SINGLE COPY THREE CENTS.

Dissenting Judge Points Out Authorities to Show Governor Has Violated Law.

ESTABLISHES DANGEROUS PRECEDENT

Cannot Declare Martial Law Where Civil Courts Are Performing Functions.

HAS ERECTED AN ENGINE OF OPPRESSION

No Such Power is Vested in Him by Constitution of United States.

LEGISLATURE ONLY HAS POWER HE CLAIMS

"If He Deports Miners This Year There is No Reason Why Next Governor Cannot Deport Farmers,"

DENVER, July 1.-Justice Robert W. Steele of the state supreme court today filed his opinion, dissenting from the deon of the majority in refusing a writ of habeas corpus to Charles H. Moyer, president of the Western Federation of luride by order of Governor Peabody. The government on the subject. opinion, containing nearly 18,000 words, deals exhaustively with the situation created in this state by military rule and cites a mass of authorities to show that only the legislature can suspend the writ of habeas corpus. Justice Steele says in part:

"No person who has the slightest claim to respectability should hesitate to approve the action of the governor in enforcing the law, and I am willing to uphold him and to applaud him so long as he keeps within the lines of the constitution. But I am not willing to uphold him, when in my opinion he breaks down the barriers erected by the people for their protection, nor am I willing to accord to the constitution elastic properties for the purpose of sustaining precedent which will not apply to other clauses or othere conditions when another governor undertakes to exercise the same arbitrary power.

"I am not willing to concede the power claimed by the governor and exercised by him, because, in my opinion, such power is not vested in him by the constitution The people could never have intended to erect such an engine of oppression.

Establishes Dangerous Precedent. "It follows, of course, that if the present executive is the sole judge of the condition which can call into action the military power of the government and can exercise all means necessary to effectually abate the conditions, and the judicial department cannot inquire into the legality of his acts, that the next governor may by his ukase, exercise the same arbitrary power. If the military authority may deport the miners this year it can deport the farmers next year.

"If a strike which is not a rebellion must

be so regarded because the governor says.

such; and if any condition must be regarded as a rebellion because the governor mays so, then any county in the state may be declared to be in a state of rebeldon, whether a rebellion exists or not, and every citizen subject to arbitrary arrest and detention at the will and pleasure of the head of the executive department. We may then with each succeeding change in the executive branch of the government have class arrayed against class, and interest against interest; and we shall depend for our liberty, not upon the constitution, but upon the grace and favor of the governor and his military subordinates. "In no other case presented in this court have principles so important and so farreaching been involved. It was elaborately and obly argued, and the position of counsal . as clearly defined; yet the court has eva. I the fundamental questions presented ias based its decision upon theories ago determined by furists and states

> to be illogical and false." Penbody Violates Law. Steele then quotes numerous high rities to show that the constitution

p never contemplated placing the of suspending the privilege of the habeas corpus in the hands of the executive and that the power is exclusively vested in the legislative branch. Continuing, Judge Steele says: "The au therity is overwhelming that the position of the governor cannot be sustained, that the power of suspending the privilege of

the habeas corpus writ is legislative and not executive; that martial law can only prevail in places where the civil law is overthrown by force, and that it exists only so long as it is necessary to refustate the courts; that martial law cannot prevail where the courts are open and exercising their functions; that the judicial depariment will take notice whether the courts are open or have been overthrown by superior force.

This court has not undertaken to declare the position taken by the governor and his special counsel as correct, but has said that the right of the governor to declare and enforce martial law and sue pend the privilege of habeas corpus is not wolved. The court would have sustained the governor under the authorities if it were possible to do so; but finding it impossible to sustain him under the authorities it has sustained him in spite of them.

Viloates the Constitution. "But I believe that the constitution has been unnecessarily assailed and rudely violated by the head of the executive department, and I further believe that thi court has removed the landmarks which our fathers have set, and my duty re-

guires me to withhold my approval. "It is entirely probable," mays Justice Steele in the course of his comments on the opinion of his colleagues, Justices Gabbert and Campbell, "that the act of the governor in calling to his aid the military arm of the government cannot be ques-tioned, but when it comes to superseding the civil power and exercising military law, to disobeying the writ of habeas corpus or other process of the court, to de-tailing citizens upon suspicion, then the question of whether an insurrection exists is not to be determined by the governor's

"The court has not construed the cor stitution, it has ignored it; and the result Western Road Wants to Prevent is that it has made greater inroads on the ion than it intended and that not one of the guarantees of personal liberty can now be enforced.

"When the court says that because the at the head of the civil power and that Issae Kahn, John Maxey, Schubach

(Continued on Seventh Pages)

STEELE ON PEABODY HAYTIEN INCIDENT IS CLOSED PAUL MORTON TAKES OFFICE GOVERNOR MICKEY'S ADDRESS CHAIRMAN JONES IN ST. LOUIS

So Par as France is Concerned Question is Satisfactorily Adjusted.

PARIS, July 1.—The Haytian incident made the most complete apold the Meeting of the Cabinet Sunishment of these a public apology and assurances of security for the future.

council of ministers today that the presi- the navy today, succeeding Mr. Moody, dent of Hayti had given a public audience who becomes attorney general of the to the French and German minister and United States. Mr. Morton was accomhas publicly apologized. Although the acmany throughout, each government ap- retary and Assistant Secretary Darling, the be uncovered is Missouri's shame, the man that none will be made until the meeting pears to have taken similar measures.

PREMIER COMBES IS CENSURED Chamber of Deputies Votes to Sup-

press Vatican Expenses.
PARIS, July 1.—The budget committee of the Chamber of Deputies today voted for the suppression of the appropriation for the French embassy at the Vatican Mr. Darling extended his congratulations and passed a resolution which will be in- and good wishes, after which an informal corporated in the committee's report to reception was held in the big room adthe chamber, censuring Premier Combes joining the secretary's offices. The naval Miners, held as a military prisoner at Tel- for his refusal to express the views of the officers on duty in the department, headed

> British Steamer is Disabled. ST. AGNES, Seilly Islands, July 1.-A boat belonging to the British steamer Ping Suey and having on board its second officer and four of the crew arrived here today and reported that the Ping Suey broke its shaft in the stern tube in latitude 49 north and longitude 0.7 west. The vessel is in no The Ping Suey left Vancouver danger. March 14 and Tacoma March 24, touched at Japanese, Chinese and other ports and sailed for Liverpool from Rangoon on May 26.

French Statesman Tries Suicide. LONDON, July 1.-A dispatch to the Exchange Telegraph company from Paris jaim, nor to join in the establishment of a says that the former premier, Waldeck-Rousseau, who underwent an operation May 5, has attempted to commit suicide. His wife, it is added, arrived on the scene in time to save his life.

> Negro Confesses Crime. HAVANA, July 1 .- A Cuban negro has onfessed that he was the perpetrator of James Stuart, a Jamaican, who had been arrested on suspicion of having caused the explosion, has been released.

BOOM FOR COLONEL GUFFEY

Pennsylvania Man May Be the Dark Horse to Carry the St. Louis Convention.

PRITTERURG July 1.-Democratic national committeeman Colonel James M. Guffey and his secretary, accompanied by J. K. P. Hall, democratic state chairman, Metcalf, who succeeded Mr. Cortelyou as tis then any condition must be regarded thouse tonight started for the democratic national convention at St. Louis. Following a guest of the president at the White his announced policy, Colonel Guffey refused to say a word as to the outcome of the convention and would give no intimation as to his choice for the presidential nomination. Mr. Hall contented himself with this statement:

"The Pennsylvania delegation will caucus on Monday night and nothing will be known as to our attitude till that time I believe that the nominee at St. Louis will be supported gy the entire party.' After the departure of Colonel Guffey for St. Louis, Party Controller John B. Larkin announced a boom for the colonel's nomination for the presidency. In support of his auggestion, Mr. Larkin says.

"Colonel Guffey is not only an able leader of men, but a conservative one, of the broadest business views, acquired through the devotion of a lifetime to a business sec ond to none in this country. He stands wall with the business men; he stands well with the workingmen; the national leaders of the party would rally around him as they would about no other man named. and this country could be assured during his incumbency as president, of commercial relations with the world on a sound business basis, through one of the leading business minds of the United States.

TWO ARMY TRANSPORTS SAIL Shorman Carries Passengers and

Specie to Far East and Buford Goos to Alaska.

SAN FRANCISCO, July 1-Two army transports sailed today, the Sherman for Manila, via Honolulu and Guam, and the Buford for Alaska. The Sherman carries about 100 saloon passengers, thirty-seven unassigned field artillery recruits, thirtythree unassigned recruits for the coast artillery at Honolulu, 4,000 tons of army supplies and \$5,000,000 in money. Of this amount \$2,000,000 is in the form of allver certificates and \$3,000,000 is specie. Captain Robert L. Hamilton is in charge of the recruits. Brigadier General F. M. Coxe is a passenger for Manila.

On board the Buford, bound for Alaska are about 800 men of the Third infantry who are to be stationed for the coming year at the various military posts of the far north. Two thousand tons of army supplies are in the Buford's hold.

PRINCES VISIT ST. LOUIS George and Conrad of Bavaria Travel Incognito and See the World's

Fair.

ST. LOUIS, July 1.—The German section in the Palace of Varied Industries at the World's fair was visited today by the roung Bavarian princes, George and Conrad, grand nephews of Prince Regent Luitpoid. They were accompanied by the imperial commissioner, Dr. Theodore Lewald, Mr. Zilling, the German chief of this section, and Mr. Victor Guggenberger the representative of the Bavarian Art The princes are traveling strictly incognite and will devote the time of their short visit here to a thorough study of the exposition.

ANOTHER ROAD BRINGS SUIT

Brokers from Selling World's Fair Trokets,

ST. LOUIS, July 1-The Missouri, Kangovernor is the head of the executive de- sas & Texas Railroad company filed suit suriment of the state, that when he takes in the circuit court today against William command of the military forces he is still J. McCluskey, F. Harry, David Grunes the section of the bill of rights which de-glares That the military shall always be Peter W. De Moss, John B. Pugh and Ben wrecked. It is due only to the fact that n to restrain them from dealing in a number of saliboats and rowboats were in World's fair special rate tickets,

Takes Oath as Secretary of the Navy in Presence of Predecessor.

STATE OFFICERS OF THE NAVY

WASHINGTON, July 1.-Paul Morton Foreign Minister Delcasse informed the formally assumed the duties of secretary of address, in which he said: induction of the new secretary.

> officers of the United States navy he would meet some of the best men of the world. by Rear Admiral Taylor, chief of the bureau of navigation, were presented to Mr. Morton, each in turn being introduced by Mr. Moody. The chief civilian officers of the department then were presented to the new secretary, after which Mr. Morton at once took up his new work finding a batch of mail awaiting signature. Later he ac companied Mr. Moody to the cabinet meet-

> Mr. Moody was sworn into office as at torney general a short time before Mr. Morton became secretary of the navy. The oath of office, which was administered by Mr. Graves, the appointment clerk of the department of justice, was taken in the presence of Mr. Knox and the chief officials

of the department. Metanlf is Sworn In.

Victor H. Metcalf, former representative from California, was today sworn in as gar N. Bruner. secretary of commerce and labor to succeed George B. Cortelyou, who resigned to become chairman of the national republican committee. The ceremony occurred at the White House at 4:30 this afternoon, the oath being administered by Executive Clerk the bomb explosions recently on the Cuba Latta. The president, Secretary Cortelyou Eastern railroad at Guantanamo, and and Secretary to the President Loeb were present

> Meeting of Cabinet. Pelicitous greetings and an informal exchange of views characterized today's meeting of the cabinet. The new secretary of the navy, Paul Morton, and the new attorney general, William H. Moody, attended the meeting in their new capacities. The meeting was attended also by Senator Knox and National Chairman Cortelyou. Mr. Cortelyou, Mr. Knox and Mr. Moody resigned last night from the cabinet positions which they had held hitherto. Mr.

> Prenchers Must Not Speculate. The ministerial committee which tried Rev. W. F. Cockran and Rev. C. S. Baker ference on charges of indulging in stock guilty, and both were suspended until the next session of the conference, which will be held in March, 1906.

> More Than Nine Million Nearnes. The census bureau today issued the final bulletin on the negro population. The number of negroes in the United States, including the entire area covered by the twelfth census (continental United States, Alaska, Hawaii and Porto Rico) is 9,204.521. any other country outside of Africa.

> Bingham Gets a Star. President Roosevelt today directed the appointment of Colonel Theodore A. Bingham as a brigadier general. The appointment is to take effect on July 6, when General Ringham will retire. New Postmaster at Dallas

The president today appointed D. obinson postmaster at Dallas, Tex. There had been a vigorous contest over the

NEW YORK BRINGS AN AXE Eastern Democrats Arranging Plans to Knock Out the Tammany

Opposition to Parker.

UTICA, N. Y., July 1.-Former Senator David B. Hill, former Lieutenant Governor William F. Sheehan, Jacob A. Cantos, Eliot Danforth and other adherents of Chief Justice A. B. Parker, while on the way to the democratic national convention. are perfecting plans for a complete destruction of Tammany's opposition to their

Senator Hill professed to believe tonight that Judge Parker would be nominated on the second ballot, if not on the first, and that the nomination would be effected on Friday. It was learned that Mr. Sheehan carries in his pocket four proxies of na-tional committeemen who cannot be pres-ent at the meeting scheduled early in the week and that he expects to use them in perfecting the temporary organization in favor of Judge Parker.

This will be a great advantage gained, for the seating temporarily of delegates from contesting states favorable to Judge Parker will give them the naming of members of the committee on credentials who will make the permanent vote controlling the delegations.

FATAL EXPLOSION ON LAUNCH Two Persons Mortally Injured and Five Hurt in Lesser Degree

at Minneapolis.

MINNEAPOLIS, July 1 .- Two prominent society and club men of Minneapolis re-ceived injuries from which they will probshly die and five other persons were seriously injured in an explosion of a gasoline launch, the Eleanor, at Tonka Lake Minnetonka.

Liewellyn Christian, the well-known mil-er, probably fatally, George Upton, probably fatally, Harry Merriam, burned badly, Mrs. W. P. Deversaux, leg broken and

urned. Mrs. Harry Merriam, badly burned. Harry Merriam, jr., eligibily burned. Prudence Merriam, alightly burned. Mr. Christian was entertaining a party of six grown persons and two children and his boat was headed for the bay when the explosion occurred. It was caused by a

the bay that the party escaped death

"Character Building" the Subject of Talk Before the National Convention of Young People.

ST. JOSEPH, Mo., July 1.-Governor Mickey of Nebraska addressed the naional convention of the Young People's Christian union tonight on "Character Building." He asserted his belief that Abraham Lincoln, 100 years before his birth, was destined to become president. The name of Joseph W. Folk, the St Louis circuit attorney and boodler prose cutor, was loudly cheered at the session. Rev. H. H. Marlin of Pittsburg made an

"There is a man in this state in whom the world's manhood is justly proud, and he is the product of a common vital faith. ferson hotel. He said that no definite arpanied to the department by Mr. Moody Of Americans, this man is among the completing the formal transfer of the de- Other states possess as deep a guilt, as advocates the selection of Hon. John Sharpe partment to new hands and marking the black a stain, as base a treachery against Williams of Mississippi, leader of the mithe public trust, and they have not yet said to him that in his contact with the borders a man of his stature and moral power.

> He said Missouri owns in Mr. Folk a In closing, he dramatically exclaimed;

"Hall to the man whom no one owns but Throughout the address the speaker was interrupted by deafening applause.

WESTERN MATTERS AT CAPITAL Rural Carriers Are Appointed and New Routes Estab-

lished.

(From a Staff Correspondent.) WASHINGTON, July 1.-(Special Telestitute, William Litterall. Gladstone, regular, David M. Pearston; substitute, none. Greeley, regular, James Pinkerton; subregular, George M. Brake; substitute, Ed-

Rural free delivery routes ordered esseventeen square miles, containing a population of 485. Wyoming postmasters appointed: Fish

William D. Pickett, resigned.

bank of Sloux Center, Ia., into the First or Washington. National bank of Sloux Center, with \$25,000 capital, has been approved by the comp-

Forty-Two Persons Who Yentured Wagers on the Hawthorne Bace Track Will Be Prosecuted.

CHICAGO, July 1.-A grand jury today voted indictments against forty-two persons alleged to have been taking wagers of the Wilmington Methodist Episcopal con- at the Hawthorne race track. As a result of this action Sheriff Thomas Barrett, who speculation, today returned a verdict of has refused to proceed against the bookmakers unless warrants were issued for their arrest, will be compelled to serve caplases and to take the accused persons in custody or compel them to furnish bonds for their appearance in the criminal court. The bills voted against the bookmakers are under a section of the law which has if Judge Parker should fail early to seheretofore been ignored in the prosecution of race track gambling in Chicago. In the past indictments have always alleged that perhaps a larger number than is found in the accused persons were inmates of a gambling house. Convictions under that section have been impossible, so today's indictments charge the bookmakers with keeping gambling apparatus.

Among those who were indicted as such bookmakers were Sam Sommerfield, Steve L'Hommedieu, Marcus Cartwright, William Applegate and John Cella

VIOLENT DEATH FOR Government Position Meets Mysterious Death.

SAN FRANCISCO, July 1 .- John J. Hill, a young man who came here a few days ago to to proceed to Manila to take an advanced position in the Treasury department service, died tonight. Hill was found on the water front in an unconscious condition early this morning. A post mortem disclosed extensive cerebral hemorrhage and concussion of the brain, possibly due

Hill was last seen last night at his hotel, when he paid his bill and left his valise, his trunk having been sent on the transport Sherman. He came here from Washington. He was transferred from St. Asph. Va. The police say it is possible that he exhibited some of his money and was waylaid and robbed. Another theory is that he died from the effects of chloride

CHANDLER IS NOT GUILTY Miner Accused of Dynamiting Sun and

Moon Mine Acquitted by Jury.

CENTRAL CITY, Colo July 1.—J. E. saying that the West Virginia vote would Chandler, former financial secretary of the be cast for him from the beginning. Idaho Springs Miners' union, a branch of ing trial on the same charge.

At a previous trial, on a charge of conspiracy in connection with the Sun and that gentleman will not be able to control Moon mine explosion. Chandler and a all his forces in case of a break, and the number of other members of the Idaho claim is made that even many of them will Springs union were acquitted.

Per Month to Support the Guards.

OURAY, Colo., July 1 .- Most of the 200 men thrown out of work by the shut-down of the Smuggler-Union mine at Telluride departing men claimed that nonunion men managers for the maintenance of the of all factions. guards who were protecting them and that a vigorous protest had been made against |-

Says Williams of Mississippi Will Be Temporary Chairman.

CHANCES OF STAMPEDE FOR CLEVELAND

Parker is Only Other Democratic Candidate Who is Being Talked of at the Convention Olty.

ST. LOUIS, July 1.-Former Senator James K. Jones, chairman of the democratic national committee, arrived in the city today and took apartments at the Jefrangement for the organization of the contion of France was independent of Ger- where, in the presence of the retiring sec- bravest and nobiest. If the corruption vention has yet been made,"and predicted eath was administered by Solicitor Hanna, who had the courage to lift the lid from of the full national committee, which will of the judge advocate general's office, thus a malodorous iniquity is Missouri's glory, take place next Monday. He, however, nority in the house, for the position of 12 Story, "Devlin's Last Deal." In congratulating Mr. Morton, Mr. Moody manifested that they hold within their temporary chairman, and there is now lit- 13 Financial and Commercial. tle or no doubt that the selection will fall 15 Council Bluffs and lows News. upon Mr. Williams.

The permanent chairmanship will probrighteous convictions which will give to him a crown and a throne.

In closing he are mentioned and Hon. Patrick A. Collins are mentioned and Hon. in that connection. The committee on arrangements for the convention will hold a meeting tomorrow, but it is not expected that it will make any recommendation with regard to convention officers.

May Stampede for Cleveland. Practically the only feature of political interest associated with the approaching democratic convention discussed in the notel corridors today was the possibility of an attempt to stampede the convention to Former President Cleveland. There was a decided effort on the part of some of the friends of other candidates to pooh pooh the suggestion, but others of them, green.)-Rural carriers appointed; Nebraska | while expressing their confidence that it -Endicott, regular, James P. Batten; sub- would come to naught, frankly admitted the existence of the "boom" and set themselves to work to counteract its effect. The movement in the interest of Mr stitute, A. E. Knox. · Iowa-Dow City, Cleveland, so far as it took shape today, was directed against the candidacy of Judge Parker, and for the time being they were talked of as if they were the only tablished August 1: At Fostoria, Clay possible cardidates. So far no headquarcounty, Ia., route embraces an area of ters have been established in Cleveland's the view given to you yesterday that fightinterest and no delegates who express a preference for him have arrived, but each train coming in from the states east of the Creek, Albany county, Matilda E. Hall, Mississippi seemed to bring passengers vice Henry A. Pheipa, resigned. Four who regarded the ex-president as a for-Bear, Big Horn county, Nathan Rush, vice | midable possibility. This circumstance led to the conclusion that a systematic cam-The conversion of the Citizens State paign had been organized in New York

Parker Men Confident. The friends of Judge Parker met the sittroller of the currency. The comptroller uation boldly and apparently were welcomhas also approved the conversion of the ing it. They freely express the opinion Clay County bank of Vermillon, S. D., that the serious discussion of Mr. Cleveinto the Vermillon National bank, with land's name in connection with the presidency will have the effect of driving many delegates to their candidate, thus insuring INDICTMENTS FOR BETTING a larger vote for him on the early ballots than they had otherwise counted upon. Parker advocates attribute it to the dec- is worth. Mentioning again that up to had approached Port Arthur. laration of the Chicago platform on the race question, which they say have inspired such fear among southern demo- given to the loss or damage of ships, crats that they are willing to accept Mr. whereas, on previous occasions, such like he would stand with them on that point regardless of his views on other questions. The Parker men say, however, that he is no staunches supporter of the policy of the rule of the white man in the south than the results of their efforts?" other candidates, and they also argue that his chances of election are no better than

those of other candidates. It is quite freely admitted, however, that cure the necessary votes his chances would be materially injured.

May Go to Dark Horse. "If," said a prominent southern senator, "he falls to get the two-thirds vote requisite by the time that the third or fourth ballot is reached he will be compelled a very dark horse."

Among the dark horses most frequently sets in. The Japanese will probably be the enemy continued to make torpedo atspoken of are Senator Gorman and Mr. forced to hold the positions where the tacks in the roadstead until daybreak best Folk, the young district attorney of this rain finds them, as best they can. city, who has leaped to the front in the The operations around Port Arthur doubt. pulsed. last two years because of his official less will be seriously hampered. It is a majority of the visitors, and as a conse- sary to establish another base, probably quence when he strolled through the Jefferson hotel today, he was unrecognized peninsula in order to bring in food supby the politicians. When, however, he was piles, especially if the 10,000 troops introduced by a newspaper man, he was reported to have been landed on the Elcordially greeted.

be elected governor of Missouri. But fair weather.

of Senator Gorman who arrived during the repulse of the Japanese torpedo attack inafternoon set at rest the report that he is dicates that Rear Admiral Withoft was is the movement to promote Mr. Cleve- in no wise caught off his guard. The exland's candidacy. "I know that Gorman planation of the fact that the squadron is bitterly opposed to Cleveland," he said, remained in the outer roadstead through "and he teld me not more than two days the night is that the twenty-four foot ago that he would support Parker if neces- tide at Port Arthur renders the channel sary to defeat Cleveland. I will, therefore, impracticable for vessels of deep draught not be surprised to see Gorman vote for at the ebb. Parker on the first ballot."

Maryland Senator's Chances. Unless there is a change in present intentions the Maryland senator will be warmly supported by some delegates from the beginning. Colonel John T. McGraw and ex-Senator Davis, both of West Virginia, who were among today's arrivals,

One noticeable fact connected with the Western Federation of Miners, was early arrivals is their desire to keep out today acquitted by a jury of the charge of print. Most of them are willing to talk of arson and malicious mischief in con-freely, but with rare exceptions they denection with the dynamiting of the trans- cline to permit themselves to be quoted. of stores were lost. formed house at the Sun and Moon mine The reason generally given for this backin July, 1908. Five other men are wait- wardness is the admitted uncertainty of

were outspoken in their advocacy of him,

the situation. Delegates instructed for Mr. Hearst say go to Parker. Indeed the friends of Parker assert that the Cieveland talk which is now MINERS LEAVE TELLURIDE so plentiful will have the inevitable effect of siding their candidate. The Parker men Allege They Are Taxed One Dollar do not accept the theory that McLean and Gorman are sincere in their support of Cieveland, calling attention to past antage-

nism in support of their theory. Longer in advance than usual the platform question is receiving the serious consideration of delegates and others interested in the party's welfare, and it is alleft San Juan county today. One of the ready evident that there will be a persistent effort to secure an expression of were assessed it a month by the mine party views which will meet the approval

"We must get a pronouncement which (Continued on Second Page.)

THE BEE BULLETIN.

Forecast for Nebrasks-Showers and Thunder Sterms Saturday and Sun-

1 Colorado Supreme Court Divided. Paul Morton Tukes Cabinet Place. Convention Gossip in St. Louis. Naval Battle Off Port Arthur.

Russians Do Not Expect Big Fight. Minnesota Republicans Nominate. News from All Parts of Nebraska. 4 Holds Church Action Irregular. Bride Gets Into Wrong Car.
Will Not Attest Paving Contracts. EXPLOSION KNELLS FATE OF ONE BOAT

Affairs at South Omaha. Results of the Base Ball Games. Past Week's Trade Conditions. Bee in Awarded City Printing. Vale Wins the 'Varsity Boat Race,

Educators End Their Session. Stories Told About Fairbanks. Internal Revenue Receipts Larger. Raisoull a Modern Robin Hood. Great Disasters of Other Days.

11 Changes on the Burlington Lines. City's Tax Receipts Are Heavy.

10 Editorial.

Temperature at Omaha Testerday: Hour. 2 p. m..... 74 3 p. m 8 a. m..... 62 9 a. m..... 65 4 p. m..... 75 5 p. m..... 10 a. m.,.... 68 11 a. m..... 71 12 m..... 73

TWO VIEWS OF SITUATION Foo says he heard a terrific explosion, but One Military Group Says No Heavy Fighting, While Another Pre-

dicts Big Battle. (Copyright, by New York Heraid Co., 1904.) SHIPS BUSY DODGING JAPANESE ST. PETERSBURG, July 1 .- (New York Herald Cablegram-Special Telegram to The Bee.)-Total absence of news for the last three days is fully accounted for by the fact stated in dispatches yesterday that heavy rains had stopped proceedings. At a military gathering where I happened to be this morning one set of officers took ing is now over for a month at least, owing to the submerged condition of the country, while the other side held that no matter what the weather the presence of two such armies so close to one another ant Smirnoff and two blue jackets were makes a decisive battle unavoidable, Reference was also made to the already

exhausted condition of the sea and land forces of both sides, leaving a strong impression that the idea of a future com-

A Mukden dispatch announces that no Russian warships were damaged and that there was no loss of life recently at Port roadstead. An examination showed that Some of the talk in Cleveland's behalf Arthur, but that two Japanese destroyers the mines were probably laid during the comes from the southern states, and the were sunk. I give you this for what it night by the enemy's torpedo boat, which date no Russian official notice has been Cleveland because of their confidence that disasters were immediately announced. The and four first-class battleships, four armquestion is: "Can the Japanese have been ored first-class cruisers, seven second-class mistaken in the darkness of the night and cruisers, five third-class cruisers, one scout

> RAIN STOPS MILITARY OPERATIONS Wet Season May Affect Entire Cam-

paign in Far East. ST. PETERSBURG, July 2-2:42 a. m .-It is believed that the commencement of the rainy season will materially affect engage us with all their ships, the whole military situation. The authorities believe that the rain will greatly enemy's force was greatly superior to ours lessen the probability of an immediate and in view also of the large number of decisive engagement between General Japanese torpedo boats, I decided to return Kouropatkin and General Kuroki and it to Port Arthur in order to act according to retire. "In that event," he added, "the is thought that the wet weather will close to circumstances, considering that this plan nomination will go to a dark horse, and the campaign in the upper part of the of action laid us open to less risk of h Liao Tung peninsula until the good weather | Notwithstanding the bright moonlight,

on the west coast of the lower Liao Tung liott islands be sent toward Port Arthur. In response to all suggestions connecting The Japanese will probably be able to his name with the national ticket, he utilize the time in making preparations merely replied that his ambition was to to push the siege on the resumption of

friends contend if nominated he would The lengthy report to the caar from Viceroy Alexieff, detailing the saily of the An intimate political and personal friend Port Arthur squadron on June 22 and the

fighting was reported to have taken place near Port Arthur on June 26, resulting in the Russian withdrawal from Guin San Shan after severe loss on both sides. The Foreign office has a dispatch from Loun New Chwang dated June 30, which an post

east appearing in this morning's news-papers is a number of belated, fragmentary accounts of the fighting at Dalin which do not contain any further information than did the official disputch already given out. It is stated that \$5,000 Japanese were engaged in the first day's fighting. The attacking force is said to consist of detachnents from both General Kurcki's and Gen

WARSHIPS IN ACTION

Decisive Naval Battle is Being Fought Between Che Foo and Port Arthur,

PASSENGER STEAMER WITNESSES FIGHT

Passes Within Lifteen Miles of Jap Ships, but Russians Are Obscured,

Distance Makes it Impossible to Distinguish

Orippled Ship.

MEDIATION IS NOT AN IMPOSSIBILITY War Demonstrates Russia is Unable

to Cope with Foe-Needs Ten.

Years to Acquire Sufficleat Strength. CHE FOO, July 1.-8:30 p. m.-What should prove to be a decisive naval engage-

ment was in progress at 1 o'clock this afternoon midway between Che Foo and Port Arthur. The steamer Che Foo, which has arrived

here, passed within fifteen miles of the 6 p., m 75 Japanese ffeet, consisting of two battleships and five cruisers, all actively engaged. S p. m..... 71 The Russian fleet was not seen, but the p. m..... 69 distance of the Japanese from land precludes the possibility of any attack on the land batteries. The captain of the Che was unable to discern whether a Japanese or a Russian ship was affected. The battle is held here to confirm the Chinese report that only four of the larger Russian warships were at Port Arthur last night.

> Russians Repulse the Enemy by Steaming Out of Danger. ST. PETERSBURG, July 1 .- Czar Nich-

> olas has received the following dispatch from Viceroy Alexieff, dated June 30; A report received today from the acting ommander of the Port Arthur squadron (Rear Admiral Withoft) states that on the night of June 23 eight torpedo boats were dispatched to guard the roadstead seven miles out to sea.

The torpedo boats repulsed the enemy's torpedo boats, which had advanced. After this action Commander Elliseien, Lieutenwounded. All the torpedo boats returned toward morning. At 8 o'clock the Novik, Diana, Askold,

Sevastopol, Poltava, Czarevitch, Pobleda, Peresviet, Retvisan, Bayan and Pallada steamed out into the roadstead and anpremise as a termination of the war is al- chored. Two floating Japanese mines havready receiving considerable consideration ing been perceived in the roadstead, the squadron remained at anchor. Meanwhile several small boats which had been searching for mines discovered and

exploded ten on the eastern side of the

squadron was sighted steaming in division line ahead, which on examing closer was found to be composed of one second-class

the binding glare of the searchlights as to boat, one steamer and thirty torpedo boats in two divisions. As they approached the Japanese were seen to be preparing to place a division of cruisers and torpedo boats between the shore and our squadron in order that during the night they might force by persistent torpedo attacks some of our ships

to break the formation and in the morning

Taking into consideration the fact the the attacks were always successfully 10

In the morning there were found a record. Mr. Folk is unknown by sight to believed the Japanese will find it neceshead torpedoes which had been launched by the enemy on long range, the torpedo boats not being allowed to approach nearer than twelve cable lengths. The torpedo boats attacked in groups, and at least two

of them were sunk. In the morning the bodies of a Japanese officer and two sailors were washed on the ach. The successful repulse of the torpedo attacks, in which several batteries took part, was facilitated by the search lights on shore. In the morning all our vessels entered port at high tide.

RUSSIAN REPORT OF BA'44.2 Unnamed Place Scads Account of Japanese Capture of Forts,

ST. PETERSBURG, July 1 .- The follow-

ing dispatch has been received at the War

office from General Zilinsky, dated June 39:
There is considerable speculation as to the exact position of the Port Arthur fleet, the latest dispatch from Lieutenant General Zilinsky, enief of staff to Viceroy Alexieff, bringing the reports from the fortress up two days after the squadyon was supposed to have gone into the harbor without mentioning the vessels. If the squadron has again gone out, as is populated by rumored, the authorities have not disclosed the fact.

One War office report says that fifteen minutes inin flooded the valley near Kai Chau and that several men and horses were drowned and considerable quantities of stores were lost.

Official confirmation has been received of the dispatch from Mukden saying heavy fighting was reported to have taken place.

In the following reports have reached here (Liao Yang) from Port Arthur: On June 3: the Japanese displayed great activity at all their outposts and in the hope of recapturing the mountains of War Tsel Lars, which had been taken from them, they attacked, but again were repulsed and our troops now occupy the village of Heikhohoon, northeast of Siao Ping Tao. The enemy maintained a heavy from their squadron our left funk from their squadron our left funk from their squadron without mentioning the vessels. If the squadron has again gone out, as is populated to have a substitute of Port Arthur. It consists of a cruiser, two lorpedo boat destroyers and seven merchant ships, which evidently brought cargoes into the bay.

On the night of June 24-25 the Japanese torpedo boats reapproached the fortress, and at all their outposts and in the hope of recapturing the mountains of War Tsel Lars, which had been taken from them, they displayed great activity at all their outposts and in the hope of recapturing the mountains of War Tsel Lars, which had been taken from them found in the hope of recapturing the mountains of War Tsel Lars, which had been taken from them outposts and in the hope of recapturing the mountains of War Tsel Lars, which the Japanese of Ping office from General Zilinzky, dated June 20: tacked h great toler.

131. secondly, Height No. 135.

The latter were attacked by a small detachment landed for this purpose. These two beights were beid by our riflemen who, after driving off three attacks with heavy losses, retired, and, being pressed by the enemy, sought refuge on the heights of Loun Van Tian. The enemy attacked this position in great force, employing at least a division, but all the assaults were removed.

nounced that the Russian warships safety re-entered Port Arthur after the fight of June 23 and that not one of them was damaged.

Russians Have Little Rews.

BT. PETERBBURG, July 1.—The sum total of the special dispatches from the far to the special dispatches from the far the sum of the special dispatches from the far the special dispatches from the speci y the enemy.
Our losses were seven officers and about
o soldiers killed or wounded. Our mines

200 soldiers killed or wounded. Our mines exploded at the proper time, blowing up at least fifty Japanese. Their losses were evidently considerable.

According to 'the latest advices large columns of the enemy are marching from Dainy towards the village of Suan Tean Hon and Kheuint mountain.

On June E there was a fusilised at the Japanese outposts, due to the Japanese establishing themselves on the suppnit o' Loun Van Tean mountain. Our gunbos