SINGLE COPY THREE CENTS.

Colorado Legislature Takes Action on Canvassing Vote for Governor.

COMMITTEE OF FIFTEEN APPOINTED

It Will Consider Protest of Governor Peabody and Report Monday.

CONFUSION IN THE JOINT SESSION

Speaker and Lieutenart - overnor Both Claim the Right = reside.

Senstors.

FORMER SUCCEEDS IN HO 3 THE FORT

Latter Declares Sessio 5 djourned and Leaves the Hall | wed by Many of

DENVER, Jan. 6.-Benind k doors and amid scenes of great contusion and excitement the Colorado legislature today passed a resolution creating a committee of fifteen members to canvass the vote cast for governor at the last election and submit a final report to the legislature not later than 2 o'clock on the afternoon of Monday next. The committee is composed of five senators and ten representatives, the political division being twelve reputlicans and three democrats. It organized this afternoon by the election of Senator Arthur Cornforth of Colorado Springs as chairman and will commence the hearing of

evidence tomorrow. The trouble began with the first session of the joint session and continued until its WARM close. It was understood that there would be a conflict over the respective rights of Chairman of Commerce Commission Speaker Dickson and Lleutenant Governor Haggott to preside over the joint session The speaker based his opinion of his right to preside upon a section of the state constitution which says that immediately upon the organization of the house the speaker branches of the legislature.

dent shall preside, unless he is the con-

Legal advice was given to each gentleman that his position was correct. Lieutenant Governor Haggott was assured that the wording of the statute amply covered the case. Speaker Dickson was advised by his attorneys that the occasion was not Mr. Man. officially known to be a contest and that a provision of the state constitution always overrides a statute when the two are in

Presiding Officers Clash.

When the lieutenant governor mounted the rostrum Speaker Dickson was standing The lieutenant governor adother's eyes. Neither made a move and their features hardened as they realized the assembly, the speaker behind the center of the desk, the lieutenant governor at left hand. Gently edging up to the speaker Lieutenant Governor Haggott gave him a gentle "hunch" with his shoulder, as if to move him along. The speaker was immovable. The gentle "hunch" was repeated and still the speaker held his ground and brought down his gavel with a thump. "The clerk of the house will call-" said

Speaker Dickson with a thump of his gavel. "The clerk of the senate will call the roll of the senate," said Lieutenant Governor

The two clerks commenced to call the rolls amid great confusion. But few names "Mr. Frewen has the floor," shouted Lieu-

his gavel. "Mr. Frewen, you are out of order,"

shouted the speaker. "Mr. Frewen, you have the floor," repeated Lieutenant Governor Haggott. Bang, bang went the two gavels. The two

men stood side by side behind the speaker's desk, both refusing to give way. Confusion is Great. The confusion was so great that nothing could be heard, and although Mr. Frewen

continued to address the assembly, his voice was not distinguishable. A motion to adjourn was made and seonded. It came to a vote, the ayes and

noes sounding in about equal volume. "The ayes have it and the joint session is dissolved," shouted Lieutenant Governor

"The noes have it, and the motion is lost," shouted Speaker Dickson.

Whack went the lieutenant governor's "The assembly is dissolved," he

"The assembly is not dissolved," called the speaker.

"I repeat, that the session is ended, and the senators will leave the room," said the lieutenant governor, and out filed the senators, headed by the lieutenant governor Fortifications Appropriation amid great confusion. Many of them did not leave the room, but stood behind the had left the room the joint session was

still in progress. House Refuses to Adjourn.

points of order to the effect that no seswas being held and was promptly

Representative Griffith then presented a the foreigner paid the tax. protest from Governor Peabody against the manner in which the last election had

minutes when Representative Frewen interrupted with a point of order that the protest was not germane to any subject order by the speaker and appealed from the decision of the chair. The speaker reed to put the appeal despite Mr. Frewen's repeated demands. Mr. Street moved dy adjourn and the speaker -Mr. Street insisted that cording to the was informed by puted Mr. Pre-

Favorable Report is Made on Nomination of Governor Brady of Alaska.

WASHINGTON, Jan. 6.-The senate lavorable report on the nomination of John G. Brady to be governor of Alaska. The nomination has been held up several weeks at the request of Pennsylvania comnercial interests in Alaska.

The senate committee on interstate comserce today gave, a hearing on a bill to authorize the Interstate Commerce commission to relieve narrow gauge railways from the duty of equipping their locomotives with power driving wheel brakes whenever in the opinion of the commission the safety of employes will be better

satisfactory method. The senate committee on interstate combills and that others may be referred to of reducing rents whenever possible was subcommittees for investigation.

TIME IN COMMITTEE

Under Fire of Congressmen. WASHINGTON, Jan. 6 .- The meeting of the house committee on interstate commerce today was replete with sensational incidents. A hearing was being given to persons interested in the Cooper-Quarles shall open and publish the election returns bill. E. P. Bacon of Milwaukee, chairman in the presence of a majority of both of the Interstate Commerce commission, was first heard. From the moment he took Lieutenant Governor Haggott construed the stand until he left it Mr. Bacon was his right to direct the proceedings upon a subjected to scathing rebuke by Mr. Mann their reports today to the full committee. statute which declares that in conducting of Illinois, for certain statements made by any contested election the general assembly him in a publication known as "Freight." shall convene in joint session and the presi- as well as in public addresses. Mr. Mann quoted from a statement alleged to have been made by Mr. Bacon that owing to the opposition of the majority of the two committees of congress there was no possibility of legislation to further restrict the

carriers. "Do you think that was true?" inquired

Mr. Bacon answered that he believed it was true at the time. "I know," angrily retorted Mr. Mann, "that was a libel and slander. I know it was false and I believe you knew it was

false." Mr. Bacon calmly replied that he did not in front of the center of his desk and did want to be classed as a falsifier, which only served to further anger Mr. Mann, who vanced; the two men smrted, bowed, shook said that people who write articles must hands, and then stood gazing into each be held responsible for what they write. Again reading from the publication re-

ferred to, Mr. Mann said it was stated in the situation. Together they turned to face Mr. Bacon's address before the St. Louis convention "that over three-fourths of the representatives in congress owed their presence there to the influence of the callroads. and he asked Mr. Bacon if that statement was his. Mr. Bacon answered that his remarks had been extemporaneous, but he had no recollection of making the state-

> "I believe," said Mr. Mann, "you thought any man in the country could go out and libel any member of congress. It fortunately is true that people generally pay no attention to such statements."

Mr. Bacon insisted he never made the statement, but admitted saying that four of the members of the house committee had had been called when Representative declared they would permit no action on the part of the committee on any bill until definite action was taken upon the Coopertenant Governor Haggott, with a thump of Quarles bill.

"We want to ascertain who those four men are," demanded Mr. Mann. The witness however, refused to answer, saving it would not be proper for him to name them. Mr. Shackleford of Missouri then indignantly inquired: "I ask you, sir, if Mr. Shackleford was one of them?"

"No, sir," was the reply. You went over to the Elkins bill," said Mr. Mann, "and because the committee won't follow you fast enough you say we are under the influence of the railways."

Mr. Bacon denied making the statement and added that he had kept back certain elements and interests in regard to the proposed legislation. The witness admitted that after the revised Eikins bill was agreed upon he had

endeavored to have it become law. Mr. Mann then spoke of a banquet given at the Union League club in Chicago at which he said an attempt was made to influence him in favor of the Eikins bill. "I laughed at them," said Mr. Mann, "when they read the pooling clause of that bill and said it had as much chance as a snow-

PROCEEDINGS OF THE HOUSE

finke in hades."

Passed After Spirited Debate. WASHINGTON, Jan. 6 .- The house toseats of the representatives watching the day passed the fortifications appropriation proceedings. Speaker Dickson refused to bill and adjourned until Monday. After recognize the passing out of the senate Mr. Littauer of New York had drawn a and declared that although the senators lesson from the siege of Port Arthur to show that submarine mines had proved of the greatest importance in warfare, Mr. Baker enlivened the proceedings by attack-Representative Frewen raised repeated ing President Roosevelt, who, he said, wanted to hold himself up as the "Counterpart of Wilhelm II., the great war god." ruled out of order by the speaker. A roll Later Mr. Baker found fault with the procall was finally obtained on the point of vision of the bill promoting the entry of order that no joint session was in prog- such war material as might be purchased ress and it was declared lost by a vote of abroad, and charged the republican party with being a fraud in its contention that

PROCEEDINGS OF THE SENATE

The reading had proceeded but a few Senator Bard Makes a Long Speech Against Joint Statehood Bill.

WASHINGTON, Jan. 6 .- Senator Bard today occupied the entire time of the sennder consideration. He was ruled out of ate given to the statehood bill. He made an argument against the union of Arigona and New Mexico on the ground that the people of the two territories did not de-

On the conclusion of Mr. Bard's remarks the bill temporarily was laid aside and the senate went into executive session. After the doors were reopened the reading of the omnibus claims bill was completed and the senate adjourned until Mon-

No Ball for Nan Patterson. NEW YORK, Jan. 6—Justice Greenbaum of the New York state supreme court today denied the application of Nan Patterson for bail, pending a new trial on the charge of the murder of Caesar Young.

House Committee Determined to Report a General Apprepriation Measure.

umittee on territories today authorized CUT CAN BETTER BE MADE ELSEWHERE

Ex-Senator Manderson Pays a Tribute to J. Sterling Morton in Address Before National Forestry Congress.

(From a Staff Correspondent.) WASHINGTON, Jun. 6 .- (Special Telegram.)-More and more is belief growing that there will be an omnibus public building bill. At a meeting of the house compromoted by the application of some other mittee on public buildings and grounds safety appliance. J. F. Valle, attorney this morning the committee was unanifor the Denver & Rio Grande railway, mous in its determination to bring in a addressed the committee in favor of the measure that while conservative in amount bill. The bill was reported favorably at it would carry, would be a continuance the last session of congress, but application of the past policy of congress to wipe out was made to have the case reopened and rents wherever possible and give cities the bill was opposed at a recent hearing entitled to the same public buildings of by H. R. Fuller, representing locomotive their own. The members of the committee engineers. Mr. Valle answered Mr. Fuller's recognize that their determination to bring arguments and declared that without any in such a bill is against the desires of the aw on the subject narrow gauge railways house leaders, but they contend that if n Colorado have tried the driving wheel there is a scaling in the appropriation bills brake and found it ineffective. He de- as now contemplated by the appropriations lared that the additional cost of the committee, the appropriation of, say \$15,driving wheel brake is insignificant, but 000,000, for the purchase of sites and the that the water brake had proved the more erection of public buildings on purchased sites would be exceedingly conservative, and they believe the people of the United merce today agreed to take up all bills re- States will heartily approve such a measlating to railroad rates and kindred sub- ure. Congressman Martin of South Dajects on Friday, January 13. It is expected kota, a member of the committee, discussthat hearings will be had on some of the ing the question today, said the policy

> Judge Conner of Iowa, also a member of the committee, stated that in the last four or five years \$30,000,000 had been spent on public buildings throughout the United States. He stated that he believed the people of the country were ambitious to see their towns improved by the erection of public buildings and therefore he believed the people of the United States would stand behind any conservative public building bill.

> Iowa and South Dakota Remembered The several subcommittees of the public buildings and grounds committee made For South Dakota the following cities are provided for: Mitchell, Watertown, Huron

> For Iowa: Webster City, Mason City, Clarinda, Des Moines, Atlantic an addition, Burlington repairs, and Cedar Rapids

> an addition. Should the public building bill be reported it will not be until after the leaders have talked with the president, an invita-

securing the reappointment of Harry H. Culver, son of J. H. Culver, adjutant general of Nebraska, as special agent of the Treasury department at St. Louis. The appointment is but temporary. Mr. Culver has held the position for two months.

Postoffice Fight at Wilber.

There is a postoffice war on at Wilber Neb., and the scrap, unless soon settled, is likely to develop into a very embarrassing situation. It is understood petitions for a change in location of the office have been referred to Congressman Hinshaw, who in all probability will recommend an inspector be sent to Wilber to examine and report upon the situation.

Fight on Martin Bill.

There are indications that a strong fight South Dakota lying west of the Missouri river. The charge has been made that the measure was framed for the benefit of stock raisers who desire to control the ranges through mythical settlers.

"Nothing could be further from the truth," said Representative Martin. "As a matter of fact the stock raisers oppose rather than support section homesteads. The purpose of the bill is to permit actual settlement in the country west of the Missouri in our state outside of the reservations and tracts reserved for irrigation projects, by providing section homesteads in order to attract permanent settlers. The bill requires actual residence. Commutation is not allowed. The settler must live on the land for a period of five years, as required by existing laws. He must also improve his and to the extent of \$1.25 an acre. The land in question is now an open range and cost. They desire to retain control of the ranges and accordingly oppose the section homestead plan. We want permanent home ouilders in South Dakota, and the only way

to get them in the part affected by this bill. which has the unanimous support of the delegation, is to offer section homesteads such as is done in Nebraska under the Kinkald net." A. Anderson, superintendent of the Yel-

Favors Gamble Bill.

commissioner on public lands reported today favorably Senator Gamble's bill extending the time for settlers to take up their residence on the Rosebud reservation in Gregory county, South Dakota, (Continued on Second Page.)

was passed.

I wonder why?

CONTEST IS REFERRED SENATE COMMITTEES BUSY URGING PUBLIC BUILDINGS ALLEGED FORGED CERTIFICATE LOBBY IS STILL AT WORK NEBRASKA WEATHER FORECAST RUSSIANS MARCH OUT Captain Mulliken Admits Marriage,

but Denies Its Effect in Law.

CHICAGO, Jan. 6.-Investigation as to whether or not Captain David B. Mulliken. NOT LIKELY HE WILL SECURE THE PLACE Twenty-seventh regiment, was legally married in 1961 to a 20-year-old Filipino girl brought the charge against an alleged marriage certificate at the court-marilal at Port Sheridan today that the alleged certifled copy is spurious. William A. Adams, civil counsel for Mulliken declared the document "false, fraudulent and a forg-

Attorney Adams then produced another paper, which, he said, was the original ertificat- of Mulliken's marriage March 2. 1901, to Regina Batismo, daughter of a

Filipino merchant. This original, it was asserted, had never been filed with the authorities in the town of Escalante, Occidental Negros, P. L. ording to law, and the marriage therefore was invalid. Forgery of another marriage certificate, it was charged, was resorted to by a Filipino justice of the peace to shield himself from punishment for neglect of duty. This forgery, it was asserted, was used against Mulliken, Lieutenant Ernest Murphy interpreter, testi-Captain Mulliken's fied that in his opinion paper is the original. probably written from the memory of some Speaker Rouse and with it the recommenda-Filipino official

An admission by Lieutenant J. M. Kimbrough, judge advocate and prosecuting that the Filipino justice of the peace neglected his duty and illegally re-corded the certificate was declared by Atterney Adams sufficient to convince the court that the whole charge is inspired by fraud. "We can show that one of the witnesses who signed this alleged certificate was a cattle thief, an ex-convict and not to be believed under oath," declared the defendants' attorney.

Nebraskan Praises Part of President's Message and Says He Should Be Supported by Democrats.

MEMPHIS, Tenn., Jan. 6 .- A banquet at which 400 covers were spread, was tendered William J. Bryan tonight by the Jackson club of Memphis. Hardwig Peres, president of the club, introduced Mr. Bryan as the next president of the United States. Mr. Bryan's subject was, "Watchman, What of the Night?" After speaking of the causes which, in part, contributed to the recent defeat of the democratic party, Dakota and Nebraska lying south of Union Mr. Bryan said the platform adopted at county, South Dakota, shall be in the mid-Kansas City expressed the views of more die channel of the Missouri river, as now democrats than any platform adopted since. existing. Continuing the report says: He praised several recommendations made

senate and house leaders for tomorrow at the White House. At this conference it is expected the question of appropriations will be taken up, tariff revision discussed, the railroad rate situation gone over and probably the advisability of holding a spring extra session will be taked over. It is admitted that there are many vital questions that need solution and they can only be solved by concert of action.

Senator Minard has been successful in securing the reappointment of the makes and norm of the middle of the main channel of the Missouri river, as now existing, and including the tracts marked upon sand surveyor's plat of his said survey hereto attached as Reinger's Cut-on" and the "rocket," be and become a part of the state of South Dakota. And we do further unanimously agree and recommend that all that portion of the middle of the main channel of the Missouri river, as now existing, and including the tracts marked upon sand surveyor's plat of his said survey hereto attached as "Hall's Survey of the middle of the main channel of the Missouri river, as now existing, and including the tracts marked upon sand surveyor's plat of his said survey hereto attached as "Hall's Survey of the middle of the main channel of the Missouri river, as now existing, and including the tracts marked upon sand surveyor's plat of his said survey hereto attached as "Hall's Survey of the middle of the main channel of the Missouri river, as now existing, and including the tracts marked upon sand surveyor's plat of his said survey or the middle of the main channel of the main channel of the Missouri river, as now existing, and including the tracts marked upon such state of Nouth Dakota, now lying south of the middle of the main channel of the state of Nouth Dakota, now lying south of the main channel of the state of Nouth Dakota, now lying south of the main channel of the state of Nouth Dakota, now lying south of the main channel of the state of Nouth Dakota, now lying south of the main channel of the state of Nouth Dakota, now lying roads under a strict control. If the presi-dent, with the aid of the democrats, ac-complishes any reform, the public will se-cure the benefit. If, even with democratic does will help the democratic party in

DODGE CASE A LIVE WIRE

One Witness Flees to Europe and Many Are in Hiding-Attorneys Afraid of It.

NEW YORK, Jan. 6 .- Interest in the socalled Dodge-Morse tangle increased today when it was announced that Mrs. William Geishener, widow of a millionaire banker, and who was wanted by District Attorney Jerome for testimony before the grand jury, left America January 3 for a European trip. Immediately upon this anwill be made against the Martin bill pro- nouncement came a statement from her atposing section homesteads in that part of torneys, among them James M. Beck, who said his client had sailed according to previous arrangement and independent of the grand jury inquiry into the "Morse matter." followed by one from District Attor-# | ney Jerome's office to the effect that counsel for Mrs. Gelshenen "could not deny that my letter to Mrs. Gelshenen was in his

hands before she sailed for Europe." This letter is one directed to Mrs. Gelshenen, advising her that failure to serve a subpoena for her appearance resulted in the publication of her name as one of the witnesses wanted. The district attorney is quoted tonight as saying that the "socalled Dodge-Morse case is a live wire, that "several members of the legal fraternity in New York have picked the wire up and have been short circuited," and that 'the voltage is very high and the amperage sufficient to make any one dance who may

MORE DOUBLE STARS Observer Reports Discovery of One Hundred Twin Sparklers at

Mount Hamilton.

BERKELEY, Cal., Jan. 6 .- More double stars have been discovered and measured lowstone park forest reserve, called on the at the Lick observatory. The latest bullepresident and presented him with a set of tin issued by the university contains an acresolutions adopted by the Campfire club of count of another hundred new double stars his election as an honorary member of the discovered and measured there. These new double stars are of the same character as those previously discovered at the Lick observator:

The distance between the two components in most of them is very small and nearly der conditions less favorable than obtain at Mount Hamilton.

The law says all notices of applications for liquor

license must be published in the paper having the

largest circulation in Omaha. These notices have

always been published in The Bee, since the law

Effort Made to Secure Important Clerkship for Robert J. Clancy.

Not Much in the Way of Legislation

Talked of, but Good of Nemaha Has an Amendment to the Revenue Bill.

(From a Staff Correspondent.) LINCOLN, Jan. 6 .- (Special.)-The severe rebuke given the Union Pacific-Northwestern-Sizer-Schneider-Burkett combination by the members of the legislature in the matter of the organization of the house evidently has not thoroughly soaked in. It is reported from reliable sources that Robert J. Clancy, an employe of the Union Pacific railroad, is trying to have himself appointed cierk to a very important committee in the house. That he will succeed is extremely doubtful, but it tends to show that the Union Pacific has not yet abandoned all hope of conducting the affairs of this legislature, notwithstanding its plans to control the organization were repudiated by the members. It is said that the name nd the other was of Clancy has already been submitted to tion of some members of that body that he

be appointed. Speaker Rouse is having all kinds of trouble making up his committees and his list of employes and will remain here during the time of the adjournment to accomplish the work. One representative presented the name of seven people for whom he asked positions.

It is known for a certainty that Wilson of Pawnee will be chairman of the finance, ways and means committee and Perry of Furnas will hold the same position on the BRYAN SPEAKS AT MEMPHIS Judiciary committee. Today Mr. Rouse, with the help of Assistant Clerk Barnard, is tabulating the names of the members and the committees each desires, and by tomorrow night probably he will be in a position to tell who will compose a few of the committees.

Report of Boundary Commission.

The report of the commission appointed by the states of South Dakota and Nebraska to settle the boundary between the two states has been filed with the secretary of the senate, and it will have to be ratified by the legislatures of both states before it goes into effect. The commissioners recommend that the

portion of the boundary line between South

And we do further unanimously agree and recommend that all that portion of the state of Nebraska now lying south or Union county. South Dekors. And now the

The commissioners appointed by Nebraska were: Edward C. Ericson, S. H. Dixon and John L. Jolly. The South Dakota commisdeners were: C. J. Swanson, F. O. Robinson and E. A. Lundburg.

Nearly all of the legislators have gone to their homes to look after personal affairs and will probably remain away until Monday. Among those here are President Jennings of the senate, and Speaker Rouse and the employes of both houses, who are getting things in shape for a good grind

Proposed Legislation.

The legislature is starting out remarkibly well in that three days have passed and not a single bill has been introduced I'wo years ago at this time bills had be ome burdensome. During the three days' ession the organization has been comleted in both houses, the governor's message has been received, the senate has amed its committees, legislative supplies eft over from the last session have been holled up and the decks have been cleared for quick action when the legislators re-This legislature differs from other legis-

tion they have been contemplating. No by his side continually. The entire left Arthur, attributed to the emperor's illusdoubt many bills will be introduced pro- side of the bishop's body is affected and trious virtue, and thanked General Nogi viding for amendments to the revenue law. for several hours after the stroke he was One of these will be fathered by Senator unable to speak. Leeches, applied to his achievement. Good of Nemaha and will carry out a head resulted in bringing back, in a recommendation of Governor Mickey. The measure, his speech and this evening he amendment will provide that the State was able to talk. Board of Equalization have the power to raise or lower the assessment of a class has been in fair health all his life, his at Shuishi village at noon Thursday. Their of property. At present the law provides age tends to add to the fear of his friends that the board must equalize by lowering for another and more serious attack. He tinued for two hours. No details were or increasing the valuation of an entire county by a per cent. As the law now stands the man who returns his farm at slight attack of neuralgia, but thought prisoners as follows: full value may be compelled to pay on an nothing more about it. Shortly before 4 full value may be compelled to pay on an nothing more about it. Shortly before 4

The Fifth Rifle regiment, 56 officers and cause the banker has failed to return his the sound of something falling in the Thirteenth Rifle regiment, 38 officers. cause the banker has failed to return his property at its real value, or the reverse. It is probable that another amendment to the law will do away with the county assessors and have the county clerk do the work of this officer. This amendment would also provide that the deputies be elected. For the benefit of the constituents of Senator Epperson of Clay and Hamilton counties it is here stated that to be a member of the committee on standing committees is to hold one of the most responsible positions in the senate. Mr. Epperson was selected as a member of this committee and one of his enthusiastic followers has written him that he should resign all would be difficult objects to observe un- and get a better place. Mr. Epperson helped to select all of the committees of the senate.

Fair Saturday and Sunday.

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STOCKMEN COMING IN FORCE Denver is Prepared to Entertain the Visitors in Royal Style.

DENVER, Jan. 6 - (Special Telegram.)-Preparations for the great gathering of stockmen here next week are completed and every indication points to the largest gathering of the kind ever held. All of the big live stock markets will be well represented with strong delegations and the stockmen are coming in freely. There will be plenty of entertainment, but bustness is to have the right of way.

On Monday the National Wool Growers' association and the Cattle Growers' Interstate association, each will hold conven- eighty Russian officers have accepted

On Tuesday the National Live Stock association will hold a joint session with the other interests. Tuesday afternoon the range cattlemen will discuss cattle scable's with state and federal sanitary authorities and on Wednesday morning the National Association of Railway Live Stock Agents will meet. These are the principal events scheduled, but there will be numerous other meetings held during the week. The entertainment includes a reception Tuesday night, a theatrical performance Wednesday night and a mask ball on Fri-

through the feed lots of northern Colorado on Saturday and a lamb barbecue at Fort Arthur who are to come here. Up to 10 Collins. The weather promises to be all that rived. could be desired. Bright sunshine is indicated over the west for the immediate future and Denver is experiencing its usual magnificent winter weather. Low railroad rates from all parts of the country are

day night, concluding with an excursion

WILL NOT WAIT FOR BRYAN Trial of His Suit Against Bennett Heirs Will Begin Tuesday in His Absence.

expected to add to the great crowds com-

NEW HAVEN, Conn., Jan. 6.-The trial of the suit of William J. Bryan, executor battleship Kriaz Souvaroff, has struck a of the will of Philo S. Bennett, against rock and sunk are unfounded. Delia Bigelow and other heirs was set for next Tuesday in the superior court by describe a systematic campaign of Japa-Bryan. This suit has for its object the con- stroying the Baikal and Siberian roads. struction of the will.

read in court, said he would attend the bors, with whom they enjoy profitable bus-

next Monday and would be at the Jackson ger of an attack on the railroads when the day dinner at Lafavette, Ind., on Tuesday and could reach New Haven on Thursday Judge Stoddard, counsel for the heirs, told the court he did not think the case should be delayed while "Mr. Bryan is in the middle west shooting ducks, or making speeches, or both."

Mr. Stoddard said that Mr. Bryan had brought the suit for construction of the will and at the same time was attempting to assert a right as an individual and trustee and as a defendant (Mr. Bryan also being named as an heir in the will). Mr. Newton wanted a further delay in the case, but the court assigned the case for Tuesday, when the matter of admitting evidence relating to the famous "sealed letter" will come up and Mr. Bryan will be present on Friday to give evidence.

BISHOP SPALDING STRICKEN Venerable Preiste Has an Attack of Paralysis and His Condition

is Serious. PEORIA. Ill., Jan. 6.-Bishop John L. Spalding of the Roman Catholic church Nagasaki. today suffered a severe paralytic stroke at his home. While his condition is said adopted a resolution felicitating the emlatures in that few of the members have not to be critical, it is serious enough to peror on the success of the year's camexpressed themselves on any pet legisla- keep his brother, Dr. Leonard H. Spalding, paigning, climaxed by the fall of Port

> complained this morning to Father P. J. O'Reilly that he was suffering with a the sound of something falling in the bishop's room. She ran hastily to the place and found him lying on the floor, partially unconscious and unable to rise. a late hour tonight he was resting comfort-

NEW PHASE OF CHADWICK CASE

Woman's Associates Said to Have Smuggled \$60,000 Worth of Diamonds from Europe.

ountry by persons returning from Europe with Mrs. Cassie L. Chadwick has resulted harbor mouth. in the finding by the United States officers of some \$60,000 worth of gems and diamonds. the property. It is reported that some and small boats makes it impossible to of the diamonds are in safety deposit closely examine the water filled hulks, and vaults in Cleveland and New York.

The reason that immediate seizure is not ordered is explained by the fact that formal identification is necessary. This process requires an inventory and description pro- via Fusan, Jan. 6.- During the last three cured from the original sellers of the dia- days the Russian bombardment has been monds. Government agents in Europe have the heaviest in six weeks. For two days either already secured this inventory or following the fall of Port Arthur hardly a are at work securing the necessary in- shot was fired. Since then many heavy

formation at present officers to any extent from the fact that the government has the first lien on all smuggled goods, no matter what the complications surrounding the case.

Movements of Ocean Vessels Jan. 6. At New York-Arrived: Prinz Adelbert, from Genoa. Sailed: Cedric, for Liverpool. At Queenstown-Arrived: Campania, from New York.

At Moville-Sailed: Parisian, for Halifax.

All the Regular Troops Leave the Surrendered City.

OFFICERS SLOW IN ACCEPTING PAROLE

Generals Nogi and Steessel Hold a Conference Thursday at Noon.

DENY LOSS OF ROJESTVENSKY'S FLAGSHIP

Statement from St. Petersburg Says the Report is Unfounded.

JAPAN BEGINS TAKING AN INVENTORY Vessels Captured at Port Arthur Not Yet Examined, but Many May Be Worthy of

PORT ARTHUR (With the Third Japanese Army), Via Fusan, Jan. 6 .- Only

Repairs.

parole All the regular Russian troops have marched out of Port Arthur and will leave for Port Dainy today. Japanese troops entered the city yesterday to keep order. Noncombatants are allowed the option of remaining at Port Arthur.

The Japanese navy is removing mines and the Japanese hulks at the harber mouth. All the forts have been taken over by the Japanese.

Che Foo Ready for People. CHE FOO, Jan. 6 .- The authorities of Che

Foo are ready to receive the first portion of the 1,000 resident noncombatants at Port o'clock tonight, however, they had not ar-Insure Against Peace.

LONDON, Jan. 6-Speculators who have been selling Russian and Japanese bonds. becoming frightened at the rumors of peace, have been insuring against an early termination of the war. Both yesterday and to-

day policies were taken out at Lloyd's against a cessation of hostilities prior to April 30. Yesterday 30 guineas per cent was charged by the underwriters, but owing apparently to the belief that the prospects of peace are slimmer only In guineas was charged today. Deny Reported Loss of Flagship.

ST. PETERSBURG, Jan. 6.-Reports that Vice Admiral Rojestvensky's flagship, the Mail advices from Urga, North Mongolia,

Judge Robinson today, in spite of a protest nese officers and emissaries to stir up by Henry G. Newton, counsel for Mr. Mongolia with a view to raiding and de-While the Japanese plans are reported to The case was in court today on argu- have been received with favor by the ments on the admission of certain testi- Princetings and Llamas, the people do not show the slightest inclination to take A telegram from Mr. Bryan, which was an active part against their Russian neighinauguation of Governor Folk of Missouri iness relations. Nonetheless there is dan-

> Japanese Taking Inventory TOK10, Jan. 6 .- (10:30 n. m.) - The Navy department announces that the Japanese naval force at Port Arthur has sunk the following was vessels in that harbor: Torpede boats, the Gaidamak and Fusatonik; torepdo boat destroyers, the Jetinny, Sisik and Boevol. The armored cruiser Bayan is lying on the south coast of the harbor severely damaged and the gunboat Bobr is entirely burned as the result of the Japanese shelling.

The Russian battleships at Port Arthur have not yet undergone official inspection by the Japanese. From a view of portions of the warships which at the last moment were destroyed by the Russians it seems evident that there were no interior explotions, and it is hoped by the Japanese that the damages can be repaired.

filled in and the dock gates have been damaged. The great crane is still intact and erviceable. General Stoessel and the other Russian officers who will leave Port Arthur on will return to the homes via

The docks are partially destroyed and

The Diet at a special session today and the Third army for their giorious

Nog! and Stoessel Meet. A report from General Nogi, received at The bishop is 65 years old and, while he Stoersel's request, Nogi and Stoersel met meeting was entirely personal and con-A report received at noon today give details of Thursday's transfers of

The Fourteenth Rifle regiment, 32 officers Fifteenth Rifle regiment, 50 officers Sixteenth Rifle regiment, 30 officers

Total, 206 officers and 5,451 men. Condition of Warships. Discussing the condition of the Russian war yessels at Port Arthur a naval officer

said to the Associated Press today: "General Nog! has just detailed the commander of the naval landing party to examine the Russian ships at Port Arthur and superintend the transfer of the naval CLEVELAND, Jan 6.-The Plain Dealer munitions, etc. At present there are only emorrow will say: The investigation into ten serviceable vessels there, and those the charge that large quantities of dia- were used by the Russians to regain the monds and jewels were smuggled into this shore after setting fire to the warships, sinking vessels and almost blocking the

"It is still unsafe to bring outside vessels through the mine fields and entrance ob-There will be no immediate seizure of structions. The lack of diver appliances it is difficult to destroy them at short no

tice." Russians Are Bombarding GENERAL OKU'S HEADQUARTERS. guns have been brought into use and there Delay in the matter is not bothering the has been firing almost constantly. The front is unchanged and there is no indication of a movement being made in the near future. The Japanese are using their

> nightly celebrations of the fall of Port Arthur. No Prospect of Peace.

WASHINGTON, Jan. 6.-Japan has made to overtures for peace to Russia, directly or indirectly through the United States of

searchlights in the great rejoicing