and monopoly of trade with in a single state although its effect upon commerce among the states is not accident, secondary, remote or merely probable."

## NEBRASKA NOTES

The breaking of a journal under freight car at West Point on Sunday night delayed the Deadwood passenger train five hours.

Two cases of smallpox have developed in the family of Erin Burke two miles north of Stella. The family has been quarantined.

Five carloads of oranges and one of apples were held during the cold snap in the shops at Plattsmouth to keep them from freezing.

The jury in the Tarpenning murder case at Fullerton returned a verdict acquitting the accused after being out about two hours.

L. F. Corbitt of Ainsworth was "touched" for his purse, containing \$350, while attending Christian Science service on Sunday evening at Lincoln.

Sheep feeders claim that more than 30,000 head have been fattened in the vicinity of Humboldt during the past season at an invariably good profit to the owners.

A stock company of Ogallala business men has purchased the Keith County News and the Republican-Argus. The two papers will be consolidated next week.

The Kearney Hardware company of Kearney has been incorporated with a capital stock of \$20,000. C. H. Gregg, W. F. Crossley, and C. W. Shanahan are the incorporators.

A lodge of the Fraternal Union of America has been instituted at Humboldt by a drill team of sixteen members from Tecumseh. It starts with a membership of sixty-one.

Governor Mickey appointed Mrs. Anna Munday of Lincoln to be Matron of the Home for the Friendless, in place of Mrs. William Fruikner, whose term expires on February 15.

J. M. Maher, a farmer residing about two miles from Fremont, has received the bronze medal awarded him by the Louisiana Purchase exposition for his exhibit of corn.

A promising revival of religion is in progress at the Methodist Episcopal church in Loomis. A. J. Clifton, the noted conference evangelist is assisting the Rev. R. H. Chrysler.

Directors of the Beatrice Commercial club held a meeting recently and discussed a number of important matters. Arrangements were made to send three or four delegates to Fremont next week to attend the meeting of commercial clubs of the state. It was also decided to call a meeting of the club in the near future for the purpose of reorganization.

Charles H. Harris known as Dick, a life insurance agent was fined \$50 in the court at Madison for wife beating, the complaint having been filed by Harry Burch. Harris made no defense and immediately paid his fine.

The fifteenth annual session of the Burt County Farmers Institute opened at Oakland with a large attendance. Various papers of timely interest to the members were read. In the evening a smoker was tendered by the business men of the town.

Sheriff Shrader of Otoe county has taken George Dow, the second man convicted of blowing the bank safe at Palmra, to the penitentiary. He received a seven years' sentence, while his partner in the crime was given a five years' sentence.

L. J. Dunn of Lincoln has been appointed receiver for the Lincoln Traction company by the district court here. The receivership grows out of the long standing tax cases against the company. The company owns all the street cars in Lincoln.

H. P. Smith a prominent farmer of near Gibbon while "cutting out" a car of hogs here, fell and broke his leg. Mr. Smith is a large man, weighing about 275 pounds, and the case will be rather severe with him, as the fracture is rather complicated.

District court is in session at Senayler and the principal case on the docket is that of George W. Wertz against John C. Sprecher on the charge of criminal libel. Wertz was a candidate for office last fall and he says Sprecher slandered him in the Free Lance.

Charles Dockhorn a fireman on the Union Pacific suffered a painful accident between Beatrice and Manhattan, Kas., while assisting in loading a barrel of oil into a car. The barrel slipped and rolled on his foot, badly crushing the limb from the toes to above the ankle. Dockhorn lives in Beatrice.