THE SUNDAY BEE—BEST NEWS—BEST PICTURES—BEST STORIES.

THE OMAHA DAILY BEE.

THE SUNDAY BEE—A NEWSPAPER AND A MAGAZINE IN ONE.

ESTABLISHED JUNE 19, 1871. OMAHA, FRIDAY MORNING, DECEMBER 30, 1904.—TEN PAGES. SINGLE COPY THREE CENTS.

MAJORITY IS DIVIDED

Colorado Republicans Not Agreed Upon the Plan to Reseat Peabody.

WOLCOTT MEN OBJECT TO PROPOSED MOVE

Declare That They Will Vigorously Oppose Any Attempt to Count Out Adams.

ACTION OF THE LEGISLATURE IS FINAL

Its Canvass of the Votes [illegible] State Officers Not Subject to [illegible]

JUDGE CARPENTER CITED [illegible] CONTEMPT

He Dismisses Writ of In[illegible] Issued for Las Animas [illegible] Democrats and is [illegible] charged.

DENVER, Dec. 29.—Very few members of the legislature have yet arrived in the city and whether the plans of William C. Evans and other republican leaders to reseat Governor James Peabody will be advised by a majority of the republican members is still in doubt. The republicans can carry any measure on which they are agreed. There are at least half a dozen candidates for the speakership.

Some republican members known as followers of former United States Senator Edward O. Wolcott have decided that while they do not contemplate a union with the democrats under any consideration, they will oppose vigorously any plan for counting out Adams. The Wolcott republicans say they will go into a party caucus and will agree to abide by the decision of the caucus up to a point where it conflicts with their consciences. They insist that they have always strictly observed party regularity, but when a course is commended that is morally wrong they will not follow it and they will not consider their decision in that regard as "irregular." The plan to seat Governor Peabody, some of them declared, is wrong and no caucus action will bring them to support such action.

The canvass of the votes for state officers is made by the legislature and is not subject to review in the courts.

Judge Cited for Contempt.

For the first time in the history of the state a judge of a district court was compelled to appear in person before the supreme court of the state and explain to that tribunal why he had issued a writ of mandamus, when it was apparent that he was in error in so doing. Judge Samuel L. Carpenter of the district court was the man served with the citation.

A solemn protest against the action of the high court was entered by Judge Carpenter and he said under the circumstances he thought he had a right to issue the writ for Charles B. Ward and Dr. Michael Beshoar, candidates on the democrat ticket from Boulder and Las Animas counties, respectively. Being now advised that the supreme court has decided that district courts have no power to issue such write the judge said: "It becomes obligatory upon this respondent without any order of this court of his own motion to dismiss such proceedings."

Judge Carpenter was thereupon discharged by the supreme court and he was directed not to take any further action directly or indirectly in the matter.

Cases Against Attorneys Go Over.

Decision in the contempt proceedings against Senator John A. Rush and Attorney Everett Bell, who were cited for contempt in procuring writs, was deferred until next Tuesday.

Charles J. Hughes, jr., was cited as attorney for Rush and Charles S. Thomas for Bell and answers were filed by both of the accused attorneys. From these answers it appeared that Bell was not an attorney of record in the case before the district court and merely telephoned information of the supreme court's decision to Rush. Both attorneys pleaded ignorance of the full scope of the decision. Rush also stated that he had supposed that the supreme court had not gone into the merits of the matter, because it would hear arguments only on the question of jurisdiction. He had acted as he had in order to protect the interest of his clients in all things. He said Attorney Bell had telephoned to him that the decision of the court of appeals two years ago would be the law of the state until reversed, and said the only way to have it reversed was to get action in the district court. Rush alleged he did not know any rule or order had been made forbidding the district courts to take any further action. Prompt action was necessary, he said, because he was informed that the State Canvassing board was preparing to hold a meeting immediately after the decision of the supreme court and adjourn before any court could act.

Republicans Take Control.

By the action of the State Canvassing board in issuing certificates of election as senators to Casimero Barela and Henry B. Millard, the republicans have secured such absolute control of the general assembly that it is now regarded in democratic circles as highly probable that Governor James H. Peabody will be reseated. The republicans' plan, it is said, to accomplish this by throwing out the vote of all democratic wards of Denver and counting the vote of the republican wards. The senate now stands: Republican, 19; democratic, 15; vacancy, 1. On joint ballot the legislature stands: Republican, 46; democratic, 22.

By throwing out one Las Animas county precinct the canvassing board converted a minority of 124 into a majority of 267 for Barela, and by similar action in Boulder county the re-election of Senator Ward, democrat, was nullified and his seat given to Millard.

Although the members of the canvassing board refused to say how they stood on the proposition to go behind the returns, it has been learned that one member, State Treasurer Whitney Newton, was opposed to the action taken. Those who voted in favor of unseating the democratic senators-elect are Governor James H. Peabody, Secretary of State James Cowie, Attorney General N. C. Miller and Auditor J. A. Holmberg. All the members of the board are republicans.

Chief Justice Gabbert announced that the supreme court had not found time to consider the petition of Governor-elect Alva Adams to open all the ballot boxes used in Denver at the recent election and demand the extent of the frauds.

Resolutions of Liberty League.

The Liberty league state convention adopted the following resolution today:

Resolved, That we denounce in unmeasured terms the action of the republican party in attempting to override the plainly expressed will of the people by arbitrarily throwing out the returns from a large number of precincts that to the end that

(Continued on Second Page.)

ADMIRAL KAZNAKOFF RECALLED

Russian Commissioner on North Sea Board is Succeeded by Admiral Doubassoff.

ST. PETERSBURG, Dec. 29.—Admiral Kaznakoff is returning to Russia and will be replaced by Vice Admiral Doubassoff as Russian commissioner on the international commission at Paris which is to inquire into the North sea incident. Doubassoff starts for Paris next week.

Admiral Kaznakoff is returning because of ill health. It seems not yet absolutely certain whether he will be able to continue as a member of the commission. At the admiralty the news of his breakdown did not cause surprise, it being feared when he was appointed that he would not support the strain.

Vice Admiral Doubassoff was given an audience of the emperor just before his majesty's departure for the south. This is regarded as confirmation of the report that Doubassoff is to replace Kaznakoff on the North sea commission. Doubassoff is eminently fitted to represent Russia on that commission. He is energetic and speaks the English and French languages fluently. It is understood that Doubassoff would have been to sent to Paris in the first place but for the fact that the emperor did not wish to spare him from the important work of the naval technical commission and so Kaznakoff was selected. It was hoped that his health would bear the strain of the duties imposed upon him by the appointment, though there was some fear that he might break down, and for this reason his son, a young lieutenant, was detailed to accompany the admiral to Paris.

PARIS, Dec. 29.—The members of the international commission of the North sea incident were surprised today to hear that Admiral Kaznakoff, the Russian member appointed, will be recalled, as no intimation that a change was contemplated had been communicated to the commission. The dispatch from St. Petersburg announcing the change was laid before the admiral by the Associated Press, with the request for a statement. The admiral answered that he must decline to discuss the matter. The members of his suite also refused to discuss the subject.

WANT SHIPS BUILT AT HOME

St. Petersburg Newspaper Attacks Policy of Having Warships Built Abroad.

ST. PETERSBURG, Dec. 29.—The Russ in the course of a sensational article attacking the policy of building Russian warships abroad and the marine administration generally, refers as an example to the case of the American built Russian cruiser Varlag, the plans of which, the paper says, when the Japanese wanted to raise it, the Cramps sold to Japan for $3,000. The Russ also rakes up the old report that Vice Admiral Messer made in 1898, in which he severely condemned the battleship Petropavlovsk, the protected cruiser Pallada, the battleship Sevastopol and several other ships, now either with Admiral Rojestvensky or in the Baltic, which were built under Admiral Verkhovsky, Grand Duke Alexis' chief aide, arguing therefrom the necessity for adequate Russian yards, under competent and honest administration.

PHILADELPHIA, Dec. 29.—When shown the St. Petersburg dispatch, in which the Russ charges the William Cramp Ship and Engine Building company with having sold the plans of the cruiser Varlag to the Japanese in order that the vessel might be raised, Edwin S. Cramp today said: "There is absolutely no truth in the article published in the Russ insofar as this company is concerned. We have never been approached by the Japanese government with reference to the plans of the Varlag. Our relations with the Russian government have always been friendly and the article is a pure falsification."

AMERICAN SCHOONER IS LOST

Survivors of Illfated W. R. Chester Rescued by British Steamer.

HAVRE, Dec. 29.—The British steamer Anglo-Chilian, from Pensacola via Newport News, which arrived here yesterday, with Captain Nelson, his wife and five members of the crew of the American schooner, W. R. Chester, on board, reports having rescued them in midocean when the Chester was sinking after having encountered a four days' storm. Captain Nelson set fire to the steamer before abandoning it.

The consul here will send the rescued persons home.

Kuroki Writes Letter.

BERLIN, Dec. 29.—A convivial circle at Dortmund sent General Kuroki in September a card of enthusiastic congratulations on his military successes and has now received the following answer:

ON THE BATTLEFIELD, IN MANCHURIA, Nov. 1.—How I rejoice to be congratulated at so great a distance upon our victories. As you know, we are pupils of German tacticians, hence I have double pleasure in being congratulated by German men. With special regards, your obedient servant,

(Signed) KUROKI.

The above letter from General Kuroki removes all doubt, if any existed, that General Kuroki is still alive.

Chinese Are Restive.

SHANGHAI, Dec. 29.—The leaders of the Ningpo community here have telegraphed to the Foreign office at Peking that they have great difficulty in restraining their countrymen, owing to the Russian consul's neglect to answer the taotai's request for the surrender of the two sailors of the Russian cruiser Askold, who are charged with the murder of a Chinaman as the result of a quarrel over the hire of a jinriksha.

Porter Discusses Moroccan Affairs.

PARIS, Dec. 29.—Ambassador Porter called on Foreign Minister Delcasse today and discussed the situation in Morocco, which is seriously occupying the minister. No definite naval or military steps have yet been decided upon, but it is evident that France is determined to act decisively unless the sultan reverses his offensive action toward France.

Choate Will Not Resume Practice.

LONDON, Dec. 29.—Joseph H. Choate, the American ambassador here, does not intend to take up law practice when he returns to New York, as reported in the press here. He considers he has been away too long from the bar to resume practice at his age.

Emperor Entertains Ambassador.

BERLIN, Dec. 29.—Baron Speck von Sternburg, the German ambassador to the United States, and his wife, lunched with the emperor and empress today.

Von Koerber Out of Office.

VIENNA, Dec. 29.—The Neue Freie Presse says that the resignation of Premier von Koerber, which, according to that paper, was tendered yesterday, has been accepted.

Bishop of Wichita Meets Pope.

ROME, Dec. 29.—The pope today received in private audience the Right Rev. John Hennessy, bishop of Wichita, Kas.

IRVINE STATES HIS CASE

Prosecutor of Bishop Talbot Talks of Matter Before Board of Inquiry.

ACCUSES BISHOP OF GRAVE DUPLICITY

Says that Letters Written by Prelate Are a Reflection Upon Other Members of House of Bishops.

PHILADELPHIA, Dec. 29.—"Can a bishop, or ought a bishop, write defamatory letters in secret in order to injure any member of the ministry?" This is the question which will be decided at the meeting of the board of inquiry in the case of Irvine against Talbot," said Rev. Ingraham N. W. Irvine, the plaintiff in the celebrated case today, in discussing the charges which have been made against him.

"My reinstatement," continued Dr. Irvine, "is of secondary consideration when contrasted with the above query. Of course, I wish to have this unjust deposition removed, but I wish, also, entirely without malice, to be vindicated in the sight of God and my friends."

In discussing the motive of the presentment, Dr. Irvine said it was because he had persistently refused to serve communion to Mrs. Emma D. Elliott of Huntingdon, Pa., who is divorced, against the wishes of Bishop Talbot.

"Bishop Talbot and I, along with about 1,600 other members of the ministry," said Dr. Irvine, "signed the declaration which was sent to all the bishops and clergy in the United States and presented to the general convention of 1898, and which prayed for more stringent restrictions in the matter of divorce and remarriage.

What Canons Provide.

"The canons of the church provide explicitly that a man or woman, divorced on any charge, except that of adultery, which must be proven beyond the bounds of reasonable doubt, cannot receive the holy sacrament. In the face of this Bishop Talbot, while he publicly supported the petition, covertly and by secret meetings with Mrs. Elliott, who is a woman divorced on the grounds of desertion, sought to have her remain in the church.

"Now, who was the most consistent, Bishop Talbot or I? Did we not, both of us, sign the petition mentioned? Is it not curious that Bishop Talbot, although he had written me saying that Mrs. Elliott was, by canon, excommunicated, should by other methods seek to retain her as a communicant?"

Referring to the letter which Bishop Talbot is said to have written Dr. Upjohn, in which the former termed Dr. Irvine a "plausible romancer," had charged that he was deposed for gross immorality and "that for twenty out of the thirty years of his service in the ministry he was under ecclesiastical discipline," Dr. Irvine said that Bishop Talbot has placed himself in a most awkward position.

"That letter to Dr. Upjohn was unwarranted and cruel," said Dr. Irvine, "since it was, first of all, a gross subterfuge. It was used secretly as a weapon against me, to deprive me of all sympathy, respect and even maintenance.

Says Letter Accuses Bishops.

"In the first place, it is an utter impossibility for these allegations to be true. The church law requires that a minister shall not be eligible to admittance to another diocese when leaving one, unless he bears the 'letter demissary.' This letter shows that the departing minister has a clear record; that his life is beyond reproach, free from error in religion or viciousness in life, and must be signed by the bishop. How could I, therefore, be guilty of the charges made against me?

"Bishop Whitehead of the diocese of Pittsburg, Bishop Adams of the diocese of Easton, Md., the last two dioceses in which I served, as well as the bishops of all the dioceses in which I lived, prior to this, have given me these letters which secured me the desired admission to new fields.

"Bishop Talbot has, in his allegations, directly accused his brother bishops of fraud upon the church in their issuance of these letters to me.

"The bishops whose names he quotes in his attack upon my character, have been placed in a position which reflects discredit upon their reputations, or Bishop Talbot's accusations are absolutely false—and I know that the word of these gentlemen cannot be impugned."

Dr. Irvine said, in conclusion, that he is not a member of the Catholic club, nor has he ever made any accusations at the club or had words with Dr. Upjohn.

Case May Be Dismissed.

Interest in the case of Dr. Ingram N. W. Irvine against Bishop Talbot of the central Pennsylvania diocese today was largely centered in the question as to whether the proceedings brought by Dr. Irvine will be uncanonical after the first of the year. The point raised by Rev. Dr. John Fulton, editor of the Church Standard, that the board of inquiry will have no power to proceed because the canon under which the board was named will be superseded by a new canon on January 1, was discussed by the lawyers and clergymen, and a difference of opinion prevails.

Henry Budd, who assisted in preparing the presentment to be made against Bishop Talbot, believes that the board will be able to hear the case under the present canon. He said the papers of the case were prepared last August before the new canon was adopted and that they were regular. He believed that as the board was properly constituted its jurisdiction will be continuing until it has disposed of the business for which it had been created.

On the other hand, Francis A. Lewis, an attorney of this city, who was a member of the committee on canons at the last general convention of the church when the new canon was adopted, has this to say:

I have not looked into the matter, but am inclined to think that Dr. Fulton's point is well taken. When the board convenes the first question it will ask is, "Under what canon are you proceeding?" If the answer be "Under a repealed canon," the matter would seem to be at an end so far as the proceedings is concerned. Speaking from memory, I think that the causes for which a bishop may be tried are not the same in the new canon as the old, and that might make some difference.

No one can be found who will venture a positive opinion on the question, because a revised copy of the canons adopted at the last general convention is not obtainable here. The original manuscript is said to be in the hands of Rev. Dr. Henry Anstice of New York, who has charge of the printing.

J. Frederick Jenkinson, who is one of the presenters in the case, said tonight that he believed nothing would be done until the board of inquiry met and that the members would then decide whether they have jurisdiction in the case. If they decided that they have not it would then be only a matter of a short time before proceedings would be instituted under the new canon.

Vestryman Says Charges Are False.

HUNTINGDON, Pa., Dec. 29.—While they will not admit unfriendliness to Bishop

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DODGE DOES NOT CONFESS

Attorney Jerome Puts End to Sensational Stories in New York City.

NEW YORK, Dec. 29.—Rumors of reports which have been circulated for several days to the effect that Charles F. Dodge, the former husband of Mrs. Clemence Dodge Morse, wife of Charles W. Morse, the banker and former president of the American Ice company, had made a sensational confession in connection with the Dodge-Morse divorce case, implicating many persons, including several members of the New York Bar association, District Attorney Jerome said today that Dodge had made no such statement. Since Dodge's arrival here from Texas he has been held practically a prisoner in the Broadway Central hotel, although he had been discharged upon his own recognizance upon his appearance in court upon suggestion of the district attorney. It was believed that the stories of a confession by Dodge were practically confirmed by District Attorney Jerome when he moved for the discharge of the prisoner. Dodge had been arrested on a warrant charging perjury in connection with the Dodge-Morse divorce case.

In his announcement today, District Attorney Jerome said:

"As yet Dodge has made no confession and we will not take any statement from him until his physical condition warrants him in making one. He is not a state witness yet and until he gives some valuable information he will not be taken as such. The man is a physical wreck now and is being cared for. If he shall prove of no value as a people's witness then he will be returned to the Tombs to stand trial on the perjury charge.

INSANE MAN USES A KNIFE

Italian at St. Louis Cuts Brother's Throat and is Shot by Policeman.

ST. LOUIS, Dec. 29.—An Italian, whose name is unknown to the neighbors, who lived with his two brothers, one of whom is employed by the Italian World's fair commissioners, cut his brother's throat and was himself probably fatally shot today by a policeman. The wounding of the two men occurred as the culmination of a terrible struggle between two of the brothers, one of whom had become a maniac, and a policeman called in to arrest him.

The man who was shot showed signs of insanity yesterday morning and his brothers sought to control him, alternating in keeping watch. Today the maniac became violent and a terrific struggle ensued between the two brothers, lasting for nearly two hours. When the police, who had been summoned, broke in the door of the room occupied by the men they found the maniac standing over his brother and waving a bloody knife, with which he had cut the throat of his victim. Seeing the policemen, the crazy man sprang at them, brandishing his knife. One of the officers fired and the bullet struck the Italian in the body. He continued to fight, though the wound was a bad one, but was finally overcome, and with his wounded brother was take to the city hospital. None of the three brothers can speak English.

WITNESS O'BRIEN IS SHOT

Man Who Testifies Against Policeman Receives Serious Wound Near Scene of Crime.

NEW YORK, Dec. 29.—Standing almost in the very spot where Robert Brennan was shot to death by Patrolman Arthur Mallon last May, William O'Brien, a homeless waiter, who gave the most important testimony in the trial which resulted in Mallon being sent to prison for twenty years, today received a bullet wound which probably will result in his death.

O'Brien's assailants escaped and he has refused to make any statement which would assist the officers in learning their identity.

"When you go against the cops you get all that's coming to you," the wounded man said, as he lay on the floor of a saloon awaiting the arrival of an ambulance. Three men are under arrest as suspects.

O'Brien was walking down the Bowery and had just passed the saloon where Brennan was killed, when a shot rang out and he fell with a bullet in his abdomen. The police advance the theory that O'Brien had been in a fight and that he was shot after he had stabbed his adversary.

O'Brien, who is 25 years old, has an interesting police record.

SELBY TAKES COURT HOUSE

South Dakota Citizens Tear Down Building and Move It Away.

ST. PAUL, Dec. 29.—A special to the Dispatch from Aberdeen, S. D., says that the crowd of men who went from Selby to Bangor Tuesday night and carried off by force the county records in the court house and then left word that they would return last night for the court house itself, kept their promise. The building has been torn down and piled on wagons and is being hauled to Selby in sections and rebuilt today. Although the action of the Selby men has aroused much bitter feeling the Bangor residents made no resistance.

OHIO DEMOCRATS CONFER

Plans May Be Discussed to Head Off Move by Bryan's Friends.

COLUMBUS, O., Dec. 29.—In response to a call issued by Chairman McKinney, the democratic state committee held a secret meeting here today. It was said that the real purpose of the meeting was to devise plans for securing greater unanimity of action in the future. It was also said that the object of the meeting was to head off the plan of the Bryan men to secure control of the organization for next year.

For the purpose of effecting a thorough reorganization throughout the state a committee of fourteen was appointed.

THREE DIE IN THE FLAMES

New York Farm House Burns and Members of the Family Perish.

GENESEO, N. Y., Dec. 29.—Three persons lost their lives in a fire which totally destroyed the farm residence of Charles McMillan at the head of Conesus lake today. The dead:

CHARLES M'MILLAN.
LOTTIE M'MILLAN, his sister.
FRANK M'MILLAN, his nephew.
Lulu McMillan, another sister, escaped.

The cause of the fire has not been explained.

The McMillans were among the prominent families of Livingston county.

PLATT WINS THE BIG FIGHT

Odell Announces that There Will Be No Opposition to Re-Election of Depew.

HISTORY OF SENATORSHIP CONTROVERSY

Statement that the Governor Promised to Aid Black's Candidacy in Return for His Suport of Higgins.

NEW YORK, Dec. 29.—Chauncey Mitchell Depew of New York will succeed himself for a term of six years as United States senator from the state of New York, continuing as the colleague of Senior Senator Thomas C. Platt, who has four years to serve.

The formal announcement of this conclusion was made late this afternoon at the Fifth Avenue hotel by Governor Odell as chairman of the republican state committee and came as the culmination of a series of conferences by prominent republicans extending over seeveral weeks, and practically continuous during the past three days.

The purport of the announcement is that the candidacy of former Governor Frank S. Black of Troy, which has been warmly pressed by his friends during the past fortnight or more is to be withdrawn and that the name of Senator Depew will be the only one presented to the caucus of republican legislators, which will select the party's candidate for senator.

Late in the afternoon a letter was given out, addressed by Mr. Black himself to Senator Depew, in which the former governor withdraws his name from the senatorship and declares that in this course his duty as a republican and his private sentiments coincide.

In a graceful letter of reply, Senator Depew thanks Mr. Black for his cordial sentiments and declares that the former governor's action places the party under great obligation to him.

Governor Odell's Statement.

Governor Odell left the city, it was said, for Newburgh, early this evening. This is the statement which he gave out before leaving republican headquarters.

As chairman of the republican state committee of New York, after a long series of inquiries extending all over the state, I have reached the conclusion that party harmony will be best subserved by the re-election of Senator Depew. In the position which I occupy I am frequently called upon to pass upon the claims of friends and, while my sympathy may be, as was the case in the present senatorial contest, with one stronger than the other, yet one must recognize the fact that personal interests must always be subservient to party success.

A month ago my knowledge of the situation in the state was not as complete as it is now, and those of my friends who thought that a change might be desirable for party reasons, must now recognize the sentiment which has manifested itself all over the state so strongly for the return of Senator Depew. Such being the case it would have been the worst kind of party generalship to have run counter to this expressed public opinion.

Mr. Black's Letter.

Following is former Governor Black's letter to Mr. Depew:

My Dear Senator Depew: My name has been considerably discussed in connection with the senatorship. The discussion has not arisen from my seeking or desire. My private interests and personal tastes have both been distinctly against the contest or even accepting public office, even if it came without controversy. It seems clear to me now that any further use of my name may result in consequences which might impair the prospects of republican success, while they served no useful public end. My duty as a republican, is therefore, in complete harmony with my private sentiments.

I shall be earnestly for your re-election, and in conveying this assurance, I wish to express my appreciation of the uniform courtesy of your attitude toward me. Very sincerely yours,

FRANK S. BLACK.

History of Controversy.

When it first became known publicly that there had been differences of opinion over party policy between Senator Platt and Governor Odell, attention was directed to the two seats in the United States senate held by Platt and Depew almost as much as to the convention that would nominate the next candidate for governor. Senator Platt went before the legislature for re-election two years ago and was returned; but three republican state senators refused to support him. The campaign to return Mr. Depew partly began at that time and was continued until today, when he was able to announce its success. It was known all along that Mr. Depew regarded Mr. Platt as a very good friend and that he did not desire to do anything that would give pain to the man who had led the republican party in this state for so many years.

Last summer, prior to the meeting of the state convention, it was reported in political circles that former Governor Frank S. Black desired to go to the United States senate and that he would have the support of Governor Odell. Never, however, did Mr. Black announce himself a candidate, and not until today did Governor Odell make known his position. At the state convention, when Mr. Platt attempted to nominate Mr. Woodruff for governor, it is said that Governor Odell, in order to secure the support of Mr. Black for Higgins, had agreed to help Black. This rumor, like many others, was never confirmed, and the governor kept his own counsel, saying that he only desired to discover the sentiment of the party before taking any stand in the matter. Strong efforts were made to induce him to change this attitude, but to no avail. A few days ago when Senator Platt gave out a statement advocating Mr. Depew's re-election, it was suggested that a compromise candidate might be agreed on, but nothing came of this plan. When the Depew conference was held at the Fifth Avenue hotel, with Senator Platt present, it was noticed that a number of Governor Odell's friend were in attendance and it appeared later that they had said nothing against Mr. Depew's campaign. Mr. Platt was not in the city yesterday and today, when the closing conferences on the subject were held.

DRUMELZIER IS ABANDONED

British Vessel is a Total Wreck and Crew is Rescued with Great Difficulty.

NEW YORK, Dec. 29.—With its signals of distress and its half-masted ensign still flying the steamer Drumelzier was abandoned tonight as a total wreck by its captain and a dozen officers and crew, who were taken off the craft and landed on Oak Island by the crew of the Fire Island and Oak Island life saving stations. Early in the day eighteen men of the crew were taken off the steamer by the surf boat of the Sandy Hook station.

The chief engineer and the remaining crew and officers decided to come aboard the tug only when the steamer had been placed in the hands of a salvage steamer. The crews of the nearby stations responded to his signals and after a hard struggle the men were taken off and landed at Oak Island.

The rescue of the men of the Drumelzier was hazardous and was attended by many thrilling incidents.

NEBRASKA WEATHER FORECAST

Fair Friday and Saturday.

Temperature at Omaha Yesterday:

Hour.	Deg.	Hour.	Deg.
5 a. m.	11	1 p. m.	33
6 a. m.	13	2 p. m.	37
7 a. m.	14	3 p. m.	39
8 a. m.	15	4 p. m.	41
9 a. m.	15	5 p. m.	40
10 a. m.	20	6 p. m.	38
11 a. m.	25	7 p. m.	36
12 m.	29	8 p. m.	36
		9 p. m.	36

MRS. CHADWICK OFFERS ADVICE

Tells Husband Not to Fight Extradition, but to Return to Ohio.

CLEVELAND, Dec. 29.—Counsel for Mrs. Chadwick said today that nothing would be done in regard to securing bail for Mrs. Chadwick before next Tuesday, if then.

Mrs. Chadwick has sent the following telegram to her husband, Dr. Leroy S. Chadwick, in care of Sheriff Barry in New York, to be delivered immediately upon the doctor's arrival from Europe:

Come to Cleveland with Sheriff Barry immediately. Do not fight extradition, and avoid loss of time and money.

(Signed) CASSIE L. CHADWICK.

Dr. C. J. Aldrich, an alienist, called upon Mrs. Chadwick at the county jail today and had a conference with her. Dr. Aldrich has been called as an expert in a number of criminal cases where the defense claimed insanity. The visit of Dr. Aldrich today is taken to indicate that that line of defense will be set up in Mrs. Chadwick's case.

Dr. Aldrich, when seen shortly after his call upon Mrs. Chadwick, declined to state whether or not he had visited her upon the request of her counsel.

"I talked with Mrs. Chadwick and made a thorough study of her mental characteristics," said the doctor. "I am not prepared at this time to make any statement as to my conclusion in her case. Later, however, I may decide to talk on the subject."

SENSATION IN AN OHIO TOWN

Letcher and Others Indicted for Causing Fire to Defraud Insurance Companies.

BRYAN, O., Dec. 29.—The greatest sensation in Williams county for years was made public today on the arrival of George Letcher, the alleged incendiary, in care of officers who kidnaped him from the officials in California, where he had gone.

As soon as Letcher was in jail a secret indictment was made public. It was returned October 11 and in it Letcher, Delos Pratt of Toledo; Sol Winn, who killed himself in Toledo; Ira Bryant, Hudson, Mich., merchant; Frank Pratt and Jack Page all are charged with causing a fire at Montpelier, Williams county, on January 4, 1884, with intent to defraud an insurance company. Pratt and Winn are indicted as principals and the others as acessories. Page has confessed and is being held by the state as a witness against the others. Letcher when arraigned today pleaded not guilty.

WESTERN MATTERS AT CAPITAL

Postmasters and Rural Carriers Appointed in Several States.

(From a Staff Correspondent.)

WASHINGTON, Dec. 29.—(Special Telegram.)—Postmasters appointed: Nebraska, Cairo, Hall county, Arthur L. Barneby, vice S. M. Cole, resigned. South Dakota, Emsley, Davison county, Fred Moses, vice B. E. Barnard, resigned.

Rural carriers appointed: Nebraska, Bloomfield, route 4, C. S. Lovejoy, carrier; E. M. Lovejoy, substitute. Iowa, Wapello, route 2, Harry B. Kelly, carrier; Edwin F. Kelly, substitute. South Dakota, Willow Lake, route 1, Ernest I. Underwood, carrier; Elbert L. Good, substitute.

The commanding officer of Rock Island arsenal has been designated to conduct the professional examination of first and second lieutenants for detail in the ordnance department for the Departments of Colorado, the Lakes, the Missouri and the Dakotas.

NAN PATTERSON CHEERS UP

Her Attorney Assures Her that She Will Be Tried Soon or Released on Bond.

NEW YORK, Dec. 29.—Nan Patterson was more cheerful today than at any time since her return to the Tombs after the disagreement of the jury before which she was tried. She was visited by Abraham Levy and Daniel O'Reilly of her counsel, who had become worried because of the statement of her father that he thought she was in danger of going insane.

Mr. Levy spent almost an hour assuring Miss Patterson that if there were no prospects of a speedy retrial she soon would be admitted to bail.

Inquiry at the office of District Attorney Jerome elicited no new information about the possibility of a reduced bail for her.

IROQUOIS THEATER FIRE ECHO

Judge Walker Declares that City of Chicago is Not Liable for Damages Growing Out of It.

CHICAGO, Dec. 29.—Judge Charles M. Walker this afternoon decided that the city of Chicago is not liable for damages growing out of the loss in connection with the loss of life in the Iroquois theater fire.

This was the last day under the law claims for damages could be filed. In the last hour forty-nine suits, aggregating $450,000, were filed.

Adulteration is Small.

WASHINGTON, Dec. 29.—Secretary Wilson today promulgated a circular giving the results of tests made in accordance with an act of the last congress directing him to obtain in the open market samples of seeds of grass, clover or alfalfa, test the same, and if any such seeds of Canada blue grass are found under any other name than Canada blue grass, or "poa compressa," to publish the result of these tests, with the names of the dealers selling the adulterated alfalfa seed. Samples were obtained by department agents from 742 seed dealers throughout the country and out of these there were twenty-three lots sold by eight seed dealers in all found to be adulterated.

Place for J. Hamilton Moore.

WASHINGTON, Dec. 29.—President Roosevelt has appointed J. Hamilton Moore of Philadelphia chief of the bureau of manufactures of the Department of Commerce and Labor. Mr. Moore is president of the National League of Republican clubs and was formerly city treasurer of Philadelphia. He has accepted the appointment.

JAPS TAKE THE FORT

Defenses on Rihlung Mountain Fall Into Hands of the Islanders.

MIKADO LOSES ONE THOUSAND MEN

Months of Mining, Sapping and Fighting Are Crowned with Victory.

WALLS BLOWN UP WITH DYNAMITE

Little Brown Men Swarm Through the Breaches as Garrison Escapes.

INNER LINE CUT IN THREE PLACES

Nipponese Troops Now Hold Rihling Mountain, Keekwan Mountain and 203-Meter Hill—Cuts Off Communication.

HEADQUARTERS OF THE JAPANESE ARMY BEFORE PORT ARTHUR (Via Fusan), Dec. 29.—Rihlung fort was captured at 2 o'clock this morning with 1,000 Japanese casualties. Seven dynamite mines exploded at 10 o'clock yesterday made breaches in the front wall, through which a large body of Japanese troops charged under cover of a tremendous bombardment and captured the first line of light guns. A bitter fight resulted in the capture of the fort. The garrison, numbering 500 men, escaped.

The Rihlung mountain formed an inner chain in the fighting. The fort just captured is a mile and a half southeast of Keekwan fort, recently captured by the Japanese. The possession of these two forts should make a most important breach in the Russian lines and cut off communications with Golden Hill fort. Outside of the capture of 203-Metre hill, on the western section of forts, little is known of the positions occupied by the Japanese, but it would seem that the inner circle of forts is now cut in three pieces and that 203-Metre hill prohibits communication with the Lioteng section, just as the possession of Keekwan fort cuts off communication with the Golden Hill forts, except by the underground was said to exist in various parts of the fortress.

Tokio Receives Report.

TOKIO, Dec. 29 (Noon).—After months of fighting, sapping and mining the Japanese forces finally occupied Rihlung mountain last night (December 28).

A report received from headquarters of the Third Jaapnese army before Port Arthur, received here on Wednesday, December 28, at midnight, says:

On Wednesday, December 28, at 10 o'clock in the morning the left center column of our army, following some heavy explosions on the frontal parapet of Rihlung mountain, charged and occupied the parapet under cover of fire from heavy guns and constructed defense works despite the enemy's fierce fire.

At 4 o'clock in the afternoon, when our occupation was practically assured, we charged and occupied the inner lines of heavy gun positions, subsequently dislodging a remnant of the enemy's force stubbornly holding the gorge fort, which we occupied and captured the entire works.

Manchurian army headquarters, reporting today, says:

On December 27, at 3 o'clock in the afternoon, the Russians, with heavy field guns, bombarded the Shakhe river railroad bridge, in the neighborhood of the station, and the Russian guns at Tallentun shelled Chihsiangtun and Shulintsu. Russian cavalry attacked Hellintun at sunset on the same day, but was repulsed by Japanese cavalry. At 8:30 o'clock on the same evening the Russian cavalry enveloped the Japanese pickets, who were reinforced and finally repulsed the enemy. The Japanese casualties were three men killed.

Army headquarters today published a list of casualties, presumably at Port Arthur, showing that forty-nine officers from the rank of colonel downward were killed and that fifty-eight from colonel downward were wounded.

Say Japanese Advance.

CHE FOO, Dec. 29.—The Japanese line at Port Arthur is now, as a result of the general attack beginning December 25, much closer to Liautie mountain. Chinese who left Port Arthur yesterday and arrived here today report that a greatly inferior Russian force defended the outermost of the trenches for three days, retiring when the Japanese artillery had secured an enfilading position. The fighting mostly was at a range of two-thirds of a mile, the Japanese fearing mines. The Russians retired to Chingkakao.

Japanese who arrived at Che Foo today from Port Dalny say the recent fighting also resulted in the capture of a hill called by the Japanese Yangthuban, (possibly Keekwan mountain), enabling the Japanese to seriously harrass land communication with the Liautie forts and with the forts on Etse and Antse mountains. The capture of Yangthuban hill followed several night attacks, during one of which the Japanese became confused, killed each other, and retired when the mistake was discovered by the appearance of the moon.

The Japanese here further report that severe fighting has occurred on the northeast flank, particularly at Rihlung mountain, where, when the Chinese left Port Dalny, the Japanese forces had made some progress. Details of this fighting have not yet reached Che Foo.

Two steamers recently ran the blockade of Port Arthur. One of them was captured by the Japanese when emerging from the harbor.

Chingkakao fort, referred to as the place to which the Russians retired after leaving the Liautie trenches, is possibly Chingtao, or Chingtau fort, near the southern extremity of the Tiger's Tail peninsula.

Report from Second Army.

GENERAL OKU'S HEADQUARTERS, Via Fusan, Dec. 29.—No change has taken place at the front of the Second army. The Russians continue a daily bombardment, firing at random and resulting in few casualties. The Japanese soldiers pick up fifteen centimeter shrapnel cases and with them make charcoal burners to heat the bomb proofs. Occasional collisions take place between patrols, the Russians always retiring. Both sides seem satisfied to remain in the trenches.

Lieutenant General Sir William Nicholson, director general of military intelligence of the British War office, who was attached to the Japanese army, left here yesterday on his way to England.

Russian Officers at Sasebo.

SHANGHAI, Dec. 29.—Private advices received from Sasebo say that the captain and lieutenant of the Russian torpedo boat destroyer blown up at Che Foo November 16, after escaping from Port Arthur, have been identified as being on board the British steamer Nigretia, seized by the Japanese protected cruiser Tsushima off Ulsan, Corea, December 19, and brought to Sasebo.

Skrydloff to Resign.

ST. PETERSBURG, Dec. 29.—Vice Admiral Skrydloff, commander of the Vladivostok squadron, will return to St. Petersburg in January.

It was announced December 28 that in-