

THREE ARE DEAD

Seven Convicts Dash From Folsom.

GUARDS FIRE INSTANTLY

Rockpile Gang Makes Mad Rush at Officers.

NONE GET THROUGH THE NET

Captain Murphy Wounded by Shot of Guard Harris While Lying Upon Body of Prisoner Who Had Captured Him.

CONVICTS KILLED IN ATTEMPT.
H. C. HILL, of Placer County, under a sentence of 20 years for robbery.
J. QUINLAN, of San Francisco, serving 12 years for robbery.
W. MORALLES, of Marin County, under sentence for robbery.
The following wounded will probably die:
D. KELLEY, of San Francisco, serving a sentence of eight years for robbery.
E. QUEYADA, from Los Angeles, serving a life sentence for murder.
W. P. FENLEY, from Mendocino County, serving life sentence for murder.
Slightly wounded:
CHARLES CARSON, from Marin County, serving life sentence for robbery.

FOLSOM, CAL., Dec. 29.—A break that was clever in plan and bold in execution took place at the penitentiary here this afternoon. The guards obeyed the standing orders of the warden to shoot regardless of the danger to free men, and as a result seven of nine convicts, who had planned to get away, were almost riddled with bullets, three being now dead and three in a critical condition.

Captain R. J. Murphy is wounded by a shot in the leg, and two slight knife wounds.

The break was similar to general plan that of last July, but the fact that it was made within the range of the guns of seven reliable guards, all dead shots, and one of those within 50 feet, makes it more bold and desperate.

The convicts who engaged in the break were all employed in the rock crusher, where 25 of the most desperate prisoners were at work. Captain Murphy was acting as general overseer about the rock crusher, and four other attaches, L. Daley, M. Hogan, Charles Taylor and Charles Jolly were employed as "pushers" to keep the men at work.

A large sledge hammer was thrown into a crusher, causing the ponderous machine to come to a standstill. This attracted Captain Murphy, Charles Jolly and Taylor to the place immediately. Thereupon the desperate convicts rushed to seize Murphy, Jolly and Taylor. They succeeded only in catching the two first mentioned. The others endeavored to take the other free men, who managed to escape them. During this time the scene of trouble was under cover, and the guards on the outside could not see the struggling men, although they soon had an intimation that something was wrong. The convicts with their captives made their way toward a small post commanded by Guard W. H. Harris, who was armed with a rifle.

Knives to Kill Guards.

Five of the gang surrounded Captain Murphy, and two of them had Jolly. The convicts had knives in position for immediate execution, should the guards attempt to free themselves. They had no sooner stepped into the open than the seven guards commenced firing, and within 20 seconds fully 30 shots had been fired, and the seven convicts were on the ground helpless. The convicts were very bold as they approached Guard Harris, who stood ready to act according to the standing orders to shoot regardless of consequences.

When within 40 feet of the outside guards, one of the convicts gave the command: "Hand out your gun, or we will stab Murphy to the heart."

Instead of handing out the rifle, Harris sent a bullet into the fellow's body and he fell to the ground. In quick succession Harris fired at each of the remaining convicts who were trying to shield themselves behind Murphy and Jolly.

"Rough House" Kelley, the last of the convicts shot, had borne Murphy to the ground with him, and was under the officer for protection. With wonderful coolness and nerve, Murphy wrigged about until Harris could draw a bead on Kelley, and one shot took all the fight out of him. In the meantime, bullets from the posts were flying thickly about, many of them striking the convicts.

Guard Hits His Captain.

Captain Murphy was struck by one of them, a slight wound being inflicted in the leg, and Jolly was struck in the neck, the bullet coming out through the cheek and inflicting a very serious wound, though probably not a critical one. Two of the convicts, named Campbell and York, intended joining the others, but their courage failed them when the shooting began. The guards who did the shooting besides Harris were O. C. Lewis, T. Foley, W. Gallagher, L. Anderson, D. W. Wiley and J. Woods.

To have made their escape from the prison, the convicts would have to go up or down the railroad track, through a long line of guards. They evidently depended on capturing Woods' rifle to successfully carry out their plans. The knives in their possession were big, dan-

gerous-looking weapons and had evidently been concealed many months in the rocks.

At the time the first shot was fired Warden Yell was in his office. Grabbing his revolver, he rushed to the staff overlooking the convict and thence down near the scene. He signaled the guards to continue shooting, and he put his revolver into operation also, at the same time giving orders to the remaining convicts, who were crouching behind rocks and in other safe places, to line up and march in. This they did in quick order. The appearance of the Warden in the midst of the fight gave his guards increased courage to carry out his orders. Lieutenant of the Guard Cochran immediately lined up 30 guards from about the yard, and in a surprisingly quick time had them in a position to resist a general revolt. During all the trouble, only one getting gun was brought into play, and that only to frighten the participants.

WARM WELCOME TO TOGO.

Victorious Admiral a Trifle Embarrassed by the Enthusiasm.

TOKIO, Dec. 29.—(H. A. M.)—Admiral Togo and Vice-Admiral Kamimura, with their staffs, arrived at the Shimbashi station at 9:20 o'clock today. Their journey from Kure to Tokyo was a continuous ovation. At an early hour today the streets were filled and the city was gaily decorated with flags, lanterns and New Year's decorations. Representatives of the Emperor and Empress, Prince Fushima, Jr., elder statesman, Ministers, prominent Japanese and thousands of school children greeted the arrival of the naval heroes at the station. The presidents of both Houses of the Diet presented them with the resolutions of commendation passed by their respective branches of Parliament.

The quiet, gray-bearded Admiral Togo, in a blue service uniform, seemed embarrassed at the noisy ovation. Rear-Admiral Shimamura, chief of staff, laughingly bowed forward Vice-Admiral Kamimura. The junior officers tried to clear the way, but the crowd closed in on Admiral Togo and they were frequently forced to push the crowd backward in an endeavor to clear the rescuing hands.

Finally Admiral Togo and Vice-Admiral Kamimura were freed from their enthusiastic admirers, and surrounded by officials, they reached the carriage sent by the Emperor to the station to convey the distinguished party to the palace. As Admiral Togo appeared a great shout arose, hats were thrown in the air, arms were raised and "huzzah" followed "huzzah."

Preceded by gendarmes, the party drove under the triumphal arches, waving flags and discharging fireworks through the cheering crowds, to the navy department, where a brief stop was made, during which the congratulations of the Ministers were received and future successes were forecast.

Admiral Togo and Vice-Admiral Kamimura then proceeded to the palace to report to the Emperor. They will probably remain in Tokyo about one week for the purpose of consulting with the general staff and devising plans for future operations.

BLUEJACKETS RAISE A ROW.

Shore Leave Is Forbidden the Entire American Fleet at Valparaiso.

VALPARAISO, Chile, Dec. 29.—Some American bluejackets who came ashore here today became intoxicated and created a disturbance. The trouble was not serious.

The American Charge d'Affaires here had a conference today with the government, at which it was agreed that American sailors shall not be granted shore leave, so as to prevent the recurrence of disorders. The impartial calls upon the government to deal with guilty persons according to the Chilean laws.

The cruisers New York, Chicago and Marblehead and the gunboat Bennington, and the torpedo boat Albatross, and Rear-Admiral Goodrich commanding, are now at Valparaiso.

KUBOKI SENDS A MESSAGE.

Replies to Congratulations of Convivial German Club.

BERLIN, Dec. 29.—A convivial circle at Sportplatz sent General Kuroki in September a card of enthusiastic congratulations on his military successes and has now received the following answer:
The battlefield, in Manchuria, Nov. 5, 1904.—How I rejoice to be congratulated at so great a distance upon our victories. As you know, we are pupils of German tactics, hence I have double pleasure in being congratulated by German men.
With special regards, your obedient servant, KUBOKI.

The above letter from General Kuroki removes all doubt, if any existed, that General Kuroki is still alive. He was reportedly reported to have been killed during the fighting of October last.

CHICAGO IS NOT LIABLE.

Damages Cannot Be Collected for Lives Lost in Iroquois Fire.

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

This was the last day in which, under the law, claims for damages could be filed. In the last hour of the court today 49 suits aggregating \$49,000 were filed in the Circuit and Supreme Courts.

MRS. W. A. CLARK COMING HOME

United States Senator Will Sail With Wife and Child Soon.

PARIS, Dec. 29.—United States Senator W. A. Clark, of Montana, with his wife and child, will sail for New York on board the German Lloyd steamer Kronprinz Wilhelm on January 4, and they will take up their residence in Washington, D. C. Mrs. Clark has lived several years in Paris.

TRANSFER LAW IS UPHELD.

May Neither Be Given Away or Sold in New York.

PLUM FOR DEPEW

Senator From New York Will Be Re-elected.

ODELL GIVES UP FIGHT

Says He Finds State Sentiment Is for the Incumbent.

HARMONY IS WELL PRESERVED

Ex-Governor Black Was Supposed to Have an Ambition to Go to Washington, but His Candidacy Was Never Announced.

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 Senator Thomas C. Platt, who has four years more 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 several weeks, especially continuous during the past three days.

The purport of the announcement is that the candidacy of ex-Governor Frank C. 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 the Republican Legislature, which will select the party's candidate for Senator.

Governor Odell's formal announcement, which is regarded as closing the controversy on the subject, gives it as his conclusion that "party harmony will be best subserved by the re-election of Senator Depew," concedes that the sentiment favoring his selection is very strong throughout the state, and declares that "it would have been the worst kind of party generalship to have run counter to this expressed public opinion."

Black Withdraws His Name.

Late in the afternoon a letter was given out, addressed by Mr. Black himself to Senator Depew, in which the ex-Governor withdraws his name from further consideration for the Senate, 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 ex-Governor's action places the party under great obligations to him. 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 at present, 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."

SETTLED AT A CONFERENCE.

Depew the Only Name to Be Presented at the Republican Caucus.

NEW YORK, Dec. 29.—Governor Odell announced today that the United States Senatorship had been settled and that the name of Chauncey M. Depew would be the only one presented at the Republican caucus. At the adjournment of the meeting at the Republican Club, between Governor Odell, Senator Depew, Speaker Nixon and Senator Malby, Governor Odell went to the Fifth-Avenue Hotel. He was asked to confirm the statement that the Senatorship had been settled. He said: "It has been absolutely settled."

In reply to a question whether this agreement was in accord with his own personal preference or whether he yielded to the party leaders, Governor Odell said: "I would not be human if I did not have a personal preference; but what I wanted was to find out the choice of the whole party."

Governor Odell was asked: "Did you just find out that the sentiment of the party was for Depew?"

"No, I did not just find it out. I have been working on the matter ever since election day."

"Did the Platt conference last week have any effect on your course?"

"I can't say that it did. Many of my friends attended that conference and it brought out nothing particularly new. I knew all along that there was a strong party for Depew."

Depew in Great Glee.

The conference must have been as amicable as it was brief, as sounds of cheerfulness could be heard. Senator Depew had been in conference only a few minutes when he hurried out, his face wreathed in smiles. He said: "The optimist wins, as he always does, and I am it. The Senatorship is settled in my favor and through Governor Odell's harmony has been brought about. He is the only man in the state who could have

brought harmony out of the situation. I am very grateful to him."

"How about Black?" the Senator was asked.

"I understand that he is satisfied that the matter has been settled amicably and that there is general harmony."

When it first became known publicly that there had been differences of opinion over party policy between Senator Platt and Governor Odell, public attention was directed to the two seats in the United States Senate held by Platt and Depew almost as much as the convention which 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.

Black Did Not Show His Hand. The campaign to return Mr. Depew practically began at that time and was continued up to today, when he was able to announce its success. It was known all along that Mr. Depew would have the support of Governor Odell, never, however, did Mr. Black announce himself as a candidate, and not at any time till today did Governor Odell make known his position.

BITTER HATRED IN TRENCHES

Opposing Forces at Close Proximity Try to Pot Each Other.

MUKDEN, Dec. 29.—Cossacks today brought in the body of Captain Eridoroff, a noted scout, who was killed in an attack on the village of Tifany.

Intense hatred exists between some of the opposing forces in trenches close together, notwithstanding the friendly terms existing at other parts on the fronts of the two armies. The Japanese try to heat their soldiers at advanced positions with charcoal fires concealed in small brasses, so as to show no light. One of these recently was broken and the fire exposed the position of the Japanese picket. The whole party was immediately wiped out by a furious Russian fire.

There was a sharp skirmish December 28 at Sinehping. A concealed mortar battery inflicted considerable damage on the Japanese position, driving out a number of the Japanese, who sought refuge among the trees and bushes. A shell exploded a Japanese mine in front of the trenches, inflicting considerable damage. The Russian batteries are connected by telephone and report the results of each other's fire. Recently a field battery posted on the heights caught a detachment of Japanese and drove them all out of their trenches in the immediate front.

Russian Officers Identified.

SHANGHAI, Dec. 29.—According to private advices from Sasebo received today, Commander Felem, of the Russian torpedo-boat destroyer Rastropny, and another officer of that vessel have been identified among those on board the captured British steamer Nigretta.

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ANGRY AT IRVINE

Needs Horsewhipping, Says Mrs. Elliott

WISHES HER FATHER LIVED

Divorcee Says He Would Punish the Unfrocked Rector.

BISHOP TALBOT DEAR FRIEND

Term of "Marriage on European Plan" Puzzles the Woman at the Bottom of the Episcopal Church Scandal.

HUNTINGTON, Pa., Dec. 29.—(Special.)—"Who is Dr. Irvine, that he should cast brutal insinuations at me?" indignantly asked Mrs. Emma D. Elliott, of this place, addressing an interviewer at her home here. Then she proceeded as follows to tell what would happen if she had a real defender by saying:

"If my father, General Robert Deeba, were alive, he would horsewhip the man who has stooped to insult a defenseless woman and to couple her name with that of a dignitary of the church he should love and respect, not hold up to the gaze of a curious public, ever willing to believe the worst, especially if there is a woman in the case.

"Poor Bishop Talbot! how annoyed he must be. He is a good, honorable man and it is perfectly ridiculous that his name should be coupled with mine in order to do us both injustice. Why, I am a grandmother and I have three grown-up sons. Is it not perfectly absurd?

"Yes, Bishop Talbot is a friend of ours, and a dear, good, true one. He was the best friend Dr. Irvine had until Dr. Irvine became so nasty that even a saint could not endure him. Dr. Irvine is a tricky, dangerous man, and I confess that I am afraid of him."

Concerning her earlier marriage, Mrs. Elliott said: "I see they say I was married to a James Anderson on the European plan. First it was James Alexander, and now it is James Anderson. I want to say that I never knew a man by either name, and surely did not marry them. I do not know what they mean by a marriage on the European plan."

FREQUENT CALLS ALLEGED.

Dr. Irvine Says Bishop Talbot Sometimes Neglected Church Service.

PHILADELPHIA, Dec. 29.—(Special.)—Dr. Ingram N. W. Irvine today said that the hostility of Bishop Talbot toward himself was because he had "persistently refused to serve communion to Mrs. Emma D. Elliott of Huntington, who is divorced, against the wishes of Bishop Talbot, who is a staunch friend of the woman." The canons of the church provide that a man or woman divorced on any charge, except that of adultery, cannot receive the holy sacrament. In the face of this, Bishop Talbot, while he publicly supported the canon, 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.

"Bishop Talbot and Mrs. Elliott are said to be on very friendly terms. Her home in Huntington is but three doors distant from St. John's Church. It was this friendship," said Dr. Irvine, "that impelled Bishop Talbot to keep her in the church. It is a noted fact that Bishop Talbot made frequent calls at her home, even during the seasons of Lent, and that the length of his visits has varied from a day to a week.

"Often when services were being held in the church he has been known to be absent in order to spend the time in her company. All these facts in detail will probably be brought out at the trial."

Dr. Irvine's attention was called to a statement alleged to have been made by Bishop Talbot that the aged Bishop Burgess, of Quincy, Ill., had written him on his deathbed that Irvine had outraged two girls in Quincy. A copy of the letter in which Bishop Talbot made this charge accompanies the presentment against Bishop Talbot.

"I fling the lie back into Bishop Talbot's teeth, and were it not for the church it would be my duty to horsewhip him for making that statement," said Irvine.

IRVINE DEMANDS VINDICATION

Question is Whether a Bishop Can Write Seditious Letters.

Talbot has placed himself in a most awkward position, as the falsity of his charges could be proven.

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.

WITNESSES BY THE SCORE.

Woman of High Social Position Will Give Voluntary Testimony.

NEW YORK, Dec. 29.—The World will say tomorrow in regard to the Talbot case:

Lawyer Noble, although in Philadelphia yesterday, was out of the city and in secret consultation with his detectives, who are now at work in Central Pennsylvania. Today he will visit Philadelphia, ostensibly to confer with Rev. Mr. Bodine, chairman of the committee of inquiry.

More than 300 witnesses will be summoned tomorrow to testify before the committee of inquiry. These best informed believe that the evidence of the first 25 witnesses will be sufficient to secure a verdict against the bishop.

One of the first witnesses called is a woman of fine social position in one of the wealthiest cities of Pennsylvania. This lady will be a voluntary witness, and her testimony will probably be used to pave the way for the more important evidence which the presentment lawyers are now gathering.

The technical question raised by the Talbot faction as to the canonical validity of the presentment must be determined by Bishop Tuttle, of St. Louis, presiding bishop of the Episcopal Church.

Interest in Question of Jurisdiction. PHILADELPHIA, Dec. 29.—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 under the laws of the year. The point raised by Rev. John Fulton, editor of the Church Standard, that the board of inquiry will have no jurisdiction over the bishop, is being superseded by a new canon on January 1, was discussed by lawyers and clergymen and a wide difference of opinion prevailed.

No one can be found who will venture a positive opinion on the question because the revised copy of the canon adopted at the last general convention is not obtainable here. The original is said to be in the hands of Dr. 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 the proceedings would be instituted under the new canon.

Signers Repudiate Presentment.

PHILADELPHIA, Dec. 29.—Dispatches from Huntington, Pa., tonight state that some of the Huntington signatories to the presentment have repudiated the presentment, and say it was never their intention to sign a paper of the character that has appeared in the press. If this is true, the proceedings must be denied, as a presentment of the character made against the bishop, must contain the names of at least three persons from the diocese in which the accused bishop lives.

It is said the paper was signed by the Huntington men under a misapprehension, they believing that they were assisting in closing a long controversy, one in which their bishop was to be brought to trial.

When J. F. Jenkinson was told of the information received from Huntington today he said that the names of the Huntington men were signed at the end of the original presentment. The names of the Philadelphia signers, he said, were on the same sheet, but the names of the Huntington presenters appeared.

STORIES OF A SETTLEMENT.

Lawson Said to Have Received His Check From Standard Oil Magnate.

BOSTON, Mass., Dec. 29.—(Special.)—Rumors of a Lawson settlement were more persistent than ever today. No verification of the report that Everybody's Magazine has changed hands and that the "Frenzied Finance" articles will be stopped could be had, nor of the report that Lawson is about to take a trip to Europe. Mr. Lawson could not be reached at his home or office, and it develops that he is locked up at a hotel in conference with some one and refuses to accept any messages or to be interviewed.

DEADLOCK IN DELAWARE.

Regular Faction, in Minority, Insists on Equal Division of Offices.

DOVER, Dec. 29.—After spending the entire day in fruitless bickering the Delaware Legislature, which convened in extra session today, adjourned without having effected a permanent organization. The House elected Representative Rages, Union Hope, temporary chairman.

FORT HAS FALLEN

Japanese in Control of Rihlung Mountain.

MANY GUNS ARE CAPTURED

Half of the Garrison Is Killed in the Defense.

JAPANESE COMMAND HARBOR

Second Pacific Squadron Will Find No Haven Even if It Should Slip by the Opposing Vessels.

HEADQUARTERS OF THE JAPANESE ARMY BEFORE PORT ARTHUR, via Fusan, Dec. 29.—Rihlung fort was captured at 3 o'clock this morning, with 1000 Japanese casualties. Seven dynamite mines, exploded at 10 o'clock yesterday, made breaches in the front wall, through which a large body of Japanese 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.

Rihlung Fort, situated about two miles from the outskirts of the town of Port Arthur, fronts the harbor southeast. The fort just captured is a mile and a half southeast of Kekwan Fort, recently captured by the Japanese. The possession of these two forts would make a most important breach in the fortifications of Port Arthur and cut off communication between the hill forts and the forts of the western section of the inner circle of fortifications.

Outside the capture of 300-Meter Hill, on the western section of forts, little is known of the exact positions occupied by the Japanese, but it would seem from the material available that the inner circle of forts is now cut in three pieces and that 300-Meter Hill prohibits communication with the Liao-Ti section forts, just as possession of Rihlung and Kekwan forts cuts off communication with the Golden Hill Fort, except by the many underground ways which are said to exist in various parts of the fortress.

From Rihlung Mountain, which is nearly opposite 300-Meter Hill, it would appear that the Japanese fire will be able to reach anything in that harbor and town which the Japanese heavy guns on 200-Meter Hill are unable to hit, thus making it apparently impossible for the Russian second Pacific Squadron to make any use of Port Arthur, even should the Japanese content themselves with holding the strong positions they now occupy.

DEFENDERS FIGHT TO FINISH

Nearly Half of Fort Rihlung Garrison Is Slain.

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