

### TWO-DOLLAR WHEAT

Bull Operators on Chicago Market See Chance for High Prices.

### SEPTEMBER STOCK ADVANCES SHARPLY

Opening Market Excited and Few Leaders Cared to Make Sales.

### FRANTIC SHORTS RUSH TO COVER DEALS

All Deliveries Showed a Gain of Four Cents Over Closing Prices of Saturday.

### SPRING WHEAT DAMAGED BY RUST

Statement is Made that There Will Be Not More Than Enough Wheat for Domestic Consumption.

CHICAGO, Sept. 12.—"Wheat at \$2 a bushel before next May," was roared by the bulls today on the board of trade. At the opening of the market there was an excited demand for wheat with few traders venturing to sell. The price for May delivery was from \$1.15 to \$1.12 and for delivery for the present month, from \$1.05 to \$1.08. Those who wished to buy should have bid 2 cents a bushel above the prices prevailing at the close Saturday and the quantity that one would sell even at such a tempting advance was extremely limited. The agricultural bureau at Washington issued a report Saturday afternoon that, according to the bulls, lamented the worst fears regarding the lamentable losses to the spring wheat crop by the black rust. Of winter and spring wheat produced this year in the United States it was contended there was barely enough for bread and seed if every bushel of it was available, which is not possible, and the country is therefore face to face with the necessity of bringing in foreign wheat to help keep the wolf from the door until another harvest shall have been raised.

At the high point of the day all deliveries showed a gain of 4c or more, as compared with Saturday's final quotations. The sensational strength was maintained to the end, the market closing almost at the highest point. Final figures on May were at \$1.14, September closed at \$1.05, and December at \$1.12.

NEW YORK, Sept. 12.—Before a combination of sensational bullish crop report figures and the market for wheat a big frost scare in the northwest, wheat prices shot up 4 cents a bushel today and closed within five-eighths of 1 cent of the season's highest record.

### MARYLAND DAY AT ST. LOUIS

Exercises Commemorate Repulse of British Troops at North Point in War of 1812.

ST. LOUIS, Sept. 12.—Exercises commemorating the repulse of the British troops in the war of 1812 by the Maryland militia at North Point marked the celebration today of Maryland day at the World's fair. The principal exercises of the day were held in Festival hall. General L. Victor Baughman, chairman of the Maryland commission, presided, and the addresses were made by President Francis Governor Warfield of Maryland and General Joseph H. Smith, secretary of the Society of Colonial Wars. The recitation of "The Star Spangled Banner" by Miss Edith Ford of Baltimore brought out rounds of applause, which were renewed and redoubled when the strains of "Dixie" pealed from the great pipe organ.

### GREAT COUNCIL OF RED MEN

Chiefs from All Over United States Gather at St. Joseph for Fifty-Seventh Session.

ST. JOSEPH, Mo., Sept. 12.—A band of friendly Indians about 500 strong dropped down upon St. Joseph today, and are in possession of the Metropolitan hotel and Odd Fellows' hall.

Tomahawk and scalping knife were buried immediately upon their arrival. Their voice is for peace and today they are smoking the calumet in what they call the fifty-seventh annual session of the great council of the Improved Order of Red Men.

Almost every incoming train today brought bands of warriors from different parts of the United States and strangers are expected to arrive until noon tomorrow. Trees from here to California, to Maine and the everglades of Florida, says the Great Inchoon, are blessed with the symbols that stand for the "Hunting Ground of St. Joseph, Corn Moon, 12 to 16."

### LOCOMOTIVE FIREMEN MEET

Brotherhood Convention May Choose the Headquarters from Buffalo to Peoria.

BUFFALO, Sept. 12.—The ninth biennial convention of the Brotherhood of Locomotive Firemen was called to order here today.

The report of Grand Master Hannahan, to read this evening, will show that the organization in a prosperous condition; that in the last two years there has not been a strike of firemen on any road on which the brotherhood is organized, all differences having been settled without delay. An important question to be considered is the removal of the headquarters of the order from Peoria, Ill., to Buffalo.

The executive committee was instructed to correspond with Dr. Chapman to see if it would be possible to secure him for a series of meetings at any time between February 1 and May 15. If this was found to be impossible, the executive committee was authorized to correspond with any other available evangelist. The suggestion also was made that the project of a series of tent meetings in various districts of the city, to be held some time during the spring, culminating in a grand union meeting in a mammoth tent or in the Auditorium later in the season.

This matter was also left in the hands of the executive committee.

### WOODMEN OF THE WORLD MEET

Uniformed Companies from Canada and Eighteen States Reach St. Louis.

ST. LOUIS, Sept. 12.—Uniformed companies from Canada and eighteen states to the convention of the Woodmen of the World arrived today and proceeded to their quarters at the World's fair campment. Today was spent in perfecting the arrangements for the camp. On Tuesday they will be occupied with reception and contests at the Temple of Fraternity. Wednesday a parade of the entire uniformed rank and the members of the local camps will take place within the fair grounds. The balance of the week will be taken up in competitive drills and contests.

### HONORS ON BARGAIN COUNTER

Tyrolean Dealer in Orders and Titles is Unearthed at Berlin.

BERLIN, Sept. 12.—An exposure of a regular in orders and titles, who, it is said, has been able to procure honors in the European states for persons who, while he devotes the necessary money, are willing to purchase them, has been made.

The man in these honors, who is a Tyrolean, is said to conduct his trade in a businesslike manner and to issue a regular price list. He quotes the price of nobility in Germany at \$20,000, the Spanish nobility at \$15,000, the Turkish orders at \$2,000 downward and Persian orders at low prices. Portuguese titles of count and marquis are said to be offered without the price being named, and consulates in various South American countries and in Persia are reported to be on sale at from \$1,500 to \$2,400.

Definite lower prices for a host of minor decorations, it is declared, are also given in the price list.

### FRENCHMAN UNCENSORED VIEW

Russian Defeat Due to Inferiority in Men, Guns and Ammunition.

PARIS, Sept. 12.—The Journal's Liao Yang correspondent, having received from Tien Tsin, sends thence the following uncensored dispatch under date of September 12, at 8 p. m.

"The first part of the campaign may be considered lost. The Russian army has retreated northward in the direction of Tien Tsin. The Russian general staff now estimates the Japanese forces at from 400,000 to 500,000. The Russian army will reconcentrate in the north, but it needs several months to fill losses in a number of corps, which must be doubled, and to replace reserves by active troops. Above all it is essential to restore the morale, affected by almost unprecedented trials and difficulties. A Russian offensive movement will be impossible for a long time. Should Russia be determined to continue the war it might still vanquish, but at a cost wholly disproportionate to the results. As an impartial witness, I am convinced that it would be to the best interest of the belligerents to sink national pride and by mutual concessions end a war which will otherwise ruin both."

### GERMANS FIGHT THE HERREROS

Natives Break Through European Cordon with Little Loss of Life.

BERLIN, Sept. 12.—Advised received here from German Southwest Africa show that the main body of the Herreros, several thousand strong, have broken through the ring of German troops disposed for the purpose of encircling them, and have escaped toward the southwest with the loss of fifty men killed and several wounded, to mean an indefinite prolongation of the campaign.

Lieutenant Colonel Von Oster September 9, attacked Chief Samuel Mandoro, while the latter was breaking camp. Samuel offered little resistance, abandoning a portion of his cattle. Lieutenant General Von Trotha, commander-in-chief of forces in German Southwest Africa, wired from Otjomond, September 10 that the German losses consisted of one man slightly wounded.

### TURKISH CASH FOR AMERICA

Twenty-Five Thousand Dollars Paid for Illegal Stealing of Land.

CONSTANTINOPLE, Sept. 12.—The Ottoman bank has notified the American legation here that it holds \$25,000 at its disposal, in settlement of the claim for land illegally obtained by a party of Americans, citizen at Smyrna.

The American Bible house at Constantinople is preparing documents concerning the American schools in Turkey for presentation to the ministry of public instruction.

### DR. CHAPMAN CANNOT COME

Noted Evangelist Unable to Be in Omaha and Fall Meeting is Cancelled.

It is practically settled that the proposed evangelistic meeting to have been held in this city during the fall or winter under J. Wilbur Chapman must be abandoned. Such at least was the decision arrived at by the Ministerial association last night at a meeting held at the Young Men's Christian association headquarters. Rev. J. V. Moore said that it would be impossible to secure the services of Dr. Chapman for any dates after January 1 until early in the spring season.

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### ROBBERS SHOOT TWO MEN

Chicago Man Who Refused to Open Cash Drawer is Dead—Porter Fatally Wounded.

CHICAGO, Sept. 12.—Henry Peterson, a tobacco dealer at Lake and Robey streets, was murdered tonight by one of two men who robbed him. He refused to open his money drawer and one of the men shot him.

The men then robbed the place of about \$300 and made their escape. Peterson's porter, William Pote, a colored man, was also shot and killed. As the robbers ran out of the door the fire a shot at Frank Carlton, a customer who entered the store from a rear room. The bullet knocked off Carlton's hat and struck the porter in the back.

Several arrests had been made by the police up to midnight, but no direct evidence has been procured against any of the men in custody.

Detectives Follow Bandits.

BELLINGHAM, Wash., Sept. 12.—Detectives have trailed three of the men who held the Canadian Pacific train near Mission, B. C., Sunday night, to the town of Lynden, about twelve miles from Bellingham. One of the three men, named Frank Cartman, a customer who entered the store from a rear room. The bullet knocked off Carlton's hat and struck the porter in the back.

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### EXPEDITE TOWNSEND CASE

Commandant at Fort Crook Instructed to Facilitate His Hearing.

CONFIDENT OF LAW POINTS INVOLVED

Director Roberts of the Mint Reports from Western Trip and Reports the Republican Prospects Are Bright.

From a Staff Correspondent.)

WASHINGTON, Sept. 12.—(Special Telegram.)—Advice has been received at the War department from Captain William G. Downing, commanding officer at Fort Crook, that he writes of habeas corpus had been served on him directing that he produce in court at Omaha Richard Townsend, general prisoner serving sentence for desertion at that post. He was instructed by telegraph this evening to facilitate the hearing of the writ. Townsend is presumed to have applied through an attorney for this writ and it is thought the case will involve the question whether the country was in a state of war on January 8, 1899, when he deserted from the army. In other words, the point raised is expected to be whether the war with Spain terminated with the signing of the peace protocol or whether it extended until the ratification of the treaty of Paris on April 11, 1899.

Officers of the judge advocate general's office say the "that question was settled by the supreme court of the United States May 16 last, when that tribunal handed down a decision in which it held that a state of war did not in law cease until the ratification in April, 1899, of the treaty of peace."

In this decision the court held that the truce or the suspension of hostilities does not terminate the war; that at the expiration of the truce hostilities may commence without any formal declaration of war. In view of the decision of the supreme court the officials of the department are inclined to make light of the writ. Townsend is serving a two-year sentence.

### MORE TIME ON WATER RATES

Delay in Matter of Reduction to See What is Best to Do.

Councilman Schroeder, chairman of the fire, water and police committee, returned the request of the Water board for a reduction in water rates to the council yesterday with the request that it be laid over until a report is made by the engineers. Acting Mayor Zimmerman said he was willing to vote for or against the proposition as the city attorney advised. It was then decided to refer the matter to the city attorney with instructions for him and the city engineer to prepare an ordinance which would reduce the rates. The ordinance would not prejudice nor interfere with the water works appraisal. This was done upon the motion of Zimmerman.

### NEGRO HUNT AT CARLSLE, IND.

Colored Man Shoots a Constable and Mob Drives All Black Men from the Town.

CARLSLE, Ind., Sept. 12.—Jasper Hammond, colored, while resisting arrest this afternoon was shot and seriously wounded by Constable T. E. Johnson. Hammond was trying to renew a quarrel with other negroes. Tonight a mob gathered and drove all the nonresidents negroes out of town. Later the mob visited the home of every negro family. Every house except one occupied by an old family was deserted. These people were not molested, but doors and windows in the other houses were demolished.

### ROMAINE A PREVARICATOR

Confessed Dynamiter Was Working in La Junta When Crime Was Committed.

LA JUNTA, Colo., Sept. 12.—Robert Romaine, the prisoner at Topeka, Kan., who confessed to complicity in the explosion at the Independence depot, Cripple Creek, on June 6, was today discovered in La Junta on that day. He worked in the Santa Fe shops at La Junta for about two months, it is said, going under the name of White.

But little credence is placed in his confession, in which he implicated several mining union officials.

### NOTHING SETTLED IN NEW YORK

Governor Odell and Senator Platt Confere Frequent.

SARATOGA, N. Y., Sept. 12.—The many conferences here among republican political leaders caused much talk yesterday. According to a correspondent the plan was to catch Kuroki after he had crossed the Taitse river by a quick and clever movement. Romaine's mission was to attack desperately the front of Kuroki's army, which had marched northwest to hold him, and, if possible, to drive him back towards Kouropatkin, while the latter, severing Kuroki's communication, struck with all his might at his flank and rear.

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### ENGINEERS AND AK-SAR-BEN

Samson Welcomes a Lot of Wise Men and Shows Them Some New Movements.

Notwithstanding that Samson had a circus for a counter attraction last evening, a goodly number of the faithful attended the regular weekly service at the den. The special guests of the evening were the delegates attending the international convention of the engineering societies. Last evening's roster showed twenty-one states represented, besides several being present from Canada. Many pilgrims traveled from many towns in Nebraska to pay homage at the royal throne, drink of the royal brew and enter of the royal robes. The paid membership numbers about 2,300 to date. Next Monday evening will be the last initiation for this year, and it is expected that occasion will be a rousing one. Then all hands will turn to the annual parade and visit of King Ak-Sar-Ben. Those who have pledged to secure a member and have not kept the promise are warned that a penalty of ten days in jail will be meted out to the erring ones if by the police judge, with whom arrangements have been made. This is said to be no idle threat.

Edward P. Smith was grand mufti last evening. The speakers of the evening were: J. E. Bruner, president of the International Union of Steam Engineers; Henry Ketter, delegate to the convention from Kentucky; A. A. Hires, postmaster of Havelock, Neb.; J. A. Barrett, secretary of the State Historical association.

### JAPS CAPTURE SASSALITCH

Rumor that Russian General and 3,000 of His Men Are Prisoners.

GENERAL KUROKI HAS FALLEN BACK ON YENTAL, WHERE THE MAIN JAPANESE ARMY IS DETACHING.

Only a few small Japanese detachments are reported on the Russian flanks.

The War office fully realizes the discouraging effect of the battle of Liao Yang on the heroic garrison of Port Arthur. With all prospects of immediate relief from General Kouropatkin gone it is feared that the length of the siege will be shortened.

The retreatment of the Japanese southward of Mukden means nothing to a Russian correspondent, who, when telegraphed last night, has stated that the fact that previous experience has shown that when the Japanese withdrew from the Russian front this usually was the precursor of their appearance on the Russian flanks.

The correspondent also thinks that the indications point to a winter campaign.

More, he says, there remain two full months, the best of the year, for campaigning.

Another correspondent considers it extremely significant that the Chinese officials at Mukden have already broken off relations with the Japanese. The chief of the Chinese officials says he has received orders from the Japanese to pay the taxes to them.

Japanese at Liao Yang.

LIAO YANG, Sunday, Sept. 11.—(Delayed in transmission.)—The Japanese are greatly pleased with the victory at Mukden.

(Continued on Second Page.)

### CZAR'S MEN IN NORTHEASTERN COREA

Report from St. Petersburg that Enemy Has Been Reinforced and is Advancing Rapidly on The Pass.

LONDON, Sept. 12.—The Morning Post says that official Russian dispatches received in London announce that Lieutenant General Sassaitch, who commanded the portion of the Russian rear guard south of the Hun river, has been severely wounded and captured, with 3,000 out of his 5,000 men.

It is added by the Morning Post that General Zaroubieff, Krandatavitch and Blander have checked General Kuroki's advance.

The Daily Mail's correspondent with the Japanese reports from Tien Tsin the report that General Linewitch, with 50,000 men, invaded northeastern Corea and cut General Kuroki's communication with Feng Wang Cheng.

Rumors at St. Petersburg.

ST. PETERSBURG, Sept. 12.—A rumor with the full military operations and an almost entire suspension of dispatches from the front, St. Petersburg has again fallen back on rumors. Countless stories are afloat regarding the Russian defeat at Liao Yang, some of which are absolutely absurd.

Of great importance is the revival of the rumor of General Sassaitch's resignation, based probably upon differences said to exist between him and General Kouropatkin and others in authority in the far east. Of next importance is the rumor that General Kouropatkin is to be superseded. Lieutenant General Linewitch being named as the most probable successor. This is supposed to rest upon the emperor's displeasure with Kouropatkin's generalship at Liao Yang and general dissatisfaction with the course of events at the front.

### RUSSIANS PULL OUT OF COREA

Abandon a Large Amount of Accumulated Stores.

COPYRIGHT, BY NEW YORK HERALD CO., 1904.

WONSON, Sept. 11 (via Seoul, Sept. 12)—2.5 a. m.—(New York Herald Cablegram.—Special Telegram to The Bee.)—A column of 2,000 Russians, with six field guns, has left Ham Heung, taking the Karsan road to the north. A large quantity of rice and barley was left unprotected at Ham Heung. The Russian movements are inexplicable. There is no apparent reason why they should retire to the north, abandoning the supplies they have collected and their elaborate preparations made at Ham Heung and in northeast Corea during the last three months.

### STORY OF KUROKI'S FIGHTING

Timely Arrival of Left Wing Saves Islanders from Defeat.

TOKIO, Sept. 12-7 p. m.—Details of the fighting by the troops under command of General Kuroki from August 28 to September 2. The Russian forces were engaged in the night of September 2 a Japanese column was detached and advanced from Penshu to Pingtailie, where a guard was left and the column swung to the westward.

The afternoon of September 4 the Japanese occupied Yumetsukan. The center column, while engaged in getting possession of the ridges to the west of Helying in the afternoon of September 5 was subjected to a concentrated Russian fire, which suffered heavily. The Japanese held their position with difficulty. The Russians shelled the Japanese right and center from two sides. The Japanese artillery was unfavorably placed, for the artillerymen were exposed and sustained severe losses. During the evening of the 4th the Russian brigades attacked the Japanese right and center columns and the enemy was repulsed only by the timely arrival of the left wing of the center column.

### SHOWS FEAR OF JAPAN'S PROGRESS

Newspaper Thinks Islanders Threaten Stability of Asiatic Affairs.

ST. PETERSBURG, Sept. 12—4.15 p. m.—M. S. Souvorin, manager of the Novo Vremya, in a long leading article in that paper today, again discusses the Asiatic problem and the argument that the renaissance of China would be more dangerous to Japan than to any other country, and points out that if Great Britain, with its 250,000,000 of India in check, Japan could hold 250,000,000 of India in Great Britain of China. M. Souvorin, however, considers that Japan's threat goes even beyond China—to India, where, he says, the eyes of the natives in this conflict are turned not toward Russia, but to Japan. He expresses the opinion that Russia's defeat would be followed by a conflict between Japan and Great Britain and consequently concludes that Russia's interests and those of Great Britain, as well as those of the other western powers in the present crisis, are bound to be identical.

M. Souvorin says that Great Britain fought for two years a country one-twenty-fifth the size of Japan without any British soldiers foreseeing the time, money and lives that it would cost, their lack of forethought being hardly less than that of the Russians, and concludes with saying:

"No matter how hard the war is on the Russian people, Russia must win the victory. It being even more necessary that it was for Great Britain to defeat the Boers."

### BELEGGED RECEIVE MESSAGE WITH CHEERS

ST. PETERSBURG, Sept. 12—(7.30 a. m.)—In publishing Lieutenant General Stoeness's telegram replying to that of the emperor, recently, reducing the Port Arthur garrison term of military service, the Official Messenger says the news was received by the beleaguered men with cheers and tears of gratitude.

### Few Japs North of Yental.

ST. PETERSBURG, Sept. 12.—A dispatch has been received from Lieutenant General Sakharov on yesterday's date reporting that no large Japanese force has been seen north of the Yental railroad, but that south of there there are many large camps of Japanese.

### NEBRASKA WEATHER FORECAST

Showers and Cooler Tuesday, Wednesday Fair.

Hour.	Temp.	Wind.	Humidity.
5 a. m.	53	1 p. m.	67
6 a. m.	53	2 p. m.	67
7 a. m.	52	3 p. m.	65
8 a. m.	52	4 p. m.	65
9 a. m.	53	5 p. m.	65
10 a. m.	52	6 p. m.	65
11 a. m.	52	7 p. m.	65
12 m.	50	8 p. m.	65

### SUMMARY OF WAR SITUATION

Russian Correspondent Thinks Movements of the Japs Point to a Winter Campaign.

The sanguinary side of the Russo-Japanese conflict is not now in evidence and with the practical suspension of news from the front the interest for the time being centered in rumors that Viceroy Alexieff has resigned, as reported Sunday; that the Emperor has accepted the resignation; that Lieutenant General Linewitch, now in command of the forces at Vladivostok, and other statements which cannot be traced to authentic sources, but all of which, if true, would have a most important bearing on the situation. One Russian correspondent points out that when the Japanese withdraw from the Russian front it is usually the precursor of their appearance on the flanks, and he thinks the indications point to a winter campaign. Interest again turns to Port Arthur and to the effect which the Russian defeat at Liao Yang is likely to have on the garrison there and the fear is expressed that the siege will soon end in disaster for Russian arms.

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### DEPARTMENT ASKS FURTHER REPORT.

After an interview with the commissioner of navigation, Acting Secretary Murray sent the following dispatch to the collector: "Your telegram addressed to secretary treasury concerning Russian steamships recently received at 4:40 p. m. You should have addressed this department, as directed in circular 23. Wire this department hour of steamer's arrival at your port and concise resume of steamboat inspector's report, and if repairs are necessary, the probable time required to complete same. On receipt of particulars the department will instruct you further. See circular 23, end of page 2 and all of page 2."

The circular referred to was issued on February 13 of the present year, immediately after hostilities between Russia and Japan commenced, and besides containing the president's proclamation and the provisions of the statutes relating to neutrality, the government instructs collectors that "should any case arise requiring official action you should communicate the facts to the department by the common carrier. The collector's telegram came after office hours, and the officials were somewhat puzzled that there was so much delay in sending it. There was a good deal of reticence on the subject on the part of the bureau of the collector's telegram, and it is understood that the collector's report, which was preferred to await the report of the inspector before making a settlement. This report, it is expected, will be received some time during the night, so that the Lena will have been in port over twenty-four hours before the collector's report is received. The collector's report is being reviewed.

### Great Stir at Washington.

The Navy department today received a dispatch from Rear Admiral Goodrich, commander of the navy yard at Mare Island, stating that the Russian transport Lena had arrived there and that its commanding officer had reported that its engines and boilers were in need of repairs. Later in the day the telegram was referred to the State department for action.

Secretary Morton has telegraphed Rear Admiral Goodrich, commander-in-chief of the Pacific station, directing him to determine the condition of the Lena and to inquire of the commander of the Lena what his intentions are.

Admiral Goodrich's report of the presence of the Russian transport Lena in San Francisco harbor caused a great stir in official circles here today. The entry of the ship was entirely unexpected and was a disagreeable event for it had been hoped by the officials that America would escape being drawn in the necessity of making close decisions respecting the rights of belligerent vessels in our ports.

Secretary Morton sought the advice of the State department, sending Captain Pillsbury, acting chief of the navigation bureau over to see Acting Secretary Adee. The latter in turn returned for Judge Pense, the department's solicitor and a conference ensued between the three men lasting half an hour. Then the statement was made that after all this was not a matter which at this stage concerned the State department, but rather it is within the jurisdiction of the Treasury. The presence of the Russian transport, so-called, in San Francisco harbor involved the application of the United States neutrality laws and it was said at the State department that it was the duty under the president's proclamation of neutrality, for the treasury officials there—the collector of customs and the revenue officer—had to determine if the ship was an enemy vessel, and if so, to take any action necessary in this matter. In other words the case is purely internal as it stands though it may become external at any moment and thus require action by the government here, which would obligate another nation, Japan for instance, to officially call attention to the Lena's presence in San Francisco harbor.

### Transport is a Warship.

It is said at the State department that in international law there is no difference recognized between the transport and a battleship, though here we follow a different infirmation conveyed in the San Francisco dispatches that the captain of the Russian ship thought otherwise and was disposed to claim exemption from the rules of war applying to naval ships.

That being the case, it is probable that the government here will follow closely the course pursued by Germany, France and China in cases where Russian naval vessels sought shelter in their harbor. The first thing to be done is to find out the exact condition of the Lena and whether or not there actually exists need for repairs.

### JAPAN FILES A PROTEST

Formal Objection to Presence of Russian Cruiser at San Francisco.

WILL PRESERVE NEUTRALITY LAWS

Officials at Washington Are Perturbed Over Presence of the Osar's Warship.

MUST GO SOON OR STAY DURING WAR

Decision as to Course Rests Largely with Captain of Ship.

BOILERS WILL BE INSPECTED TODAY

Upon Receipt of the Report Washington Officials Will Determine Definitely Their Course of Action.

WASHINGTON, Sept. 12.—The expected protest of Japan against allowing the Russian auxiliary cruiser Lena, which arrived at San Francisco yesterday, to remain longer than twenty-four hours came today, when the Japanese consul in that city, through the collector of customs, made formal demand that the vessel be required to leave at the end of that time. The collector's telegram officially notifying the authorities principally the Lena and of Japan's protest was addressed to the secretary of the treasury, who at once sent copies to Acting Secretary of State Adee and Acting Secretary Murray of the department of commerce and labor, who has direct jurisdiction in the matter. The telegram reads as follows:

"Japanese consul has made demand upon that Russian auxiliary cruiser Lena, arriving at this port this instant, leave within twenty-four hours. The captain reports that he has entered for repairs of engines and boilers and requests that you request the inspector of hulls and boilers to make an examination of vessel's machinery with the consent of the Russian consul and the commander of the Lena. Can find no authority in the law or regulations for collector assuming any authority in the premises, and request instruction."

### Department Asks Further Report.

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### Great Stir at Washington.

The Navy department today received a dispatch from Rear Admiral Goodrich, commander of the navy yard at Mare Island, stating that the Russian transport Lena had arrived there and that its commanding officer had reported that its engines and boilers were in need of repairs. Later in the day the telegram was referred to the State department for action.

Secretary Morton has telegraphed Rear Admiral Goodrich, commander-in-chief of the Pacific station, directing him to determine the condition of the Lena and to inquire of the commander of the Lena what his intentions are.

Admiral Goodrich's report of the presence of the Russian transport Lena in San Francisco harbor caused a great stir in official circles here today. The entry of the ship was entirely unexpected and was a disagreeable event for it had been hoped by the officials that America would escape being drawn in the necessity of making close decisions respecting the rights of belligerent vessels in our ports.

Secretary Morton sought the advice of the State department, sending Captain Pillsbury, acting chief of the navigation bureau over to see Acting Secretary Adee. The latter in turn returned for Judge Pense, the department's solicitor and a conference ensued between the three men lasting half an hour. Then the statement was made that after all this was not a matter which at this stage concerned the State department, but rather it is within the jurisdiction of the Treasury. The presence of the Russian transport, so-called, in San Francisco harbor involved the application of the United States neutrality laws and it was said at the State department that it was the duty under the president's proclamation of neutrality, for the treasury officials there—the collector of customs and the revenue officer—had to determine if the ship was an enemy vessel, and if so, to take any action necessary in this matter. In other words the case is purely internal as it stands though it may become external at any moment and thus require action by the government here, which would obligate another nation, Japan for instance, to officially call attention to the Lena's presence in San Francisco harbor.

### Transport is a Warship.

It is said at the State department that in international law there is no difference recognized between the transport and a battleship, though here we follow a different infirmation conveyed in the San Francisco dispatches that the captain of the Russian ship thought otherwise and was disposed to claim exemption from the rules of war applying to naval ships.

That being the case, it is probable that the government here will follow closely the course pursued by Germany, France and China in cases where Russian naval vessels sought shelter in their harbor. The first thing to be done is to find out the exact condition of the Lena and whether or not there actually exists need for repairs.