

ARTHUR IS TAKEN

Terms of Surrender Are Accepted.

COMPACT IS SIGNED

Japanese Will Enter the City Today.

NOGI WIRES NEWS TO TOKIO

Hostilities Suspended Since Negotiations Began.

GREAT LIBERALITY EXPECTED

Stoessel, in His Letter, Confesses That He Found Further Resistance Was Only a Needless Sacrifice of Lives.

Port Arthur, whose hills for months have run red with the blood of the bravest of two warlike nations, has at last succumbed to the fierce tenacity of the Japanese attack. General Stoessel, most stubborn in carrying out the will of his sovereign, has seen the advance of the besieging army gain in momentum and energy, until to hold out longer would have been a crime against humanity.

The conditions of the surrender are not yet known, but in all quarters it is anticipated that they are such as an honorable soldier may accept from a brave and victorious enemy.

At 9:30 o'clock last night the commissioners completed signing of the capitulation agreement. Both armies had suspended hostilities five hours earlier. The city of Port Arthur will be occupied by the Japanese today.

The authorities at St. Petersburg, in the absence of direct official notice from General Stoessel that Port Arthur has surrendered, have not permitted the news to become public. Emperor Nicholas is in the south of Russia, and his Ministers are for the time being in the dark as to what dispatches have been sent to him from the front.

Tokio is the scene of rejoicing, people finding in the outcome compensation for all the sacrifice of life and money that was entailed in the ten months' siege.

To what extent the fall of Port Arthur will make for a restoration of peace is an open question. There is an encouraging note in the expression of Baron Hayashi, Japanese Minister to London, of the "hope that in some way it will facilitate final peace," though the pacific note is perhaps lost in the later words of the Minister, which call attention to the fact that the Port Arthur army will now be free to go north, which is an offer to the reinforcements General Kuropatkin has been receiving from Russia since the battle of Shakhe.

The spirit of the Russians may be judged by the statement of the Secretary of the Embassy in London that the campaign will be renewed with fresh vigor in the Spring, and that the nation will not be content to permit Port Arthur to remain in the hands of the Japanese.

Both in Paris and London it is believed that the squadron under Vice-Admiral Rozhdestvensky which started from Lihau for the Far East three months ago, will have to retrace its way home, as an adherence to the original plans would invite disaster without probability of effecting a juncture with the warships at present in the harbor of Vladivostok.

That Japan may not be permitted to retain possession of Port Arthur without dispute is shown in the fact that Paris newspapers are already reviving the claim made in 1904 that the holding of that position, commanding the Eastern seas, by the Japanese would be a menace to European powers.

There is a conviction in diplomatic circles in St. Petersburg that some one of the powers may make a tender of friendly offices and the intimation is conveyed that the United States may take the initiative. Should that be the case, it could only be upon assurance from both the warring powers that the tender would be received by them in good part.

Early today two Russian torpedo launchers arrived at Chefoo, and there were then seven Japanese torpedo-destroyers in the harbor. Later in the morning four destroyers departed.

Russian officers who have reached Chefoo relate that the Port Arthur garrison was completely worn out by five days of continuous fighting, that the supply of food was almost exhausted, and that the limit of resistance had been reached when General Stoessel made his offer of capitulation.

SURRENDER IS COMPLETED.
Russian and Japanese Commission Have Signed.

TOKIO, Jan. 2.—(Morning.)—The Russian and Japanese commissioners appointed to arrange the terms of the capitulation of the Russian forces at Port Arthur signed the compact of surrender at 9:45 o'clock last night.

Stoessel Accepts Terms.
TOKIO, Jan. 2.—(3:30 P. M.)—The text of General Nogis telegram announcing

the capitulation of the Russian forces at Port Arthur is as follows:

"The plenipotentiaries of both parties concluded their negotiations today at 4:30 o'clock. The Russian commissioner accepted, on the whole, the conditions stipulated by us, and consented to capitulate. The document has been prepared and signatures are now being affixed.

"Simultaneously with the conclusion of the negotiations, both armies suspended hostilities. It is expected that the Japanese army will enter the city of Port Arthur tomorrow."

BLOW UP OWN FORTS.

Last Battle of the Defenders Has Horrid Details.

LONDON, Jan. 3.—The Daily Mail's correspondent writes from Chefoo that the capture of Wantal involved six hours of the fiercest fighting, while the attacks on the forts to the southeast were carried on simultaneously. Describing the final stage, the correspondent says:

"The slackened fire at the northern and eastern forts seemed to show that the Russian ammunition was falling. The situation was now desperate. The explosions around the forts proclaimed that the Russians were exploding their magazines. Flames and smoke in the harbor were followed by explosion after explosion, which revealed the destruction of the Russian ships. The Russians also apparently blew up two of their own forts.

The battleship Sevastopol was blown up, and the other warships were destroyed as thoroughly as possible. The battleships Retvizan and Poltava and the protected cruiser Pallada, caught fire."

THE MOMENTOUS DISPATCHES

Messages Between Russian and Japanese Generals as to Surrender.

TOKIO, Jan. 2.—General Nogis reports as follows:

"At 5 in the afternoon of January 1 the enemy's bearer of a flag of truce came into the first line of our position south of Shushiyang and handed a letter to our officers. The same reached me at 9 o'clock at night. The letter is as follows:

"Judging by the general condition of the whole line of hostile positions held by you, I find further resistance at Port Arthur useless, and for the purpose of preventing needless sacrifice of lives, I propose to hold negotiations with reference to capitulation. Should you consent to the same you will please appoint commissioners for discussing the order and conditions regarding capitulation, and also appoint a place for such commissioners to meet the same appointed by me.

"I take this opportunity to convey to your excellency assurances of my respect."

"Shortly after dawn today I will dispatch our bearer of a flag of truce with the following reply, addressed to Stoessel:

"I have the honor to reply to your proposal to hold negotiations regarding the conditions and order of capitulation. For this purpose, I have appointed as Commissioner Major-General Ijichi, Chief of Staff of our army. He will be accompanied by some staff officers and civil officials who will meet your commissioners January 3 noon at Shushiyang. The commissioners of both parties will be empowered to sign a convention for the capitulation without waiting for ratification, and cause the same to take immediate effect. Authorization for such plenipotentiary powers shall be signed by the highest officer of both the negotiating parties, and the same shall be exchanged by respective commissioners.

"I avail myself of this opportunity to convey to your excellency assurances of my respect."

WITH MILITARY HONORS.

Japan Will Be Generous to Brave but Defeated Foe.

TOKIO, Jan. 2.—It is believed here that the Port Arthur garrison has received liberal terms. There is a general disposition to be magnanimous in view of the garrison's marvelous defense. The public has not been informed of the result of the meeting of the capitulation commissioners at noon today, but it was believed that the terms had already been agreed upon. In military circles the opinion was expressed that the discussion covered only a few questions, including allowing the garrison to march out carrying their arms, permitting the garrison to return to Russia with or without their officers and requiring their parole not to take any further part in the war. It is possible that Japan will permit the entire garrison to return to Russia with arms, upon giving their parole.

Japan has paid a heavy price for the Russian fortress. The prospect of its early possession cheered the people as no other event of the war has done. The Emperor's New Year reception and audience to the army and navy officers and civil officials continued this morning.

The news from Port Arthur gave additional cheer to the general exchange of congratulations.

Marshal Yamagata, chief of the general staff, under orders from the Emperor, has dispatched the following cablegram to General Nogis:

"When I respectfully informed his majesty of General Stoessel's proposal for capitulation his majesty was pleased to state that General Stoessel has rendered commendable service to his country in the midst of difficulties, and it is his majesty's wish that military honors be shown to him."

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OTHERS ON LIST

More Indictments Coming From Grand Jury.

CONGRESSMAN IS INVOLVED

Comments of Eastern Press on Land-Fraud Cases.

HERMANN'S WORK IN OFFICE

Senator Mitchell May Not Appear on the Floor of the Senate Until His Name Has Been Cleared.

NEW YORK, Jan. 2.—(Special.)—An inspired Washington dispatch to the New York Tribune today says:

"The revelation that still another member of Congress will probably be indicted in connection with the public land conspiracies caused considerable dismay in Washington today."

Further along this dispatch says: "The extreme reluctance of leaders of the Senate to intrust to Mr. Mitchell the chairmanship of the committee on Inter-oceanic canals was not due to reports connecting the Oregon Senator with land frauds, but was because of certain executive measures exploited by Mr. Mitchell, which, it is believed, he would have repudiated, as did the Senate ultimately, had he investigated their purpose with greater care. Mitchell was elected chairman of that committee in the early part of this session, but only because he rejected every overture made to induce him to yield his right of seniority, a right which is never violated in the Senate."

The surprise that Representative Hermann had been indicted was not so great as in the case of Senator Mitchell, because certain facts in connection with Hermann's administration of the Land Office had leaked out. It was known, for instance, that only at the earnest solicitation of Mr. Mitchell was Hermann permitted to resign instead of being dismissed; and that when his resignation was accepted, to take effect three weeks later, Hermann caused to be destroyed 500-page letter books, supposed to be part of the records of his office. Hermann subsequently explained that these books had contained only personal correspondence, but some officials active with their pencils immediately calculated that if it were true, Commissioner Hermann must have written not less than ten private letters a day for each and every day of his six-year administration.

"The assertion that personal prejudice and vindictiveness have resulted in the indictments returned in Portland is regarded as puerile by many members of Congress. It is pointed out that no one official of the Administration is responsible for the prosecution, and if there has been any vindictiveness it must have been shamed by Secretary Hitchcock, Attorney-General Knox, Chief of Secret Service Wilkie, and even President Roosevelt himself."

"The first intimation of the wholesale system of fraud which so nearly swindled the Nation out of millions of dollars came in the form of a confession made by one of the conspirators to an agent of the Land Office nearly two years ago. The confession was promptly forwarded to Commissioner Hermann, who pigeonholed it without action. It was not until several weeks later that an inquiry as to the reason for action had been taken reached Secretary Hitchcock, who found the confession in Hermann's possession, and immediately placed it in the hands of Mr. Wilkie, of the secret service. Wilkie detailed an assistant to act in conjunction with a law officer of the Department of the Interior, and a chase was instituted which has invaded over half the states and territories, has already resulted in several convictions and numerous indictments and still promises a number of sensational developments. As soon as evidence which seemed sufficient to warrant criminal proceedings was secured, it was submitted to Attorney-General Knox, who advised the immediate prosecution of some of the parties to the frauds, and who selected Mr. Heney as the special attorney to conduct the prosecution."

"Since then, every legal step has been taken on the initiation of Mr. Heney,

usually with the advice of the Attorney-General.

"The removal of John Hall, it may be said authoritatively, was not due to his having been indicted by Senator Mitchell or because of Mitchell's efforts to save him, but because of graver allegations, which will in due time be submitted to the jury."

MAY NOT APPEAR ON FLOOR.

According to Senatorial Etiquette, Mr. Mitchell Must Clear His Name.

WASHINGTON, Jan. 2.—(Special.)—The Washington Times prints the following: "If Senator Mitchell follows the incriminating rule of Senatorial etiquette, he will not appear on the floor of the Senate again until the courts have taken final action in the matter of the indictment found against him. If there is anything upon which Senators are insistent, it is upon the point of the integrity of every man who holds membership with them in Congress on the floor of the upper house. Senator Dietrich, of Nebraska, was accused of bartering postoffice appointments for his own pecuniary advantage. The Senator protested his innocence, and on the advice of friends refrained from appearing in the Senate. The case was taken through the courts and the Senator fully exonerated. Upon his reappearance in his seat the Senator rose to a question of the highest privilege, recited the facts in brief and called for an investigation by his colleagues to clear his record. A special committee was appointed, and after numerous sessions in the judiciary committee, made a report absolving the Senator."

Senator Burton, of Kansas, was indicted in St. Louis for accepting a fee of \$500 from the Rio Grande Grain Company, of St. Louis, the allegation against him being that money was paid in return for his exerting his influence to prevent the issuance of a fraud order against his clients by the Postoffice Department."

"After Senator Mitchell reaches Washington it is thought highly probable that he will appear on the Senate floor until he clears his name or the case is otherwise disposed of. Were he to enter the Senate chamber, it is practically certain that one of the 'wider statesmen' would immediately call for an executive session, and thereupon would raise the point, on the question of privilege, that the honor of the Senate had been called in question by the appearance of a Senator against whom serious charges are pending. The Senator to whom this unpleasant duty would fall would be Senator Platt, of Connecticut, chairman of the judiciary committee. Appropriate action would then be taken by the Senate."

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ACTIVE AT FRONT

The Japs Meet With Fierce Resistance.

SEVERAL TRENCHES LOST

Attackers Are Compelled to Fall Back With Loss.

WINTER CAMPAIGN TO OPEN

General Kuropatkin, With Force Superior to That of Oyama, Is Expected to Drive the Enemy Toward the South.

SPECIAL CABLE.

ST. PETERSBURG, Jan. 3.—Dispatches received from Mukden and Harbin report the resumption of hostilities on a large scale. The initiative was taken by the Japanese, their entire army, under General Oku, massing north of Shihopu and advancing to the attack in wedge-shaped formation. Meanwhile the left flank of the Japanese right, stationed between Kwangshan and Bentsiaputsu, drew closer to the right wing of the center army, protecting the positions which had become exposed through the advance.

The Japanese movement was met with a furious counter-attack by the Russian center. Several of the trenches and recently-fortified positions south of Paltapu were abandoned, and a number of Japanese detachments fell into the trap. Many were killed in the entanglements, and their commander fell back, giving the signal for a general Japanese retreat. The Russians thereupon reoccupied their erstwhile positions, adding to them a number of minor fortified places which the enemy was compelled to abandon.

The impression prevails here that the Manchurian renewal will begin with the execution of the plans for the winter campaign, which have recently been submitted by General Kuropatkin to the general staff. Reliable reports place the number of Russian soldiers now at the front at 80,000, and while Field Marshal Marquis Oyama's army is not quite so large, the surrender of Port Arthur and the consequent opening up of the roads into Northern Manchuria by way of the stronghold will enable him to add to his force in the near future. The general staff is therefore of the opinion that General Kuropatkin, following his advantage over the Japanese center, will force the Japanese to the south.

According to the opinion of military experts, the Russian left wing will soon be heard from. The Japanese right army operating in the mountains has made progress by small stages within range of Shanshen, and the latest advices report General Renshamp's Cossacks engaged in checking the enemy's advance in this direction by scattering his forces.

SOME TROOPS WILL GO HOME

Bulk of Besieging Army Will Probably Be Sent to Oyama.

TOKIO, Jan. 3.—An official announcement is looked for momentarily dealing with the disposition of the victorious besieging army before Port Arthur. Its strength is variously stated as between 70,000 and 120,000 men. There is no doubt that only a comparatively small portion of this force will be needed to perfect the occupation of Port Arthur, and while quite a number of reservists may be returned to Japan, together with any regulars whose condition makes a rest imperative, there will still be a large army, fit for immediate service, at the disposal of the War Office.

According to one report, this army will be thrown into Korea, where much had to be left undone, owing to the necessity of reinforcing General Nogis' army month after month. Another rumor has it that the road via Port Arthur being now open, these forces will be sent to the north without delay to strengthen Field Marshal Oyama's position north of Liaoyang. Quite a number of the regiments that participated in the final assaults upon Port Arthur had been withdrawn from Oyama's army to hasten the end of the siege, and these are to be sent back to their erstwhile posts.

Progress along the road in the direction of Mukden should be rapid, there being but very few Russian positions of mo-

RUSSIANS WASTING AMMUNITION

Bombardment Is Kept Up Along the Front in Manchuria.

GENERAL KUROKATA'S HEADQUARTERS, Dec. 31, via Tientsin, Jan. 2.—The positions of the Japanese and Russian armies have not been materially changed during the past two months. In few places are the lines more than a mile apart, and they were no closer before the Japanese left that loud talking in the Russian trenches can be plainly heard. Though the Russians became very quiet during the first half of December, they have renewed the bombardment of the Japanese center and left in the past fortnight, and they have selected several points to which they devote the most attention along the line.

The Japanese usually lie low in their trenches and remain silent. Often several hundred shells will be fired in a day, without doing any damage, though occasionally a shell strikes an exposed group or kills some careless soldier. Almost every hour of the day or night artillery is booming or rifles are popping somewhere along the line.

The Russian bombardment usually begins before noon and continues until sunset, but it is often resumed from midnight to the breaking of day. Frequent sorties are made by the companies or by a detachment when the fighting becomes severe. Both armies are using the hand grenade as one of their regular weapons for close fighting. Reconnoitering forces constantly patrol the country on both flanks to guard against offensive movements and to protect the auxiliary lines of communication.

The Russians obtain quantities of supplies from Simmtsin, 30 miles west of Mukden, where the Chinese Branch Railway ends and they must protect the roads leading to the front, while the Japanese guard the highways to the Yalu River.

The barren surface of the land and the remarkably clear atmosphere make surprises almost impossible. The fields are without shrubbery or other cover for the troops, and the hills are bare and rocky. The only cover for moving troops are the deep ravines which seem to crisscross the country. There is seldom a cloud in the sky, and the nights, even when the moon is not in evidence, are bright and starlit. The weather continues to be only cold, with no sudden changes. All the soldiers on the front line live in underground huts which are heated with charcoal.

Field Marshal Oyama, General Kodam, his chief of staff, and General Fukushima occupy an ordinary Chinese hut in a small village. General Kurok's headquarters are in a similar establishment, while the foreign attaches live on a comparatively luxurious scale in a Russian building.

The soldiers beyond the first line are quartered in Chinese houses and ingenious structures of corrugated iron and earth. The Chinese share their dwellings with the army and are paid for by them, besides receiving good prices for all produce and other necessities for their labor. The transport department hires an army of carts, animals and coolies, paying four times the normal prices, and while the foreign attaches live on a comparatively luxurious scale in a Russian building.

The women and children who deserted their homes during the Russian occupation have gradually returned, until almost the entire normal population is back. Although they at first regarded the Japanese with distrust, food relations have now been established.

The roads are at their best in the winter time, being hard and smooth, and consequently the transport department is taking advantage of this condition to accumulate quantities of supplies.

Charcoal-burning is one of the army's chief activities, and the sparse timber is being consumed at a rate which is likely to leave the country almost bare in the Spring. The Chinese do not object to this, because the timber is bought and not confiscated.

The Japanese soldiers are all clothed in furs and heavy overcoats and their equipment and supplying of the army continues, as it has since the Japanese landed in Korea nearly a year ago, to be almost above criticism.

THIRD LAUNCH FROM ARTHUR

Four of Japanese Destroyers Have Left Chefoo Harbor.

CHEFOO, Jan. 3. (10:30 A. M.)—A third Russian launch has just arrived from Port Arthur. Four of the Japanese torpedo-boat destroyers have departed.

Chinese report having heard heavy firing last night.

No Vessels Arrive at Tsingtau.

BERLIN, Jan. 3.—Nothing is published in the morning newspapers today concerning the arrival of Russian torpedo-boat destroyers and transports at Tsingtau. The official news agency, which has close connections with the government, is silent on the subject. There is a possibility that two of the destroyers which a Chefoo dispatch reports to be missing may have taken refuge unnoticed in Tsingtau.

No News of Warships' Flight.

BERLIN, Jan. 2.—The Admiralty has no confirmation of the arrival of two Russian torpedo-boats and a transport with troops on board at Tsingtau, the German report on the Shanghai Peninsula, but the Foreign Office regards the news as probably correct.

IN FAMINE'S GRIP

Garrison Had Reached Endurance Limit.

FAGGED UNTIL NUMB

Faces Black With Pangs of Hunger.

AMMUNITION RUNS LOW

Charges of the Enemy Are Met With Bayonets.

STOESSEL HANGS ON GRIMLY

Earnest Entreaties of His Generals and Admirals Are Thrust Aside With Vehemence, Until Resistance Is Criminal.

CASUALTIES OF THE WAR.

The following shows the huge total of the dead and wounded in the war in the Far East:

	Japan	Russia
Port Arthur casualties	7,000	21,000
Casualties, other battles	78,000	120,000
Total casualties	85,000	141,000
Total dead (about)	38,000	57,000

CHEFOO, Jan. 2. Midnight.—Commander Kartsov, of the Russian torpedo-boat destroyer Vlastin, in an interview with the Associated Press correspondent tonight says:

"Port Arthur falls of exhaustion—exhaustion not only of ammunition, but of men.

"The remnant of the garrison left had been doing the work of heroes for five days and five nights, but yesterday they reached the limit of human endurance.

"In the casemates of the forts one saw everywhere faces black with starvation, exhaustion and nerve strain. You spoke to them, but they did not give answer, only staring dumbly.

"The lack of ammunition alone would not have suggested the seeking of terms. Scant ammunition had long been common in the fortress, and during the past month many of the forts had nothing with which to return the fire of the enemy.

"The Russians sat in the casemates, firing not more than once to the 300 shots sent by the Japanese. Then, when the assault came, they repulsed the enemy with bayonets. But the men themselves, having existed for three months on reduced rations, were so worn that it is marvelous they stood the final strain so long.

Stoessel Yields With Poor Grace.

"Yesterday General Stoessel would still fight. His wound, which was received early in the siege, had been bothering him, but his determination to fight

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Declares that Pater's testimony is not necessary to convict Mitchell and Hermann. Page 5.

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PANORAMIC VIEW OF PORT ARTHUR, CHINA, RUSSIA'S GREAT AND ALMOST IMPREGNABLE STRONGHOLD IN THE FAR EAST, WHICH HAS FALLEN.