OMAHA, WEDNESDAY MORNING, JANUARY 4, 1905-TEN PAGES.

SINGLE COPY THREE CENTS.

BOTH HOUSES READY

Organization of Legislature Accomplished Without Any Hitch.

ROUSE CHOSEN SPEAKER OF THE HOUSE

Placed in Nomination by His Chief Oppo-

nent, Denglas of Rock.

ENATE CARRIES OUT PREVIOUS PROGRAM

Lebby is in the Backgroun Decisive Defect

BELIEF IT WILL STAY THERES

Sentiment of Members is Must Make Good Rec Shop These Corru ing Influences.

(From a Staff Correspondent.) LINCOLN, Jan 3 - (Special.) - Not a hand was raised against the agreement prepared the night before when the Twenty-ninth session of Nebraska legislature Platte candidate for speaker, and Jennings. the caucus nominee for president pro tem chosen officers and employes, were elected and inducted into office just as if the Union faction had never sought to organize this legislature.

"The people's slogan has triumphed," shouted a little group of members who had determined that the legislators and not the railroads would do the work this

time of organizing the legislature. Mr. Douglas, who made such a strong fight for the speakership and was only defeated at the last by the indiscreet management of some of his supporters, instead of seeking to extend his interests into the councils of the house, was the man who placed in nomination for speaker George L. Rouse, whom the Rouse-Perry-Wilson caucus of fifty-two members and the night before nominated, and Perry seconded the nomination. Douglas was cheered lustily by his colleagues as he took his seat after

performing this graceful work. Manifestly both house and senate are well pleased with the selection of their presiding officers and the remainder of the corps, and the feeling and disposition is that this session, which is entirely in the hands of the republican party, shall be an example of economy and business admin-

istration. Difference is Noticeable.

Between the conditions attending the convening of this and the legislature of two years ago there is a noticeable difference. Two years ago it was admitted on every hand that the corporation lobby exercised a potent influence in the organizations, and it was a fact that the lobby was more in evidence at the convening of the session. This time it is a significant fact that a most powerful lobby-the Northwestern-Union Pacific-met the worst defeat it could paraded themselves sepate when the two bodies came together.

Will the lobby be held at bay throughout the session and the good name of the republican party in Nebraska be vindicated and honored?" is the question which is being asked with great interest and answered by many members strongly in the

The machinery of neither house or senate was ready for work today, the postoffices, committee rooms and other such departments being in disorder, but as they are not needed just yet it made no serious differ-

During the deliberations in the house this afternoon an embarrassing little situation trict Attorney Hall, who was recently rearose, which, however, offered the means of considerable quiet amusement to several members. Burgess of Lancaster arose to make a motion. It was prior to the manent organization and Windham of Cass was in the chair. Burgess had made his Idaho has been brought about by affidavits neck in his effort to satisfy himself of the member's identity Windham finally ex-

claimed: "The gentleman from-from-er-I don't believe I quite recognize him. What is the gentleman's name?

Burgess is the name." spoke two or three members who happened to know the man selected last year as chairman of the state republican committee.

Congressional Talk Starts. With a vote for United States senator two

weeks off, the congressional pot in this district has begun to boil. Tonight it was talked in the Lindell lobby that H. C. M. Sizer-Schneider-Burkett machine for conwork with the appointment of internal revenue collector, a position now held by Idaho may become entangled. Elmer Stephenson, and Tom Munger is to tioned tonight in connection with the sena-

OPENING SESSION OF THE HOUSES Casebeer of Gage Starts Something in Lower Body.

(From a Staff Correspondent.) LINCOLN, Jan. 3 - (Special Telegram.)-The Twenty-ninth Nebraska legislature convened at noon today. Lieutenant Governor McGilton called the senate to order at 12 o'clock and Secretary of State Marsh the house at all 102. Rev. J. H. Presson, in the senate, and Dr. Jones of St. Paul's Methodist church of Lincoln, in the house, delivered the respective invocations as soon as the colls were called. Practically the entire membership was present in each branch and in the house the galleries were liberally sprinkled with spectators and the lobbles and hallways were even better filled, but the senate gal-

leries were vacant. On motion of Wilson of Pawnee, Wind ham of Cass was chosen speaker pro tem RECEIVER FOR BIG PLANT of the house and was escorted to the chair by Douglas of Rock, Cassell of Otoe and Juvenat of Boone. On motion of McClay of Lancaster, John Wall was made tem-

porary chief clerk. Committees on Credentials.

Warner of Lancaster, Douglas of Rock, poran of Garfield. Howe of Nemaha and Clarke of Douglas form the house committee on credentials, and Beghtoid of Lancasdone on report of the committees. Wilson

(Continued on Third Page.)

IOWA LOSES TWO CASES WATER BOARD UNDER FIRE CHARGES ARE NOT WITHDRAWN TROOPS GLAD TO SURRENDER Action Growing Out of Probibitory Law Decided in Favor of

Plaintiffs.

WASHINGTON, Jan 2.—The supreme out of the United States today reversed HOWELL-GILBERT LAW SAID TO BE BAD the decision of the supreme court of Iowa n two cases involving the construction of on in each case being handed down by Justice White. In the first case, that of the American Express Company against the State of Iowa, the state authorities eized certain packages of liquor sent C. O. D. from Rock Island Hi., to Tama, Is., and their destruction was ordered. The supreme court of lowa sustained this proeeding, but the judgment was today reersed on the ground that it is in contravention of the interstate commerce nuse of the federal constitution. Justice White added that if such a practice was carried to its legitimate conclusion and the various states given authority to control C. O. D. shipments of merchandise from one state to another much of the interstate business of the country would

se placed at the mercy of the states. He also said that the position taken by the lower court that the question of interstate commerce is not involved in the case is not legible. That, the court held, was the principal point involved. The other case was that of the Adams Express company against the State of convened at noon today. Rouse, the South lows and involved the same question as the American company's case except that, of the governor thereunder in appointing ment. in the Adams company case the proceeding of the senate, with the remainder of the was decided against the company on the charge of maintaining a house for the male of liquor. In this as in the first case Pacific-Northwestern machine or any other the state court was reversed on the ground that the judgment is an interference with trade between the states.

> decided the case of John J. Moore & Co. of San Francisco against the United States adversely to Moore. The case involved a claim for demurrage on account of delay in delivering coal to the order of the government in San Francisco and the court

MORE SENSATIONS ARE COMING Fresh Indictments Being Prepared in

Oregon Land Fraud Cases. WASHINGTON, Jan. 2 .- More sensational developments regarding the public land frauds in the far west are expected shortly. Fresh indictments are being prepared in Portland, Ore., where the grand jury will resume its sessions during this week, and persons prominent in public life have sustained in the fight for organization, other than those whose names already and few if any professional lobbyists have been implicated are involved. The of Oliver E. Pagin, assistant attorney in the Department of Justice, who left here several days ago for Portland, is to assist in the framing of new indictments. work in which he figured conspicuously during the postal investigation a couple of years ago. Mr. Pagin is expected to return here in time to take part in the progress of the government's position between the supreme court of the United States in the Hyde-Benson case, which the government

> of the leading defendants on habeas corpus ceedings brought in New York. This case probably will be heard next month. No successor to United States Dismoved, has yet been selected and it is expected that Francis J. Han v will remain charge of the government's interests in the pending proceedings at Portland.

An investigation of all alleged frauds is motion and resumed his seat. Straining his addressed to President Roosevelt by Fred Culver of Lewiston, Idaho, candidate for attorney general of his state on the demo-cratic ticket two years ago. The affidavits charged frauds against W. F. Kettenbach, president of a trust company: George H Kester, cashier of a bank, and Clarence Robnett, all of Lewiston. The charges are made in connection with the entry of over \$1,000,000 worth of white pine through J. B. West, register of the land office at Lewis. Mr. Culver sent the affidavits to Senator Dubois, who, without comment,

transmitted them to the president Secretary Hitchcock, to whom the affidavits were referred by the president, in-Burgess was to receive the support of the stituted the investigation. Information sent to the Interior department charges gress in return for his assistance to Bur- that frauds have been perpetrated on the kett. Concurrent with this report came a land office at Boise as well as Lewiston. rumor that will not down, that if Burkett and it is intimated that the inquiry, when is elected senator. Sizer is to be paid for his fairly started, will reach out in many directions and many prominent citizens of

In connection with the Idaho affidavite receive a federal judgeship. The name of it is alleged that a syndicate exists, formed W. E. Andrews has been repeatedly men- to acquire valuable timber lands from the government. Other affidavits than those mentioned are expected shortly in the Idaho

Within the last three weeks over 1500 patents on timber and homestead lands in the Roseburg, Ore., land office, covering about 380,000 acres of land, have been held up at the Interior department, pending investigation. Roseburg is the home of Representative Herrmann, who was recently indicted by the grand jury in connection with alleged land frauds

An inspector of the Interior department has been ordered to Idaho to investigate the charges made by the affidavit as to frauds in Idaho and he is believed to have already begun his labors. No information on the subject could be obtained at the Interior department and Secretary Hitchcock will not discuss it. The papers in the case have been forwarded to the inspector It is said he will keep Secretary Hitchcock

Windsor Cotton Company of North

Adams, Mass., Unable to Meet Its Obligations.

NEW YORK, Jan 3-Robert C. Morris was today appointed receiver for the Windsor company, dealers in cotton goods, which, according to the petition, owns plant worth \$1,200,000 at North Adams. ter, Baunders of Douglas and Jackson of Mass. A petition asking that the company Gage the senate committee. The formality be declared an involuntary bankrupt was of declaring the members duly seated was filed against the company last Saturday, Receiver Morris' bond was fixed at \$200,of Pawnee, Jackson of Antelope and Gerdes one and with the consent of the creditors of Richardson were appointed by the receiver was given twenty days in speaker pro tem to wait on which to apply for leave to continue the Chief Justice Holcomb and Associate business. The petition states that the alleged bankrupt at present has an equity of about \$200,000 in the North Adams plant.

Quo Warranto Proceedings Begin Before the Supreme Court.

Reasons for Declaring the Law Unconstitutional and Asks that

Board Be Ousted.

(From a Staff Correspondent.) LINCOLN, Jan. 3 - (Special)-This afterthe supreme court of Nebraska the prom- today other than to say that Herbert Noble. ised attack on the constitutionality of the law creating the Omaha Board of Water most of the others directly interested in Commissioners, and providing for the com- the case could not be found. One of the pulsory purchase of the plant of the Omaha presenters, however, who asked that his

Water company, under appraisement. ousted from the office they pretend to hold ters are unknown. and commanded to cease the exercise of members of a Water board for Omaha, four of which board are named as respondents. ESCAPING PRISONERS DROWN and the election of two to take the place of the statute, and that the respondents are now "assuming and pretending to perform the duties of such Water board, and In an opinion by Justice McKenna the supreme court of the United States today salary provided by said act as compensahave been receiving and are claiming the tion for their services as members of such board.

is that the city of Omaha does not own icy water of the harbor. held that the government was not liable, thus affirming the judgment of the court own, "and bad not theretofore nor thereafter claims. The lower court was, however, reversed on another point in the case, involving the quantity of coal.

In affirming the decision of the supreme appraisement the plant of the Omaha is the first plant of the court own, "and bad not theretofore nor there after voted bonds for the construction or purchase of a municipal water plant," but is engaged in an attempt to acquire by a detail sent out from the fort.

Judging from Herg's story, the escaped prisoner's received assistance from the outline that the fort was almost prisoner's received assistance from the outline the fort.

In affirming the decision of the supreme appraisement the plant of the Omaha is the recaptured prisoner is Paul Berg, who was taken in custody tonight in Manhattan by a detail sent out from the fort.

Judging from Herg's story, the escaped prisoner's received assistance from the outline that the fort was taken in custody tonight in Manhattan by a detail sent out from the fort.

Judging from Herg's story, the escaped prisoner's received assistance from the outline that the government was not liable, thus affirming the judgment of the court own, "and bad not theretofore nor there-after the court was however, after voted bonds for the construction or purchase of a municipal water plant," but is engaged in an attempt to acquire by a detail sent out from the fort.

Judging from Herg's story, the escaped prisoner's received assistance from the outline the fort.

The recaptured prisoner is Paul Berg, who was taken in custody tonight in Manhattan by a detail sent out from the fort.

Judging from Herg's story, the escaped prisoner's received assistance from the outline the fort.

The recaptured prisoner is Paul Berg, who was detail sent out from the fort.

The recaptured prisoner is Paul Berg, who was detail sent out from the fort.

The recaptured prisoner is Paul Berg, who was detail sent out from the fort.

The recapt

the right of eminent domain authorized arrested, by the act creating cities of the metro politan class, and the purchase of the plant CAPTAIN MULLIKEN ON TRIAL then existing within the limit of the appropriation of the \$3,000,000. This issue of bonds did not contemplate or authorize the issue of bonds for "construction or purchase" of a municipal water plant, nor contemplate its acquirement by "construction or purchase" to the exclusion of the right of the city to proceed by the exercise of the right of eminent domain. -

Violates Self-Government. For a further objection to the law and he board existing under it the tutional for "the reason that It is in violation of the right of said city of Omaha to local self-government, and by its express with duplicating his payroll in two interms forces upon said city the compulsory construction or purchase of a system of water works without regard to the wishes or desires of the taxpayers of said city. and by its express terms makes it the mandatory and compulsory duty of the mayor and council of said city without appealed to that body after the discharge regard to their own judgment as to the needs, necessities or financial condition of said city to declare by ordinance within thirty days after said act should take effect that it was necessary and expedient for said city to construct or purchase a

system of water works." Conclusion of Information The act is also said to be unconstituional because it is within the inhibition against special legislation. The information closes with the following paragrap! That notwithstanding said act of the leg-dature, purporting to provide for the ac-uisition of a municipal water plant and the creation of the Water board in cities the metropolitan class was unconstitu-nal and void as hereinbefore set forth and notwithstanding the fact that said city of Omaha at no time owned said city of Omaha at no time owned or operated a municipal water plant or had ever voted bonds for the "construction or purchase" of a municipal water plant and notwithstanding that said act of the legislature is in utter disregard of the principle of home rule and is in utter violation of the rights of local self-government; and notwithstanding said act is an invasion of the rights of the taxpayers of the city of Omaha, and is in effect an act for the complisory purchase of the water works plant for said city without regard to the wishes or desires of the taxpayers of said city and notwithstanding the fact that the wishes or desires of the taxpayers of said city; and notwithstanding the fact that the carrying into effect of said act and the compliance with its mandatory provisions is taxation without representation and is the creation by an edict of the legislature of the enormous liability of the taxpayers of the eity of Omnha; and notwithstanding there are no duties to be performed by the said members of said Water board until the acquisition of the water works plant, except to meet at stated times, adjourn and draw their salaries; and notwithstanding salaries to the members of said Water board have already been paid to the extent of many thousands of dollars from the funds paid as taxes by the taxpayers of said city, the said members of said board, the respondents herein, continue wrongfully and unlawfully to usurp and exercise said pretended offices of members of the Water board of the said city of Omnha, and continue to draw and receive the compensation of \$600 per annum provided by said act, to the great damage and prejudice of the said city of Omsha and the taxpayers of said city, and also against the pence of the said city of Omsha and the taxpayers of said city and also against the pence of the said city of of the said attorney general therefore prays judgment that the said respondents and each of them be ousted from said pretended offices and that the appointment and election of said respondents and of each of ity; and notwithstanding the fact that t

relief herein as may be right and proper in the premises. No time has yet been fixed for the hear-Toledo Officers Indicted.

law, and for such other and

Report that Dr. Irvine's Counsel Had

Gone to St. Louis to See Bishop Tottle Proves Erroncous.

PHILADELPHIA, Jan. 1-The report circulated last night that J. Frederick LAST DAYS' BOMBARDMENT TERRIFIC Jenkinson, one of the counsel for Rev. Dr. N. W. Irvine, in his case against Bishop the lows prohibitory liquor law, the opin- Attorney General Sets Forth Several Ethelbert Talbot, had gone to St. Louis for the purpose of withdrawing the presentment and asking permission of Bishop Tuttle to make a new presentment, proves o have been erroneous.

Mr Jenkinson was at his office today and says he spent the night in his home in West Philadelphia. He declined to give noon Attorney General Prout began in any information regarding the presenters senior counsel, was out of the city and name be withheld, stated that it was not Attorney General Prout has filed an in- the intention to withdraw the document ermation in que warrante asking that the filed against Bishop Talbet, but that adrespondents, Robert B. Howell, A. Hugh ditional charges would be filed against Hipple, James E. Boyd, Isaac E. Congdon, Bishop Talbot. Mr. Noble has given up John F. Coad and Milton T. Barlow, be his hotel spariments and his present quar-

Mr. W. B. Bodine, chairman of the board the functions of such office. The informatof inquiry, appointed by Bishop Tuttle, was tion is brief, but direct in its nature. It not at home and it could not be learned recites the passage of the Howell-Gilbert whether he has received the statement from Laws of Nebraska for 1900, and the action drawing their signatures from the present-

of those whose terms expired by operation Four Men Leap from Upper Window of Guard House at Fort Hamil. ton Into ley Water.

NEW YORK, Jan. 2-During an evidently designed stampede of the officers' horses at Fort Hamilton early today, four prisoners a devil-ridden tomb into paradise. escaped from the guardhouse at the post. The first objection raised to the validity One of them was recaptured, but the other of the act and the board created under it | three are believed to have perished in the

In affirming the decision of the supreme court of the state of Montana in the case of the Butte City Work company against of the Butte City Work company against Benefit to accomplete the plant of the fraction of the supreme court of the United Benefit to a state to enact laws prescribing regulations regarding the location of mining claims when they do not conflict with the federal laws on the subject. The opinion was by Justice Brewer, who said:

"If congress has power to delegate to a body of miners the making of additional regulations respecting location it cannot be doubted that it has equal power to delegate of the suprement to acquire by side. There were about a dozen men confined in the guardhouse. The four, including Berg, were locked in a room near the water's edge. While the guards were additional referred to and a copy of ordinance No. After the subject to a subsequent election is held to be erroneous and illegal because the bonds voted under regulations respecting location it cannot be doubted that it has equal power to delegate or ordinance 48% were for the appropriation of the water plant under the exercise of the company, the result of which at the plant of the Omains date. There were about a dozen men confined in the guardhouse. The four, including Berg, were locked in a room near the water's edge. While the guards were additions in the guardhouse. The four, including Berg, were locked in a room near the suprement to thur the form the out-side. The pour down the plant of the Omain State. The result of which at tempt is still unknown and will be for a considerable time in the future. The issue water's edge. While the guards were additions from the out-side. The four, including the plant of the plant developed and turned by the water's edge. While the guards were additions for a proportation or purchase of water works in general explosions were accounted in the guardhouse. The four, including the plant of the plant of the During Berg water locked in a room near the proportation or purchase of water

Army Officer Accused of Falsifying His Record and Duplicating His Pay Roll.

CHICAGO, Jan. 3 .- Trial by court-martial f Captain David B. Mulliken, Company B. Twenty-seventle infantily, began at Fort Sheridan today.

Captain Mulliken is charged with having single, though has had married a native woman when his regiment was serving in the Philippines, and he is further charged has continued effectively since is scarcely general sets out that the act is unconsti- single, though hes had married a native

the Philippines, and he is further charged with duplicating his payroll in two instances.

At the request of the defendant's counsel the hearing will be secret. Only the defendant, the jury, the officials of the courtmartial and the military and civil counsel of the accused will be present during the counted as one year are rejoicing that the property of the accused will be present during the counted as one year are rejoicing that the property is the counted as one year are rejoicing the counted as one year are rejoicing remainder of the week.

BAIL FOR NAN PATTERSON Show Girl Will Be Produced in New York Supreme Court Today on Habens Corpus Writ.

NEW YORK, Jan. 3 .- A determined of-Levy that such a step was to be taken, a Steesel's army. representative of the law firm which acted the court tomorrow. At that time the jus- the surrender of the fortress he said tice will be asked to fix a reasonable bond for the prisoner's release. District Attorney Jerome has announced that the motion for bail will be opposed.

I have 8,000 men in the forts and 6,000 of these are able to fight. If you do not accept my proposal these men will de fighting but it will cost you three times their number to kill them. bail will be opposed.

porated to Build Railway Con-

necting These Cities.

BOISE, Ida., Jan. 3.-The San Francisco, proposes to construct a road from San Francisco to Butte, has been formed with headquarters in Boise. Prominent financial the fortress has cost Japan \$100,000,000. men of Minneapolis, officials of the Western Surety Adjustment company and John McGinty, who has been engaged in preliminary work for the proposed road, are the incorporators. The company is office regarding the terms for the capitulaorganized with a capital stock of \$50,000,000, tion of Port Arthur, signed last night, the The estimated length of the road is 1,000 Russian officers, but not the rank and file.

THEODORE THOMAS IS WORSE h of them be ousted from said pre-ded offices and that the appointment and ection of said respondents and of each of em be declared void and without author-Veteran Musical Conductor Has Relapse and is Expected to Live But a Few Hours.

CHICAGO, Jan. 3.-Theodore Thomas. TOLEDO, O. Jan. 3.—John Stollberg, Milton Taylor and John Nolen, members of the Toledo board of public service and prominent citizens, have been indicted by a special grand jury on three counts each charging them with being interested in selling supplies to the city. In Ohio this is a penitentiary offense.

Ilfe was hanging by a thread. Attending believes Russia will retake Port Arthur by assaults by land and sea. This will retake provide and by assaults by land and sea. This will retake port arthur by assaults by land and sea. This will retake port Arthur by assaults by land and sea. This will retake port arthur by assaults by land and sea. This will retake port arthur by assaults by land and sea. This will retake port arthur by assaults by land and sea. This will retake port arthur by assaults by land and sea. This will retake port arthur by assaults by land and sea. This will retake port arthur by assaults by land and sea. This will retake port arthur by assaults by land and sea. This will retake port arthur by assaults by land and sea. This will retake port arthur by assaults by land and sea. This will retake port arthur by assaults by land and sea. This will retake port arthur by assaults by land and sea. This will retake port arthur by assaults by land and sea. This will retake port arthur by assaults by land and sea. This will retake port arthur by assaults by land and sea. This will retake port arthur by assaults by land and sea. This will retake port arthur by assaults by land and sea. This will retake port arthur by assaults by land and sea. This will retake pour arthur by assaults by land and sea. This will retake pour arthur by assaults by land and sea. This will retake pour arthur by assaults by land and sea. This will retake pour arthur by assaults by land and sea. This will retake pour arthur by assaults by land and sea. This will retake pour arthur by assaults by land and sea. This will retake pour arthur by assaults by land and sea. This will retake pour arthur by assaults by land and sea. This

Russian Soldiers at Port Arthur Were Ready to Quit Fighting.

Hitch Retween Contending Generals When Arrangements for Final Surrender of Place Were Being Considered.

CHE FOO. Jan. 3 .- (12:30 p. m.) -- Che Foo. with its many refugees and close connection with Port Arthur, viewed the final de velopments there first with angulah plainly visible, but this has now given away to feeling of relief from the anxiety over the garrison emerging from torture, great in defeat and worthy of the greatest honor possible which their admiring countrymen can bestow. The first news of the garrison's awful plight suddened the thought, for the refugees had many friends and relatives at Port Arthur, but, the shock wearing off has left only satisfaction with the soldiers who so heroically upheld Russian traditions.

Tears greeted the destroyers yesterda); today three launches were received with bill, known as chapter xil of the Session the vestrymen of Huntington, Pa., with smiles. Even when the Japanese cruiser fire even spreading to the twenty barges anticipated and under official direction the Akitdushima came triumphantly into the in tow. harbor this morning and exchanged salutes with the American cruiser Baltimore the paid scant attention to the seven Japanese while their sailors renewed their acquaintance with good meat, potatoes and dearly jured. loved champagne. One Russian officer, who

Soldiers Glad to Surrender. Midshipman Klisorich, commanding a launch which left Port Arthur last night.

The statement that there remained 5.000 The statement that there remained 5,000 fighting men at Port Arthur is misleading because of a majority of these half are sick or slightly wounded. There has been for some time no proper bandages and wounds have been dressed with hemp. The news that General Stocasel was prepared to treat for surrender was received by the soldiers with the feeling of utmost relief. For the last month severe wounds have been gladly received by the roldiers, because they were allowed to rest. When the men were not fighting they were tunneling on half rations.

Last Hombardment Terrific.

of the accused will be present during the tie has counted as one year are rejoicing trial, which will probably continue the that the counted as one year are rejoicing trial, which will probably continue the that the counted as one year are rejoicing trial. Two more torpedo boat destroyers having left, only one Japanese destroyer now re-

> mains in port. The news that General Stoessel accepted has surprised the Russian officers here, who apostles of the Mormon church, today, had not heard the report to that effect when leaving Port Arthur last night.

Russian Losses 27,000. Some interesting statistics concerning the ort to secure the release from the Tombs defense of Port Arthur were brought here rison on bail of Nan Patterson, accused of by the flotilia of Russian torpedo boat dehe murder of Caesar Young, was begun to stroyers, which carried numerous chests, day. Following an announcement by Abrari containing complete records of General

Originally the army numbered 25,000.

During the slege Bis per cent of the garri-SAN FRANCISCO TO BUTTE able fact was due to wounded men returning to the front. Cases have been recorded Company with Fifty Millions Incor- where men have gone to hospitals four times, returning convalescent to the forts. The number of officers killed was propor-

ordered by their officers. The Russians estimate that the taking of

Russia to Retake Port Arthur. PARIS, Jan. 3 .- According to the semi official advices received by the Foreign will be permitted to return to Russia, but for 1984 it was \$2.881,877.47. this is not positive.

The Russian officials strongly incline to the view that the war will go on without reference to Port Arthur. The Russian naval attache says the mission of the Russian second Pacific squadron was to save Port Arthur. Therefore, since this mission cannot be accomplished, the squadron conductor of the Chicago orchestra, suf- will probably wait until reinforced by a fered a relapse today and at midnight his third and probably a fourth squadron. He life was hanging by a thread. Attending believes Russia will retake Port Arthur

NEBRASKA WEATHER FORECAST T Fair Wednesday and Warmer in West Portion. Thursday Colder in West Portion.

Temperature at Omaha Yesterday: Hour. Deg. Hour. 5 a. m. 15 1 p. 1 1 p. m..... 27 2 p. m..... 30 6 a. m 16 3 p. m 7 m. m..... 17 S a. m 18 9 a. m 18 5 p. m 6 p. m..... 7 p. m..... 10 m. m..... 19 11 a. m 22 8 p. m..... 26 9 p. m..... 25 12 m..... 25

TOWBOAT BOILER EXPLODES Wreck of Steamer Defender Takes Fire and All the Crew is

Killed or Injured.

HUNTINGTON, W. Va., Jan. 3.—One of SANITARY CORPS TO CARE FOR WOUNDED the most horrible disasters on the Ohio iver in years occurred almost opposite this city at 11 o'clock tonight. The two big tow boats, Defender and Victor, owned by the Pittsburg Tow Boat company, were returning to Pittsburg from Cincinnati. where they had just delivered large fleets

The Defender's boilers blew up just above the local wharf here and the report was

Russians betrayed no resentment. They was enroute to the scene to aid in rescue. of the dispatches forwarded last week by terpede boat destroyers, which the lifting known, but out of a crew of about twenty- which the garrison had been reduced. The fog disclosed, but gazed with admiring eyes eight only ten or tweive have been ac- expectation in same quariers that the sur-

had not walked on land for four months. Woodruff of Pittsburg. He was, horled been any expression of feeling it has been said that being here was like coming from into the river by the explosion, but was for carrying on the war with greater vigor. prove fatal.

> identified is that of Thomas Duffy of nation to General Negl for his conduct of Pittsburg, a fireman. Another dead body the slege, is that of a fireman from Corryopolis, Pa,, name unknown.

COLD WAVE IN THE EAST Rain, Snow and Sleet Reported at New York, Boston and Baltimore.

NEW YORK, Jan. 3.-Rain, sleet and snow followed each other in rapid succession in New York City today, and tonight a gale howled through the streets and blew the snow in icy flakes against the faces of pedestrians and on to the surface car lines. blocking them in various parts of the city. BOSTON, Jan. 3 .- Rain, snow and sleet. blown by a high northeast gale, swept the entire section from Eastport, Me., to New York today, and at 8 o'clock the cold wave from the lakes was beginning to make itself felt. The wind at 8 o'clock had a velocity of sixty miles an hour off Block

account of the storm. BALTIMORE Jan. 1.-The temperature grees at \$ p. m., and a porthwest wind of a warrant to take free action; the Bussian dropped from 31 here at 8 a. m. to 21 develocity of twenty-three miles, accompanied military and naval authorities are to fur-The bombardment of the last day or so by flurries of snow, prevailed. The total was terrific. Everybody remarked that even General Stoessel must see the fullity precipitation for the twelve hours was sixby flurries of snow, prevailed. The total precipitation for the twelve hours was sixtenths of an inch. At Cumberland, Hagerstown, Frederick and other Maryland towns from ten to fifteen inches of snow fell. Similar conditions prevailed in eastern West Virginia and the Shenandoah valley.

MORMON CHURCH WILL MOVE Headquarters to Be Transferred to Independence, Mo., Where a Great Temple Will Be Built.

EL PASO, Tex., Jan. 3 .- "The headquarters of the Mormon church will some day be located in Independence, Mo," said General Nogi's terms yesterday afternoon John Henry Smith, one of the twelve "The Mormon people have long cherished the dream," be continued. "that their great city should be located in Independence, which is not far from Kansas City

This dream seems now about to become something tangible. James G. Duffin, a bishop of our church, has bought several thousand acres of land near Independence for use of Mormon colonists. This will be our vanguard, and in the course of time for Miss Patterson in her recent trial ap- Eleven thousand have been killed, 16,000 are we will erect there a magnificent city, peared in the supreme court before Judge wounded or sick and 8,000 remained in the which will be known as Zion and in which Greenbaum and succeeded in getting a writ forts, of whom, however, 2,000 were unable there will be a Mormon temple far more of habeas corpus ordering Warden Flynn to fight. It is learned that when General extensive and more magnificent than that of the Tombs to produce Miss Patterson in Stoessel wrote to General Nogi regarding in Salt Lake City. When this city and temple shall have been built the head-

AT NEW son were put out of action. This remark- Merchandise Appraised at the Port Shows Slight Falling off

tionately greater than in any battle known value of merchandise appraised at this tori in history. This was due to the frequent during 1994 was \$552.934.994.49, as against lethargic condition of the men, who, with- \$553.235.895.97 for 1963 and \$524.871.410 45 for daho & Montana Railway company, which out food, water and sleep, moved only when 1972. Among the items in which there was

The imports of precious stones and rearis in round numbers was about \$24,573,000, a decrease of about \$1,500,000. Of wines and liquors the appraised value was \$10,527,780, as against \$10.627,132.15 for 1973.

MRS. PATRICK CAMPBELL HURT

Full Text of Convention Providing for Surrender of Port Arthur.

OFFICERS WILL BE RELEASED ON PAROLE

Soldiers of the Garrison Will Remain Priseners of War.

GOVERNMENT PROPERTY TO BE GIVEN UP

Ag sment that No Stores, Supplies or Ships Are to Be Destroyed.

Nurses and Accountants of the Russian Army to Continue in Service of Japanese as Long as They Are Needed.

The people of St. Petersburg have received with composore the news, known to heard for miles. In a very few minutes the rest of the world a day earlier, of the the big steamer was a mass of flames, the fate of Port Arthur. The event had been fainds of the populace were prepared to The report awakened the inhabitants of receive with resignation the fact of the the city and soon every available craft announcement by reason of the publication The number of dead at this hour is not General Stoessel describing the straits to counted for, and they are all seriously in- render of the fortress would be followed at the capital by anti-war demonstrations The boat was in charge of Captain James | has not been realized. So far as there has later picked up by a rescuing party and At Tokio last night the fall of Port Arthur taken to the Ohlo shore. His injuries will was celebrated by a lantern parade and a general illumination. The Japanese diet The only dead body yet recovered and will formally express the thanks of the

Among the Russian officials there is a feeling that any proposals of peace that may be made must be made with the fact in view that in order that peace to be asting Japan must recognize Russia's right to free transit of its ships through waters of the far east. High Japanese officials declare that there is no probability of advances coming from their government looking toward peace negotiations. In official quarters in St. Petersburg it is said that no tender of good offices from a third party would be accepted and that any proposal for peace must come from Japan

The text of the articles of capitulation of the Port Arthur garrison, signed by the commissioners representing General Stoessel and General Nogi, has been made public. All Russian soldiers, marines and civil officers of the garrison and harbor are made prisoners; all forts, batteries, vessels, munitions, etc., are transferred to the Japanese in the condition in which they island. There was little shipping today on existed at noon, January 8, violation of this clause to operate as an annulment of the negotiations, giving the Japanese army mines, a list of the military officers, of shine and the numbers of their crews and or civilians of both sexes, with their race and occupations, and all public property, buildings, munitions of war, etc., to be left in the present position pending arrangement for their transference

Officers of the army and navy are pe mitted to retain their swords and such of their personal property as is directly necessary for the maintenance of life, and with one servant each may, upon signing parole not to take up arms during the continuance of the war, return to Russia. Noncommissioned officers and privates will be held as prisoners. For the benefit of the sick and wounded Russians the santtary corps and the accountants belonging to the Russian army and navy will be reoutred to serve under the Japanese sanitary corps, and accountants for such period of

time as may be deemed necessary. Terms of Surrender.

TOKIO, Jan. 3 .- Evening -- A telegram from General Nogi, giving the text of the capitulation convention, was received this afternoon. It is as follows:

Article 1-All Russian soldiers, marines, volumeers, also government officials at the garrison and nurbor of Port Arthur, are ships and boats, arms, ammunition, horses, an materials for hostile use, government bullongs and all objects belonging to the Russian government shall be transferred to

the Japanese army in their existing condition.

Art. 3-On the preceding two conditions being assented to, as a guarantee for the furnament thereof, the men garrisoning the forts and the batteries on these mountain. Sunshu mountain. Antse mountain and the line of emmences southeast therefrom shall be removed by noon of January 3 and the same shall be transferred to the Japanese

Shows Slight Falling off
for 1904.

NEW YORK, Jan. 3.—The total appraised value of merchandise appraised at this port during 1904 was \$552.324.904.00 as against \$553.225.96.97 for 1903 and \$524.871.410.45 for 1902 Among the items in which there was a marked increase was that of automobiles. There were 602 such machines, of all descriptions, imported, their total appraised value being \$2.204.92 in 1903 325 automobiles were imported, the total value being \$2.204.92 in 1903 325 automobiles were imported, the total value being about \$1.300.000. There was a notable increase in the importation of clears in 1902 the speraised value of clears in 1902 the special value of clears in 1902 the s ing the number of men and women, their race and occupations.

Article 6-Arms, including those carried on the person; ammunition, war materials, government buildings, objects owned by the government, horses, warships and other ships, including their contents, excepting private property, shall be left in their present positions, and the commissioners of the Russian and Japaneze armies shall decide upon the method of their transference.

Actives Fractures Her Kneecap and Will Be Unable to Walk for Two Months.

PHILADELPHIA. Jan. 5.—Mrs. Patrick Campbell, the English actress, fractured a kneecap tonight, the result of a fail while entering a carriage to go to the Broad Street theater. She was removed to the University of Pennsylvania hospital and it will be two months, the doctors say, before she will be able to walk. The remainder of her American tour will be abandoned.

Movements of Ocean Vessels Jan. 3. At New York—Arrived: Ivernia, from Liverpool. Bailed: Kniser Wilhelm der Grosse, for Bressen; Panonia, for Napies, Codrie, for Liverpool.

At Glasgow—Arrived: Mongolian, from New York. At Lisbon—Sailed: Arion. for British Columbia.

At Hamburg—Sailed: Rameses, for Sesttle. Arrived: Krooniand from New York At Boulogne—Sailed: Bisecher, for New York At Boulogne—Sailed: Bisecher, for New York At Hamburg—Sailed: Saxonia, for Beston At Moville—Arrived: Sicilian, from St. John, N. B. Officers to Be Paroled.

Monday, to find out if Port Arthur had really fallen. I wonder why?

Subscribers to other papers bought The Bee