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PORTLAND, FRIDAY DEC. 30, 1904.

THE SMOOT INQUIRY.

It has not been shown that Senator Smoot is a polygamist, or that he ever was. Consequently the inquiry that was started, with a view to his expulsion from the Senate, doesn't "make good." But he is an "apostle" of the Mormon Church, and testimony has been taken with a view to making proof that the Mormon Church still tolerates polygamy.

Probably it does; but the Mormon Church cannot be prosecuted. It is an entity, but intangible; and its beliefs and practices, as a church, are not amenable to law. But the individuals who compose or constitute it may be dealt with for any offense against the laws. Against Senator Smoot, himself, no testimony has yet been produced that could fasten personal wrong-doing upon him.

There are Mormons who live in polygamous relations, but Senator Smoot is not one of them. There is no proof that he ever was. He states, under the obligation of his oath, that he has one wife, never had another, and that this one wife is mother of all his children. This is not controverted. He is a Mormon, but is not on trial for Mormonism.

Those Mormons who wanted more wives than one used to say that they practiced polygamy in obedience to divine revelation. It was not the first foolish and immoral "revelation" that men professed to have, nor will it be the last. But when it became apparent to them that they could not have statehood unless they gave up polygamy, the Mormons of Utah got a new or revised "revelation," which permitted them to abandon it. So they professed to do. The question now is whether they did give it up or not. The United States was not dealing then with the Mormon Church, but with the people of Utah. It will not now deal with the Mormon Church, but with individuals in Utah who may violate its laws. Is Senator Smoot one of these? It does not yet so appear. A man will scarcely be punished for belonging to a church whose members, or some of them, violate the laws.

So far the inquiry is practically fruitless. There seems to be no proof of new plural marriages, but undoubtedly old polygamous relations, in many cases, are continued. But there is no testimony that Senator Smoot has or ever had plurality of wives.

POLITICS IN NEW YORK.

In New York there has been a lively contest between factions in the Republican party for control of the state, and it is a drawn battle. The Odell faction has control of the state government; the Platt faction gets the Senator. They don't take these things very seriously in New York—that is, not always. They have their factional controversies, but they seldom push the fight to the point of annihilation, where all parties lie dead on the stage.

Depew will be re-elected to the Senate. It is a result that maintains a balance between the Republican factions. The contest between the older and the younger elements of the party is postponed a little while longer. Platt's term will expire four years hence. He is a feeble old man now. But his influence still is great. It was thrown against Odell and Black and the younger men of the party. But they can wait.

Chauncey Depew has long been known as a man of brilliant powers. But, "Nature in him is now upon the verge of her decline." He was a man of more force outside the Senate than he ever has been or can be in it. He is not the leading figure of this present political drama in New York. That figure is the aged politician and Senator, Thomas C. Platt. Yet Mr. Platt has no distinction at all in the great political thought and political movement of his generation. The infirm old Senator does, however, maintain in a remarkable way his influence and ascendancy as a local politician. He stood with Roosevelt, and Roosevelt has carried him and his faction—and the other faction of the party, too—through a crisis that, without his name and help, would have swamped both of them.

A STRANGE PROCEEDING.

A most unusual and perhaps unexampled method of controlling, or of attempting to control the market price of a product, is reported in Georgia and other states of the South. The cotton crop of our Southern States is reported at nearly 12,000,000 bales. The market is unsatisfactory. Growers do not obtain the prices they expected, and concert among them is attempted, for the purpose of holding cotton out of the market.

By producers of agricultural staples this expedient has often been attempted, though never with much success. But our cotton producers are going further. They propose deliberately to destroy a heavy proportion of their cotton—thus getting rid of the surplus, and making better prices for the remainder. From Georgia we have it, therefore, that the farmers and merchants have begun to burn their cotton—taking the initiative for destruction of 2,000,000 bales in the cotton states.

The expedient is more heroic than wise. The mind of our Southern people is much given to action upon impulse, in strange ways. If they have grown too much cotton and the price is too low, they should hold it, if they can, plant less cotton next year, and endeavor to employ part of their energies in other directions, till the cotton market shall right itself. But to destroy cotton already grown, in the hope of controlling the market, is to most minds an unthinkable expedient. The West in former times burnt corn for fuel, because at the market price it was the cheapest fuel then obtainable. But in the South they are burning cotton for the purpose of taking revenge on the market.

It is scarcely to be believed that this strange expedient will be pursued very far. The Atlanta Constitution urges the cotton growers to combine for storage of a heavy surplus, and await events. This may not promise much, but it is rational. Burning is not.

LIEU LANDS AGAIN.

The Salem Statesman, of which ex-Governor Geer is editor, is out with a long editorial attempting a defense of the lieu-land transactions conducted by State Land Agent L. B. Geer and General W. H. Odell. In the course of its defense the Statesman declares that The Oregonian was incorrect when it said a few days ago that General Odell alleged certain school lands to be mineral. Says the Statesman: "General Odell did not 'allege' this land to be mineral." If Editor Geer will turn to the motion filed by Odell in the Department of the Interior asking for a review of the lieu-land decisions, he will find that Odell opens his argument with this statement: "All the school indemnity selections were made upon alleged mineral base, sought to be adjudged mineral, so that the state might select lands in lieu thereof," etc. It might be in order to suggest that Geer and Odell put their heads together and agree upon a consistent story concerning the lieu-land transactions, so that the public will not be in doubt as to which to believe.

The Statesman quotes The Oregonian as saying that "the proof offered was accepted and lieu-land selections approved by the United States Land Offices." This The Oregonian did not say, and Editor Geer went out of his way to strike out one word used by The Oregonian and insert two that suited his purposes better, notwithstanding he pretended to be quoting the exact language of this paper. The Oregonian said "local Land Offices," and went on to show that the selections were turned down by the General Land Office. In the hope of deceiving the people the Statsman deliberately changed the language of the quotation so as to convey the idea that the United States Land Department had approved the selections, whereas they had been approved only by an inferior office, subject to the action of higher officials. If the Statesman had misquoted The Oregonian in only one instance, it might be overlooked as a possible error, but a similar change of words in another pretended quotation leaves no room to doubt that it was a deliberate attempt to deceive. Many people have believed, or tried to believe, that the manipulation of the lieu-land business by the Geer-Odell combination was due to ignorance, carelessness or stupidity, rather than to dishonesty, but when an attempt is made to defend the transactions by deliberate misrepresentations, this view becomes untenable.

WILD GAME AND "SPORTSMEN."

It is clear that changes are necessary in the present game laws of the state, if the wild creatures of our forests, fields, lakes and streams are not to be exterminated by insatiate sportsmen and their well-trained dogs. The Game Warden is right when he says that the fifty-duck limit a day to a single hunter is "a shame and a disgrace to the statutes of any state." As well license enthusiastic sportsmen to bag all the ducks he can as to grant him the privilege of killing fifty in a day. As to pheasants, the Game Warden says five a day are enough for any man to be permitted to kill, and these he should get by good, clean, honest effort, without the assistance of a dog. The merciless slaughter of these magnificent birds by the privileged few in the past few years has been sickening to the sensibilities of all human persons who have seen the bloody trophies of the professional hunter's skill unloaded from the cars by dozens and by hundreds as the result of the "sport" of the bloody Sundays of the open season.

Perhaps it is too much to hope for legislation that will check this slaughter that takes place in the name of sport. A well-equipped lobby will probably be on hand to defeat the attempts that will be made in this direction. But it is something to hear an official voice raised in the interest of moderation as against professional hoggishness in the field of sport.

TEACHERS AND THEIR SALARIES.

A levy sufficient to meet the required increase in the salaries of teachers in our public schools has been voted. The taxpayers will abide cheerfully by the decision of their representatives at the annual meeting. They have really very little reason to complain at the small increase of six-tenths of a mill that was levied for this purpose. It is the School Board that faces the disagreeable part of the matter. When it comes to deciding what teachers are earning the increase in salary that all have demanded and who among them shall be considered as already being paid up to their full earning capacity, the governing body will face a most unenviable task.

It may as well be said in this connection that if there are teachers on the payroll of the district who are utterly incompetent, as intimated by Director Wittenberg in open meeting Tuesday evening, it would be a good time when making the required readjustment of salaries to give them warning. It is exceedingly poor policy to carry incompetent teachers on the roll at any salary, however small.

There is more than a commercial value to a schoolteacher's services. A teacher may be excused for making pay the paramount issue, but a School Board is supposed to look farther into the subject than this. If, therefore, there are teachers on our public school list who are incompetent, and this fact is known to any Director, he or she should speak out—not in open taxpayers' meeting, where it does harm rather than good, but in board meeting, furnishing such proof of the statement as he or she may possess.

It may be said that as a body the teachers of our public schools are conscientious, competent and faithful in the discharge of their duties. That there are exceptions to this rule is a matter of common knowledge. That it is also a matter of official knowledge is shown by the assertion of Director Wittenberg at the taxpayers' meeting.

This is a serious matter, and calls for prompt remedy. The public schools are not eleemosynary institutions. The School Board is not a charity board. A very worthy young woman may need a salary, but if she cannot earn one as a teacher in the schools she should not be employed in this capacity; a man of questionable morals, intemperate habit of speech and of disgusting personality may be a clever mathematician, but the salary he earns is at a great cost to our future citizenship. Neither the worthy but incompetent teacher on the one hand, nor the immoral teacher, though competent, on the other, should be carried on the list of public schoolteachers at any salary. As before said, the readjustment of salaries by the board furnishes an auspicious time for the correction of the very grave abuse which is known to exist in carrying upon the teachers' roll the names of persons who are, for any reason, unfit.

THE SOUTH AND THE FUTURE.

A letter from Albemarle County, Virginia—Jefferson's county—published in the New York Sun, pictures the future of the South in relation to National politics. The gist of the letter is presented in the Winchester (Va.) Star, in the following words:

> The last election removes the South absolutely and finally from the arena of National politics. She must accept with equanimity the position of a conquered province. Her National significance will be taken away by a heavy reduction of her electoral and Congressional representation. The whole country will rapidly adjust itself to a government in which the President will be an elective monarch with limited powers. No living man will ever see another Democratic President, the Republican party having entrenched itself in power. The attitude of the South will be one of abstention from National politics; the promotion and development of her material prosperity, and insistance so far as she is able upon local self-government. This policy will go hand-in-hand with an organized effort to induce negro emigration northward.

There is extreme bitterness in this statement. It is the reverse of good sense. The notion is not realizable. Nobody wants to oppress the South. But the South cannot have her own exclusive way. No combination she can make with Northern Democracy will give it her.

Such statements as those above presented simply mean that the South "won't play." But she will play. The forces within herself will make her play. These defeats and disgusts will cure her of her provincial feeling, and of her excessive self-importance. She will become content with being part of the country, without pretending or claiming to be all of it.

It is significant that this expression comes out of Jefferson's own county. It was Jefferson who arrested the progress of the idea and ideal of a nation for a century; and who made the conditions that threw in a Civil War to arrest the necessary consolidation. That is over. The Jeffersonian notion of the exaltation of a state or of a section over the Nation is at an end; and the South will find there is nothing in sulking, nor in saying that she "won't play." And nothing moreover in burning her cotton to revenge herself on the world's markets.

SEED ON STONY GROUND.

In the course of a somewhat rambling dissertation from his Easy Chair, William Dean Howells attempts to show the folly of trying to help others, and pictures the regrets of an old man who had "lent money to struggling, or at least aspiring, people," who turned out to be ne'er-do-wells, by reason of which he concluded that "money not earned is doubly cursed." The impression left by the discourse is that assistance of this kind encourages dependence and smothers industry and frugality. Though it is true that acts of charity and generosity frequently leave the recipient weaker and less self-reliant, the conclusion is not fully warranted by the facts stated. The man who lent the money did not do wrong in the lending, but erred in judgment in choosing his beneficiaries. Promiscuous giving is certain to breed idleness and irresponsibility, but intelligent aid to the worthy may do a vast amount of good.

The college education, or rather the college diploma, that is secured with the minimum of effort upon the part of the student is likely to be of little use in the world of affairs. In fact, many a boy is spoiled by being kept in school by his parents when he does not appreciate his opportunities or try to take advantage of them. But, on the other hand, many a young man has been enabled to secure a college education and thus to become a more valuable citizen through the assistance of kindly disposed friends. Scholarships awarded upon merit are never misplaced, and probably no one will ever assert that the money expended by Cecil Rhodes in benevolences of this kind is doubly cursed, or cursed at all. There are in Oregon a few men who have made a practice for years of lending money to students upon their personal notes, payable within a specified time after graduation. They consider the loans as investments, and they are as careful in selecting the investments as they would be in financial transactions of any other kind. Seldom are they disappointed. If we remember correctly, the Methodist Episcopal Church lost heavily through loans from its educational fund, but the losses were due chiefly to lack of judgment and personal responsibility in making the loans. The sower who scatters his seed on stony ground must not expect a harvest.

The young man who will buy a farm in the Willamette Valley now and manage it intelligently will be a prince in a few years, according to the opinion expressed by Director Withycombe, of the Oregon Agricultural Experiment Station at Corvallis. And Dr. Withycombe knows what he is talking about. The remark need not have been limited to the Willamette Valley, however, for it applies just as well to the coast country and to parts of Eastern Oregon. The Willamette Valley is perhaps the pleasantest part of Oregon in which to make a home, and because of its superb water powers and its variety of resources it has the promise of most rapid development. But in the coast country there are no fruit pests and pastures are green all Summer. In Eastern Oregon the soil and climate are particularly adapted to irrigation, which makes the science of agriculture almost as certain as mathematics. Because it is not reached by railroads the coast country is behind the rest of the state in development, and needs only transportation facilities to give it such an impetus as will surpass the expectations of the most sanguine. Much the same condition prevails in the interior of Eastern Oregon, where the opportunities for irrigation are yet but slightly known. Ten years hence the young men of today will look back with regret to the days when they could have bought farm land for a song and not only made money from its products, but realized large profits from its increase in value. Thousands of Easterners who come West next year to see the country and the Lewis and Clark Fair will come back again to purchase land and make homes. Increasing population means advancing values in real property, and both are as certain as the lapse of time.

The continued interest of the Northern Pacific Railroad in the success of the Lewis and Clark Fair is manifest by the wide publicity being given the Oregon enterprise in the railroad's magazine and periodical advertising. The Northern Pacific has not failed to call public attention to the Fair at every possible opportunity. Recently it summoned to Portland at great expense all its district passenger agents. They came, they saw, and they were conquered by the beauty and all-around worthiness of the Fair. Now they have undertaken a campaign of education in all parts of the United States. Of course, the Northern Pacific has a direct interest in the Fair; but that is all right. The Fair depends much on the railroads, and the more they get out of it the better for the Exposition.

The steamship Ellamy, which cleared from Manila for Portland over two months ago, turned up at Vladivostok with a cargo of provisions for the Russians. Two other steamers which are reported to have sailed from the Orient for Portland are expected to arrive at Vladivostok or Port Arthur. All of which goes to prove that whenever financial inducements are sufficient there will always be men and vessels ready to take the long chances which are always against a blockade-runner. Some of the raciest tales that have come in from the ocean have originated in the actual experience of blockade-runners, and when the present war closes we may expect something up to date in blockade-running literature.

In the sale by the State of Washington of Desdemona Sands, located near the mouth of the Columbia River, there is opened up a case which will probably keep Oregon and Washington lawyers busy for an indefinite period. The State of Oregon had previously sold these sands and issued a deed for them to Oregon men, and it has always been supposed that they were in Oregon territory. As both of the present holders of deeds to this property are well equipped financially, and the prize is worth fighting for, there is an excellent prospect for the boundary line between the two states near the mouth of the Columbia to be settled by the highes court in the land.

The value of the fire drill in a public institution was demonstrated the other night, when a fire started in the Hebrew Orphan Asylum in New York City. The children, all of tender years, had been trained in fire drill, and, upon being awakened by the signal, all arose, dressed, put a blanket about them and stood at attention until directed to go out in an orderly way. Meanwhile the teachers and older boys manned the fire hose and put out the flames before the engines reached the scene. The drill prevented fright, confusion and possible death, as, even had the flames been quickly controlled, these elements of alarm would have combined to work serious disaster.

General Nogi's capture of Rihlung Fort and Mountain shows that the steady plodding of the Japanese sappers is having its effect. The terrible assaults upon Forts Kekwan and Rihlung gave way to the slower but more certain method of an engineering advance, and the success of the Japanese against these positions on the Russian center is a tribute to Nogi's foresight and tenacity. The first attacks by the Japanese were down the Shushi Valley, which is commanded by the forts in question, and it is against these points that the Japanese have been hammering away most persistently.

It is pleasant to read of opposition to the ice trust, and if the new company will only carry out its announced plan of cutting prices in half, all Portland will applaud. At the same time, we cannot escape that haunting fear that perhaps when the weather becomes warm and we really need ice the trust will gather in the new concern and the price schedule will be maintained. What we are most in need of is a cut-rate war on ice in Summer and coal in Winter. Ice with the thermometer in its present location is within the reach of all, without the necessity of any opposition in the field.

French battleships are preparing to leave Toulon for Tangier, where the Moors are showing signs of throwing off restraint and taking to their old ways of let him take who has the power and let him keep who can. Sooner or later there must come a collision between the French and the tribesmen, and then, after a bloody campaign, Morocco will become another Algiers, and French railroads will strike into the country of caravans and bandits.

We may expect to hear from Mr. Sweeny's supporters a few pointed remarks on the pernicious activity of the Federal administration in interfering with a United States Marshal who desires simply to lend a helping hand to a fellow-townsman who wants to be Senator.

The farmers in Georgia are burning their cotton in order to prevent a slump in prices. The reason given is not the same as that offered when they burn the negroes, although no excessive amount of wisdom is displayed in either performance.

German military instructors in China are being ousted by Japanese. China is having an object-lesson of Japanese military capacity shown in her own back yard, to say nothing of a more strenuous one ten years ago, and needs no further conviction.

According to his accusers, Bishop Talbot is guilty of writing Lawsonesque letters.

NOTE AND COMMENT.

Some of this great state's crop of poets have been complaining that the Oregon press puts too much of their verse in the waste-paper basket. We are smarting under this unjust charge. We never put any communicaton in the waste-paper basket, although we frequently throw one one the floor.

Armor-plate now costs $44 a ton less than it did. Seize the opportunity to fence up your roses before the Fair.

Better advertise yourselves as remnants, leap-year girls.

Peanuts are being exported from Africa to the United States. Next we shall be importing cocktails.

A correspondent thinks that "lady editor" is not such good usage as "woman editor." However, few newspaper men will kick at the name provided they are delivered from the reality.

It must be nice to have an attractive daughter in the family when a comparative stranger is led thereby to shower Christmas gifts upon all her relatives. But when the stranger is refused the daughter's hand and wants his presents back, the situation is not without awkwardness. Cases of this kind show the folly of falling in love and giving presents in an unbusinesslike way. Far better to draw up a contract providing for the return of all presents if the deal does not go through. Then there can be no wrangling; everything is down in black and white. Impecunious Earls and others have set a good example in this respect.

For kissing an Alabama girl a young man is doing 30 days in jail. Had it been an Oregon girl the kiss would have been worth it, but an Alabama girl—we shouldn't be surprised to hear that the young man tires of his cell about the third day. Anyhow, he's not the first man to find that a kiss and a sell often go together.

The Pakoff Zemstvos has been doing something as explosive as its name.

We might have a game law limiting the hunter to one-half bird a day, to be shot on the wing with a popgun, between 1:30 A. M. and 1:35 A. M., and only when the wind was blowing from the nor'-so'-west.

If we were a fish, we should certainly have hard work to distinguish between some of our streets and the Willamette these last few days.

Clear skies are to be insured for the Fair. What's the matter with practicing on the skies we have at present.

Portland's teachers appreciate the Uplift movement. Especially as applied to salaries.

Already some of the kids have again begun to doubt the existence of a Santa Claus.

The London Daily Chronicle tells of a Frenchman who came to grief over his English grammar. "I fear I cockroach too much upon your time, madam," he remarked politely to his hostess. "Encroach, monsieur," she smilingly corrected him. He threw up his hands in despair. "Ah, your English genders!" he sighed.

Writing to the New York Sun, a native of the Shetland Islands says: "For many reasons the Shetland tongue, though difficult to speak with a southern palate, and impossible to reproduce with a southern pen, is delightfully quaint and picturesque. The sound of it is very musical, and you may fancy it, perhaps, as a Scotch brogue spoken with a strong German accent." A Scotch brogue spoken with a strong German accent—and the sound of it very musical! Havers!

Seven collie pups in New York have been cured of pneumonia and kept from yowling 'o nights by five days' "absent treatment" administered by a Mrs. Ida Case, who declares that the pups are "spirit affinities." If this telepathic treatment can only be extended to the midnight cat, what a saving of profanity and chunks of wood there will be.

The Saturday Evening Post points out that a person released from jail after serving a long sentence is usually in excellent health as the result of regularity and diet. Here is a tip for any sickly readers. Ninety days on the rockpile might do for a trifling ailment, but anything serious will require some felonious deed to get a term of years in the Salem sanitarium. Be a felon and healthy.

WEX. J.

HONOR FOR CAPTAIN HOWZE.

Officer Persecuted by Miles Is Commandant of Cadets at West Point.

WASHINGTON, Dec. 29.—By direction of the President, Captain Robert L. Howze, Sixth Cavalry, now stationed at Fort Keogh, Mont., has been appointed commandant of cadets at the United States Military Academy, West Point, from June 15, 1905, to relieve Lieutenant-Colonel Charles G. Treat, Artillery Corps. Next to the superintendent of the academy, the commandant of cadets is the most important office at the institution, and carries with it the rank and pay of Lieutenant-Colonel.

Captain Howze was one of the officials charged by Lieutenant-General Miles with having abused and ill-treated Filipino prisoners. These proceedings were the subject of two searching investigations, one conducted in this country and the other in the Philippines, and resulted in the exoneration of the officer.

Reduction of Philippine Tariff.

WASHINGTON, Dec. 29.—Secretary Taft, who is engrossed just now with matters pertaining to the Philippines, had a conference today with the President regarding questions relating to the archipelago. The Secretary desires that the proposed reduction in the tariff on Philippine sugar and tobacco should be provided for at this session of Congress, and he is urging his views strongly with all members of Congress to whom he has opportunity to talk. He hopes to obtain a rate on sugar and tobacco imported from the Philippines of 25 per cent of the regular Dingley rate. He intimated today that negotiations had been initiated looking to a possible compromise on a Philippine tariff rate, but it was too early to predict what the result of the negotiations may be.

Adulteration of Grass Seed.

WASHINGTON, Dec. 29.—Secretary Wilson today promulgated a circular giving the results of tests made in accordance with an act of the last Congress directing him to obtain in the open market samples of seeds of grass, clover, of alfalfa, test the same, and if any such seeds of Canada blue grass are found under any other name than Canada blue grass or "Pao Compressa," to publish the result of these tests with the names of the dealers selling the adulterated alfalfa seed. Samples were obtained by department agents from 742 seed men throughout the country, and out of these there were 23 lots sold by eight seed dealers in all, found to be adulterated

CARTER ASKS FOR CHINESE

Hawaiians Will Not and Americans Cannot Work in the Fields.

WASHINGTON, Dec. 29.—In his annual report to the Secretary of the Interior, George R. Carter, Governor of Hawaii, urges in strong language the amendment of the Chinese exclusion laws, so as to permit the utilization of Chinese laborers in the Hawaiian Islands, and the modification of the immigration laws so as to authorize the giving of assistance to Portuguese workingmen who may desire to immigrate to Hawaii. He says the natives will not work in the fields, and that the Americans cannot; hence the preservation of the sugar and rice industries is seriously threatened by the prohibited immigration of Chinese and the inability to grant aid to the Portuguese. Referring to the objections to Chinese immigration, Governor Carter says:

"Notwithstanding the large number of Orientals that compose our population, it is evident from the school statistics that we are not being Asiaticized. The conditions differ entirely from those which affect the Atlantic seaboard, and provision for a limited number of Orientals to work in the cane and rice fields of these islands need not necessarily antagonize those who believe in restricted immigration.

"The immigration laws in reference to the entrance of Chinese are already in force in these islands, and those here are not allowed to enter the ports of the Pacific Coast. Thus provision could easily be made for a limited number under restrictions requiring their return at the end of a given number of years and confining them entirely to these islands."

He also recommends the removal of the restriction in the leasing of agricultural lands, or if Congress be unwilling, that the land be sold outright.

Governor Carter suggests the organization of the islands into counties or municipalities. Under the present system Honolulu is the point at which practically all municipal functions are performed, and he says the effect is to afford an advantage to that city and to the Island of Oahu, which is beginning to cause a feeling of discontent in outlying districts.

Chinese Minister Confers on Treaty.

WASHINGTON, Dec. 29.—The Chinese Minister had a long talk with Secretary Hay today about the arbitration treaty which this Government has invited China to negotiate. No definite answer has yet been made to the invitation and the preliminary exchanges on the subject are being kept secret.

So far as the Chinese exclusion treaty is concerned, the latter is doing his utmost to assist the Secretary in concluding this convention in time for it to be presented to this Congress.

WALCOTT MEN BALK.

Say They Will Not Vote for Peabody in Colorado.

DENVER, Dec. 29.—Very few members of the Legislature have arrived in the city, and whether the plans of William G. Evans and other Republican leaders to reseat Governor James H. Peabody will be adopted by a majority of the Republican members is still undecided. The Republicans have an even two-thirds of the votes on joint ballot and can carry any measure on which they are united.

A Republican caucus probably will be held next Monday, at which the contest for the Speakership of the House and the plan to continue Governor Peabody in office will be considered. There are at least half a dozen candidates for the Speakership.

Some Republican members, known as followers of ex-United States Senator Edward O. Wolcott, have declared that while they do not contemplate a union with the Democrats under any consideration, they will oppose vigorously any plan for counting out Adams. The Wolcott Republicans say they will go into a party caucus and will agree to abide by the decision of the caucus up to a point where it conflicts with their conscience. They insist that they have always strictly observed party regularity, but when a course is commended that is morally wrong they will not follow, and they will not consider their difficulty in that regard as "irregular."

The plan to seat Governor Peabody, some of them declare, is wrong, and no caucus action will bring them to support such action.

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

JUDGE ACKNOWLEDGES ERROR

Explains to Colorado Supreme Court Why He Issued Mandamus.

DENVER, Colo., Dec. 29.—For the first time in the history of the state a Judge of a District Court was compelled today to appear in person before the Supreme Court of the state and explain to that tribunal why he had issued a writ of mandamus when it was apparent that he was in error in so doing. Judge Samuel L. Carpenter of the District Court was the member of the bench served with the citation.

A solemn protest against the action of the high court was entered by Judge Carpenter, and he said that under the circumstances he believed that he had authority to issue the writ of mandamus against the State Canvassing Board to force that body to canvass the returns made for Charles B. Warde and Dr. Michael Beshoar, candidates for the Senate on the Democratic ticket from Boulder and Las Animas Counties respectively. Being now advised that the Supreme Court has decided that district courts have no power to issue such writs, the Judge said: "It becomes obligatory upon this respondent, without any order of this court, of his own motion to dismiss such proceedings."

Judge Carpenter was thereupon discharged by the Supreme Court, the writs issued by him were dismissed and he was directed not to take any further action directly or indirectly in the matter.

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

Charles J. Hughes, Jr., appeared for Rush and Charles S. Thomas for Bell, and answers were filed on behalf of both of the accused attorneys. Both pleaded ignorance of the full scope of the decision, and insisted that they had acted as they believed in the best interests of their clients.

Republicans in Full Control.

DENVER, Colo., Dec. 29.—By the action of the State Canvassing Board in issuing certificates of election as Senators to Casimiro Barela and Henry B. Millard, the Republicans have secured such absolute control of the General Assembly that it is now regarded in Democratic circles as highly probable that Governor James N. Peabody will be reseated. The Republicans plan to accomplish this by throwing out the vote of all wards where gross frauds were committed in the interest of the Democratic ticket. The Senate now stands: Republicans, 19; Democrats, 15; vacancy, 1. On joint ballot the Legislature stands: Republicans, 66; Democrats, 33. By throwing out one Las Animas County precinct the Canvassing Board converted a majority of 124 for the Democratic candidate into a majority of 207 for Barela, Republican, and by similar action in case of Boulder County the re-election of Senator Ward, Democrat, was nullified and his seat given to Millard.

Adams Petition Not Yet Considered.

DENVER, Dec. 29.—Chief Justice Gabbert announced this afternoon that the Supreme Court has not found time to consider the petition of Governor-Elect Alva Adams to open all the ballot-boxes used in Denver at the election and determine the extent of the frauds. He added

HUNGARIAN POLITICAL SITUATION

Premier Tisza Says Question at Issue Is Obstruction.

VIENNA, Dec. 29.—Count Tisza, the Hungarian Premier, arrived in Vienna today, and will be received in special audience by the Emperor. It is believed that the object of Count Tisza's visit is to acquaint His Majesty with the steps being taken in view of the impending dissolution of the Hungarian Parliament. Before returning to Budapest tonight, Count Tisza gave the Associated Press the following statement regarding the present critical situation in Hungarian politics:

"The Hungarian Parliament is now passing through a crisis such as every Parliament in the world has had to experience. Probably the Legislatures of Hungary and Austria are the last to engage in such a struggle. The whole question at issue is obstruction. For years past the working of the Hungarian Parliament has been paralyzed by the tactics of the minority. From October, 1902, to May, 1904, the Parliament at Budapest did absolutely nothing. This obstruction was only rendered possible through the standing orders of the House, which were made at a time when it was impossible to foresee the developments of modern Parliamentary conflicts.

"Matters finally reached a point where some radical reform was rendered absolutely necessary if parliamentary government was to continue. Hence the introduction of the so-called lex daniel, which was a provisional modification of the standing orders under which obstruction was easily possible. The lex daniel applied only to certain urgent measures before the Parliament, and was intended only to precede the introduction later in the session of the new definitive standing orders."

The Premier frankly admitted that the lex daniel was forced through the House in an irregular manner, but he contended that such a course was absolutely necessary.

"The greatest question at the present movement," he continued, "is to enforce the will of the majority and to end an intolerable state of affairs under all circumstances. The only alternative left to the government is to appeal to the nation. We feel confident of obtaining a favorable verdict."

Meanwhile the opposition is preparing a vigorous election campaign. One of their chief contentions is that the government is acting illegally in dissolving the Parliament when the next budget cannot be voted as the law requires. They accuse Count Tisza of forcing the monarch to break his constitutional oath in consenting to dissolution under such circumstances. Hence it is feared that there may be some unseemly incidents when His Majesty reads his speech from the throne Wednesday.

The elections will be held at the end of January. Violent scenes may be anticipated during the polling. No secret ballot system exists in Hungary, the voters announcing their choice openly and publicly.

The electoral situation is rendered more acute by the fact that a number of influential members of the Liberal party, headed by ex-Premier Andrassy, have left government, not because they approve of obstruction, but as a protest against Count Tisza's method in forcing the passage of the lex daniel and his action in bringing about dissolution of the Parliament. The present Parliamentary complications in Hungary, coupled with the Ministerial crisis in Austria, finds conditions peculiarly unfortunate at this juncture, when the dual monarchy is engaged in the negotiation of new commercial treaties requiring the closest attention of both the Austrian and Hungarian Ministers.

The last sitting of the present Hungarian Parliament will be held on Tuesday, but it will be of a purely formal character, for the purpose of being informed of the hour when the King will deliver his speech from the throne at the Hofburg the next day.

Premier's Resignation Is Accepted.

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

Protest of Liberty League.

DENVER, Colo., Dec. 29.—The Liberty League State Convention adopted the following resolution today:

"Resolved, That we denounce in unmeasured terms the action of the Republican party in attempting to override the plainly expressed will of the people by arbitrarily throwing out the returns from a large number of precincts, to the end that the State Senate may be made subservient to corporate greed; that the Supreme Court may be packed and that James Peabody, overwhelmingly repudiated at the polls, may be forced upon the people of this state for another biennial period."

Another resolution declares that the election laws of Colorado are a farce and demands their revision. The political situation is declared to be so grave as to call for a complete investigation and it is demanded that every ballot-box in Denver be opened. A protest is made against the indiscriminate throwing out of ballots without an attempt to separate the good from the bad.

Variag Cannot Be Raised.

NEW YORK, Dec. 29.—The Japanese attempts to raise the Variag have been discontinued, cables the Herald's correspondent at Seoul, Corea. It is impossible to recommence the work before Spring, by which time the three-quarter-inch steel plates forming the hull may be so badly pitted by the action of the air and water that the damage will be irreparable, except at prohibitive expense. It is probable that further salvage operations will be abandoned.

The Japanese troops remaining in Seoul are less than 500, although reported reinforcements are expected soon. General Hazagawa is expected to leave for the north next month. This probably indicates some forward movement to counteract the Russian sorties reported from various places along the Upper Yalu.

A small engagement occurred December 20 on the northeast coast at Kongwon, in the capture of Russian ammunition.

Cunning of the Japanese.

MUKDEN, Dec. 29.—Irrefutable evidence has been obtained at headquarters that the Japanese are not only hiring Chinese bandits to operate on the Russian flanks, but that they are enlisting Chinese under Japanese officers.

The Japanese are adopting cunning expedients to defeat the surprise attacks of the Russian scouts from which they have suffered much. They cover the steep approaches of their trenches with water, which freezes, forms ice slides and makes the scouts slip and fall in confusion. In other places the Japanese scatter millet stalks over the approaches, the crackling of which gives them warning of the presence of Russian scouts.

Rural Delivery Appointments.

OREGONIAN NEWS BUREAU, Washington, Dec. 29.—Rural free delivery route No. 2 has been ordered established February 1 at Eugene, Lane County, Or., serving 601 people and 155 houses.

Rural carriers appointed for Oregon routes—Dallas route No. 1, Bert F. Wells carrier, Franklin P. Wells substitute; Oregon City route No. 4, David F. Morhuke carrier, Charles A. Morhuke substitute; Portland route No. 4, George O. Thompson carrier, William J. Thompson substitute.

Place Offered Admiral Lamberton.

WASHINGTON, Dec. 29.—If the duty is acceptable to him, Rear-Admiral Benjamin P. Lamberton probably will be appointed president of the Lighthouse Board when Rear-Admiral Evans assumes command of the North Atlantic fleet next March.