LACKS ONE VOTE

Kuykendall's Fingers Graze Chief Chair.

FIFTY-FIVE BALLOTS TAKEN

Carter Next in Race for President of Oregon Senate.

DEMOCRATS STANDING PAT

Should the Five Members of the Other Party Vote for Independent From Multnomah, He Will Be Tied With Lane Man.

SALEM, Or., Jan. 9 .- (Staff Correspond ence)-The Oregon House of Representatives is organized and ready for business The Senate is not, nor may it be tomor row. Mills of Multnomah was nominated for speaker in the Republican caucus by majority of two votes over Kay of Marion, the ballot standing 26 to 24.

The Senate all day has been a battleground for a war which has no parallel in Oregon politics. Kuykendall has lacked one vote, through 55 ballots, of being elected. He had 15 votes with him all day, or one short of a majority. His ten Republican opponents and the five Democrats of the Senate stood together to prevent his election, though they did not vote together.

Temorrow, however, they may unite thus tieing Kuykendall. Reports are current tonight that they may combine on Nottingham of Multnomah. Tonight the hostile forces are blyouacked apparently on more trreconcilable ground than when they began the fight this morning.

The Carter men declare they will vote for any other Republican than Kuykendall and the Kuykendall 15 respond that as they are a majority of the Republican Senatora, the minority should go into caucus. The Carter ten have asked the Democratic five to name any Republican other than Kuykendall for President and are understood to have promised to accept that chosen one as their own candi-

Brownell May Enter Race.

Considerable talk is heard tonight of Brownell's entering the race if he can se-cure the Carter support. Had any Demcurs the Carter support. Has any carter or any Carter man been absent teday inopportunely Knykendall would have been elected because he would have had a majority of the Senators present. The danger that this will present tomorrow makes the Carter men anxious to-

We'll keep on fighting until hell freezes over, and then fight on the ice," declared each camp tonight, using the very same expression.

The ten Carter supporters remained out of the Schate until a quorum was secured without them, and then came in just in the nick of time to prevent the Lane man's election. They refused to go into a caucus, thus throwing the election to the body of the Senate. The five Democrats cast their ballots for some of their own number, and have taken no part in

That the Kuykendall programme was not working smoothly was apparent early in the day, when it was noticed that not a Democrat nor a Carter Republican appeared in the Senate chamber. That the deadlock is not likely to be broken in favor of either Kuykendall or Carter was apparent late this evening, when the caucuses adjourned and the leaders announced that a stand-pat policy had been

Hope to Wear Out Opponents.

The Kuykendall leaders said tonight that they see no gains in view for tomorrow morning, but they hope to wear their adversaries out before night. Pressure from the outside will be brought to bear upon some of the Carter supporters for the purpose of forcing them to yield to the Republican majority. The Carter men, though asserting unchanging alleglance to their candidate as against Kuykendall, are evidently expecting that a break will be made in the Kuykendall forces, and that some Senator satisfactory to themselves will be chosen presi-

Dislike for Kuykennall and the Repub lican state "muchine" are the principal reasons given by Carter men for standing out against the choice of the majority of the Republicans. Their fight is against Kuykendall, rather than in favor of Car-

Kuykendall had the presidency almost within his grasp this afternoon, and but a moment's delay on the part of the Carter men would have been victory for Kuykendall. At the time of convening this afternoon there were 20 Senators present. or just enough to transact business Seven Carter men who are now members of the Senate had not been sworn in, and none of Carter's ten was present. The roll was being called on election of a president and eight names had been called when the Carter men came pouring in

Kuykendall leaders say that it was their right to have the roll call proceed, and that other business was out of order while that was pending. Kuykendall, however, chose to waive his rights in this respect and the roll call was abandoned, while the Carter men were sworn in.

While Senator Wright Talked.

At another time Senator Wright was talking with Senator Malarkey when his name was called and did not re spond. There were 25 votes, of which number Kuykendall had 14, his own rote being blank, In an instant Kuykendall was on his feet and changed

his vote in his own favor. Temporary President Brownell reached for the tally sheet to announce the result, when Wright's attention was called

to the lapse and he got himself on record an voting for Carter. Three Democrats, Avery, Pierce and Smith, showed some indications this afternoon of a willingness to get into the fight by helping Carter, but the Mrs. Duke Carried on other two, Milier and Coshow, would not listen to this suggestion and the nve stood together, voting for some of their own number, Late in the afternoon and again at the evening session the Kuykendall leaders tried to persuade one Democrat to absent himself, thus leaving only 29 present, by which means Kuykendall's 15 votes would elect him, but the Democrats turned a deaf ear to all entreaties. Democrats May Vote for Nottingham.

According to quite common talk to-night, there is some prospect of the five Democrats voting for a Republican tomorrow. The Democratic Senators agree that it would not be reprehensible disloyalty to their party if they should vote for Nottingham, who was elected on an independent ticket in opposition to a Republican, This strategy is encouraged by some prominent Democratic leaders, because the Republican organization in Multnomah County refused to nominate Nottingham for Senator, fought his election and is now bitterly opposed to him. It is therefore asserted that five Demo-

cratic votes will go to Nottingham tomorrow. Following upon this comes a rum that the ten Carter men will vote for Nottingham tomorrow, thus giving the Multnomah Senator 15 votes, or as ried out, might not result in the election of Nottingham, but might fead to bring about the election of some one besides Kuykendail to the Presidency.

When the Scnate was called to order in the forenoon there were present fifteen Senators, Booth, Brownell, Coe, Coke, Croisan, Hobson, Hodson, Holman, Kuykendall, Lounghary, Malarkey, Mays, Rand, Sichel and Tuttle. For the purpose of passing upon credentials this number was sufficient. At the opening of the afternoon session the five Democratic Senators, Avery, Coshow, Miller, Pierce, and Smith were present. This made a quorum for the transaction of business When the oath of office was administered the new senstors present were Co-show, Booth, Coke, Avery, Loughary, Hodson, Malarkey, Mays, Sichel and

Carter Men Scurrying in.

The Senators who were staying out carned that a quorum had been secured and that Kuykendall would soon be elected, came hastily into the Senate. Senator Whealdon was the first one to get on the floor and immediately attempted to nominate Senator Carter for President. The Smith (Dem.) interrupted to inquire whather the new Senators present should not be sworn in. On motion of Senator Kupkendall Chief Justice Wolverton was again sent for and the oath was adminisistered to Senators Laycock, Wright Haines, Nottingham, Whealdon, Bower-man and McDonald.

All members of the Senate were now present and on motion of Senator Rand the Senate adjourned to go into caucus. Only the 15 Kuykendall men went into the caucus and in about 20 minutes re-

turned to the Senate. Senator Band, in behalf of the Repub-President Senator Kuykendall. Senator Howe, "in behalf of the Republican party of Oregon," nominated Senator Carter Senator Pierce (Dem.) "in behalf of that sturdy race than once was, the Democratic party," nominated Senator Miller The ballot resulted as follows:

Kuykendall-Booth. Brownell, Coke, Croisan, Hobson, Hodson, Holman, Loughary, Malarkey, Mays, Rand, Sichel

and Tuttle-14. Carter-Bowerman, Farrar, Howe, Laycock, McDonald, Nottingham, Whealdon and Wright-2.

Miller-Avery, Coshow, Pierce and Smith-4

Blank-Carter and Kuykendalj-1 Pierce-Miller-1.

After several ballots Kuykendall changed his vote to Booth, but otherwise the vote remained unchanged.

Adjourn Until Today.

The vote remained practically the same for 39 ballots, when, at 4:30 o'clock the Senate adjourned until 7:30. in the evening 16 ballots were taken with no change except as the Democrats shifted their votes from one te another, Adjournment was taken until 10 'oclock tomerrow morning.

The deadlock now existing in the Senate is unparalleled in Oregon history. The hold-up of 1897, when the House did not organize was due to a refusal of more than one-third to qualify and take their scats so that a quorum could not be secured. In the present contest every member is in attendance and nothing is involved except the Presidency of the Senate. S.

BROWNELL WIELDS GAVEL Clackamas Man Is Made Temporary

Presiding Officer. SALL., Or., Jan. 9.- (Special)by Senator Brownell, of Clackamas, lutely worthless." who was President of the Senate at

the session of 1903. On motion of Senator Rand, Brownell was elected temporary President, and Jerome Investigates Duke's Coma committee on credentials was ap-pointed consisting of Scantors Rand. Coe and Holman, The Senate then ad-journed until 2 P. M.

At the afternoon session the Senate was called to order at the appointed in a sanatarium for examination as to time, when Chairman Rand, of the his sanity, and the sensational develop-credentials committee, reported the list of Senators elected since the last seasion. On motion Chief Justice Wolverton was invited to administer the oath of office to the new Senators. The fol-lowing appeared in answer to their names, and were sworn in: Coshow, Booth, Coke, Avery, Loughary, Hodson, Malarkey, Maya, Sichel and Coe. S. L. Moorhead was elected temporary chief clerk and Frank Motter temporary

Senator Rand moved that the Senate seed to elect a President and the

Senator Rand nominated Senator (Concluded on Page Three.)

Financial Deals

LIKE ANOTHER GHADWICK

ChicagoCareer of Woman Who Married Tobacco King.

WORTHLESS NOTES APPEAR

Partner Says She Has Made a Million, but Her Furniture Is Seized for Debt and Hosts of Creditors Come to Surface.

CHICAGO, Jan. 8 .- (Special.) - Just how far the financial operations of Alice L. Webb, whose newly married husba many as Kuykendall. This plan. If car- Brodie L. Duke, son of Washington Duke, the tobacco magnate, has been placed it a private insane asylum on Long Island, a realignment of forces which would have gone, is still an open question. It remains to be seen whether developments will disclose a second Chadwick case or whether, as vehemently claimed by woman's partner, Charles F. Taylor, the Texas-Cuba Tobacco Company and the Tobacco Company have been conducted on a sound basts, and, although involved, will continue to a successful conclusion. Already it is alleged by attorneys whose clients have had dealings with the woman that fraudulent paper has come to the surface, and in mection with the matter it is admitted by Mr. Taylor, of Taylor, Webb & Co., that Mrs. Duke has made fully \$1,000,000 in investments since he has known her.

"No one can tell whether it is a case of millions or thousands," said one of the men prominently connected with delving into affairs today.

Discoveries Up to Date.

Discoveries and developments in the case today follow:

Two notes, each for \$500, discounted by the German National Bank, of Little Rock, Ark., and declared to be worthless and containing the signatures of Alice L. Webb and Charles F. Taylor, are in the hands of Attorney Samuel Packard for

All the furniture in Alice' Wobb's home at 417 Forty-second street, which disappeared, was seized by Detective Charles P. Hass, who holds a bill of sale. All the furniture in the office of the firm in room 514, 206 La Salle street, is held by him on a bill of sale.

Grocers, butchers, real estate firms domestics, liveries and others hold claims against the woman.

Word comes from New York that counsel for Brodie L. Duke announces that suit will be brought to have Mrs. Duke's

Mrs. Duke sues out writ of habeas corpus for release of her husband from the Sanford Hall Sanitarium, where he is

now confined. Those associated with Miss Webb is Chicago profess to know nothing beyond that she met Mr. Duke in New York during the Mome-Scully litigation, which involved 721 acres of land at Nacgodoches Texas, which Taylor and Miss Webb had purchased from S. F. B. Morse, alleged silent partner of Daniel J. Scully, the

cotton king, who failed. References Repudiate Her.

oments revealed today in regard to the operations of Miss Webb was the repudiation by two Chicago business men of the use of their names as references. men are C. B. Shaw, former president of the American Trust & Savings Bank, and J. H. Francis, who conducts the National Banker. Mr. Shaw said:

"Miss Webb came to me 10 or 12 years ago with a letter of introduction. She has tried at different times to interest me in various schemes, none of which 1 entered into. One was a coal scheme in Colorado and another a timber proposi tion in Oregon, and another a mining deal in California. I never gave her permission to use my name as reference." Charles F. Taylor, who was in his office in the Continental Bank Building.

said: "I can safely say that Mrs. Duke has made fully \$1,000,000 in investments since

I have known her." "I have been after Alice L. Webb since last July to get service on two notes and did not succeed until she bebbed up, in New York and became the bride Brodle L. Duke," said Mr. Packard. " then sent the notes and papers on to New York and she was served there. I The Senate was called to order at 10:45 am inclined to believe they are absorbed

PROBING FOR THE FACTS.

mittal-Move to Annul Marriage. NEW YORK, Jan. 2.- The commitmen of Brodle L. Duke, half brother of J. B. and B. N. Duke, the tobacco capitalists, vestigated today by District Attorney Jerome. The affidavit on which the commitment was issued was made public today by Justice Wyatt, who was the is-Victor G. Miltch, of this city, but does

victor G. Mitten, or this city, but does not give his occupation.

Assistant District Attorney Lord said that he understood that the management of the Park Avenue Hotel, where Mr. and Mrs. Duke had been stopping, had made the first complaint which resulted in Duke's removal to Bellevue Hospital.

The \$40,000 worth of securities found on Duke were still in the office of the Dis-Duke were still in the office of the Dis-

trict Attorney, Mr. Lord said, and were being examined. Mrs. Alice DesPlanes, friend and companion of Mrs. Duke, was in the District Attorney's office today under subpens but did not go before the grand jury. She made an affidavit and will return to give further testimony on January 12.

Dr. Maurice A. Strom told Assistant District Attorney Lord today that Mrs. Duke was suffering from nervous prostration and could not come to the District Attorney's office for two or three days.

Announcement was made today that Laurence Duke, son of Brodie L. Duke, recently committed to a sanitarium, on the order of a magistrate, had taken steps to secure the annuliment of his father's marriage to Miss Alice Webb.

TAMPERING WITH ARMY GETS DOWN TO WORK.

North Sea Commission Elects Presi dent and Begins Sessions.

PARIS, Jan. 2-The International Com nission appointed to inquire into the North Sea incident resumed its sessions at the Foreign Office today. Admirals von Spaun (Austria) and Doubasoff (Rus sia) were present. The latter's appoint ment was officially announced, thus making permanent Admiral Kazankoff's re tirement on account of lilness. Admira Pournier (France) was unanimously chosen permanent president.

In the course of his speech of accept-ance Admiral Fournier said he hoped the commission would be inspired with the some moderation and wisdom which in-duced Emperor Nicholas and King Edward to refer the question to arbitrat The Admirals have decided that the receedings of the commission shall be emi-public

WELCOME GUESTS AT LIMA. American Naval Officers Entertained

by Peruvian Officials. LIMA, Peru, Jan. 2.—Richard R. Neil, the American Charge d'Affaires, today presented Rear-Admiral Goodrich, com-mander of the Pacific squadron, and the commanders of the cruisers Chicago and commanders of the cruisers Chicago and Marbiehead and the gunboat Bennington to Foreign Minister Prado, who conducted them to the apartments of President Pardo. The latter received the American naval officers cordially and chatted with them for some time. Afterward the Americans visited Minister of War Muniz. Admiral Goodrich invited President Pardo to breakfast on board the Chicago on Sunday. The Charge d'Affaires will give an afternoon entertainment for the visiting American officers.

KANSAS TOWN IS BURNING

Loss of Several Hundred Thousand Dollars Will Befall State.

KANSAS CITY, Mo., Jan. 10.—The business section of Olathe, Kan., 20 miles south of Kansas City, is burning. A spe cial train is about to start from this city cial train is about to start from this city with firemen and engines in response to an appeal for help. Telephone and telegraph communication was cut off soon after the breaking out of the fire.

Glathe is a thriving city, with 19,000 inhabitants. The loss, as the fire seems to be beyond control of the local officials, may be several hundred thousand dollars.

NAN PATTERSON IS ILL. imprisoned Actress Has Severe Attack of Tonsilitis.

NEW YORK, Jan. 9.-Nan Patters who is awaiting a second trial on a charge of killing Caesar Young, is ill with ton-silitie in the Tombs prison. Her condi-tion is regarded as serious.

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Literature Smuggled Into Army and Navy Barracks.

BRIBERY ON GREAT SCALE

Odessa the Headquarters of Conspi acy Which Has Undermined Loyalty of Army and Caused the Recent Outbreaks.

SPECIAL CABLE ODESSA, Jan. 10.-The police last night authorized the bare anouncement that a fangerous conspiracy against the government had been unearthed and that large quantities of seditious literature has seen confiscated. It can be stated upon trustworthy authority, however, that the extent of the plot is such as to baffle even those who are used to deal with agitators of the worst kind, and in well-informe circles the opinion prevails that the work

rreparable damage has been done. That wholesale arrests will be made within the next 24 hours seems to be the general belief. Rumors are in circulation to the effect that several well-known So

has been permitted to advance so far that

cialists have already been imprisoned. When the first news of the existence of the conspiracy and its purpose of dissemnating seditious literature among the re servists, soldlers and sailors, reached the authorities comparatively little attention was paid to it. It was assumed that cer tain publishers of Socialist pamphlets were showing only a little more activity than usual and the matter was investi-

gated in a cursory manner. In this connection it is stated that s eral high officers will be tried for negligence, for when the case was finally taken up more thoroughly the most astounding revelations came to light. It was found that by bribery and other means the agitators had managed to smuggle huge quantities of most seditious matter into the navad and military barracks all over the empire and the work has been going on for so long that the opinion gains ground that nearly all of the recent outbreaks, together with much of the ever-increasing spirit of rebellion among the troops, may be attributed to the undis-turbed activity of the Odessa conspirators.

The most mystifying feature of the af-fair seems to be the success of the piotters in cluding the police. The only explana-tion offered is that the agitators have allies in the army and navy, and perhaps even among civilian officials. The investi-gation just begun will be continued until every man and woman concerned in the plot has been identified and arrested, and many predict a scandal of almost in ceivable proportions will follow the

PROOFS OF REVOLUTION.

SPECIAL CABLE Great Meetings in All Russian Cities Declare War on Absolutism.

MOSCOW, Jan. 2.-it develops that the final event that decided Prince Trubetzkey to write his famous letter to the Czar was the demonstration of 200 dele-gates from 23 factories in this city, which took place within the sacred precincts of the Kremlin on the Krasnojekriltac parade at the entrance to the palace. The following resolution was unanim

"We solemnly declare war against ab solutism and demand the rights and libortins of the Russian prople."
Ordinarily such acts cause wholesale arrests, but in this case not a single man was arrested, prosecuted or ill-treated. Prince Trubetzkov witnessed the impressive scene and received reports of similar meetings at Odessa, Kharkov, Klev, Tiflis and many Polish towns, as well as from Nipni Novgorod, Voronesh and St. Petersburg.

He decided that it was his duty as a faithful subject of the Czar to inform His Majesty that Russia was in a state of

WITTE WILL STEP IN.

Former Minister Will Soon Supplant Sviatopblk-Mirsky.

ST. PETERSBURG, Jan. 8.-M. Witte as Interior Minister Sviatopolk-Mirsky's successor and holding a position in the councils of Emperor Nicholas approachcouncils of Emperor Nicholas approach-ing General Loris Melikoff's curing the trying Nihillsite days of Alexander III, may be one of the startling results of the contest waging over the question of in-terior reforms. The popular idea has been that Prince Sviatopolk-Mirsky and M. Witte were acting in harmony in this matter, but the Associated Press learns from the highest source that exactly the

opposite is the fact. They can more properly be described as rivals and opponents than friends.

Despite the difficulty of Minister Sviatopolk-Miraky's role since he assumed office, owing to the powerful influences arrayed against him, he has been able to hold his own with continued marks of the Emperor's confidence and approval. With M. Witte's advent upon the scene, how-ever, the situation changed. Prince Sviz-topolis-Mirsky stuck manfully beside his guns, defending the policy on which he accepted office, but he found M. Witte antagonizing the very principles which he considered vital, thus rallying his opponents on his side, and the Prince found ponents on his side, and the Frince found the ground slipping from under him. M. Witte prevailed in the matter of the im-perial manifesto, the hazy terms of which did not meet with Prince Sviatopolk-Mir-sky's views. According to the latter's friends, the contest was resumed imme-diately upon the convening of the com-mittee of Ministers, the Prince finding

heart would go farther than the former, but that it suits his present purpose to adopt a more conservative attitude until all the reins of power are firmly in his

own hands.

Under the circumstances, the Prince, whose health is really greatly impaired and who is a plain-spoken man, unschooled in the art of intrigue, feels himself unequal to the task of continuing the contest, and has confided to his friends within M hours that he prefers to retire. Whether he has actually tendered his resignation the Associated Press is not in a position to say, but that it may come any minute is certain.

OIL BURNING AT BAKU.

Vast Amount of Property Lost Through the Strike.

BAKU, Jan. 2.—The oil fires continue to burn and already have involved the Baku, European, Campian and other com-panies and have destroyed 100 tanks and a number of dwellings and warehouses. There has been no settlement of the strike.

Ask Government to End Strike.

NIJNI NOVGOROD, Russia, Jan. 2.— The members of the local stock exchange have petitioned the Minister of Finance to appoint a government commission with a view of ending the strike at the Baku oil fields.

Muravieff is for Reform.

PARIS, Jan. 18.—Muravieff, Minister of Justice, according to the St. Petersburg correspondent of the Matin, in the course of an interview, declared himself a strong partisan of internal reforms,

HATES AMERICAN TRADE.

German Governmnt Gives Ambassa dor Tower New Evidence. SPECIAL CABLE.
BERLIN, Jan. 3.—Germany's uncompromising hostility to organized Amer-

can commercial enterprise in her mar kets has again been displayed in a manner calculated to cause a sensation in interested quarters when the facts are known. Ambassador Tower was anxious to accept an invitation to the annual banquet of the American Cham-ber of Commerce of Berlin, January 39. When he mentioned his intention to Baron von Richthofen, the foreign secretary, that official declared that the government's attitude toward the Chamber of Commerce was more hos-tile than ever. He added that Ambassador Tower's attendance at the banquet would "embarrass the govern-ment." Tower thereupon notified the chamber that he would be unable to

be present.

Von Richthofen made similar representations to the Ambassador in con-nection with the 1904 banquet; but the incident was suppressed in the interest of international harmony and in the belief that the chamber's strictly pro-German attitude would eventually fuce the government to abandon

Ever since its organization, the chamber has been under the ban of the Kaiser's officials, who have declined to recognize it in any form and have even refused it a corporate charter such as is obtainable by even the most insignificant mannerchor. insignificant mannerchor. They give as their objection that chambers of commerce, under German law, are semi-official bodies, and that the Americans are therfore sailing under false colors. Forty per cent of the chamber's membership is German.

FROZEN TO DEATH IN ALPS. Monks and Smugglers Recovered

From Snow in Mountains. NEW YORK, Jan. 9.-Two more Trap NEW YORK, Jan. 2.—Iwo more frap-pist monks, making a total of four since the recent blizzard in the Alps, are dead from the cold in the mountain monastery near Brescia, says a Horald dispatch from Geneva, Switzerland. Thirty guides and villagers have recovered six bodies of Italian smugglers from the summit of the Colvalsarey and transported them to Bourg, where they were buried. Dogs at the Hospital St. Bernard also recovered three bodies from the snow.

PERISHED WITH COLD.

More Than Fifty Persons Frozen to

Death in Germany. BERLIN, Jan. 2.—More than 50 persons were frozen to death in the Provinces of East Prussia, West Prussia and Posen during the recent cold period.

It Was All a False Alarm.

LONDON, Jan. 2.—The German Embassy informs the Associated Press, relative to the statement made by Dr. Passche, the National Liberal leader, to his constituents at Creuziach, January 7 that Germany and Great Britain were on the verge of war in the latter part of December, owing to utterances of the Army and Navy Gazette, of London, that no representations whatever have been made to the British government by Germany in regard to belligerent utterances of the Gazette. When Secretary von Bernsdorff, of the British Embassy, was in Berlin several weeks ago, the Foreign Office asked him if the paper whose article had excited the German press had any official standing. On being assured to the contrary, the Germany Foreign Of-fice gave the matter no further notice.

JERUSALEM, Jan. 9.—The Greek Christians' observances in the Grotto of the Nativity at Bethlehem were marked by a sharp fight between Greek and Latin clergy, arising from tire old-time jealousy regarding protection of the grot-to. The Governor had to be summoned

to quell the rioting. BERLIN, Jan. 9.—Lieutenant-General on Trotha, commander of the forces in German Southwest Africa, cables Major Mesiler estimates the losses of the Witthols in the fights on January 2, 3 and 4, as at least 30 dead. The German

Lost Lightship Comes to Port BREMEN, Jan 9.—The Borkum Reef lightship, which broke from her anchor-age in a terrific storm and went ashore,

JUDGE AND SHERIFF MUST PAY Jury Awards Damages Against Them for Killing Marcum.

has reached her post,

contest Colorado election and drive out fraud Page 3.

Governor Folk's inaugural message declares war on corruption Page 5.

Bolt from Republican caucus in Missouri may re-elect Cockreil. Page 5.

Domestle.

Arguments for and against the heef trust before the Supreme Court. Page 1.

Duke scandal spreads from New York to Chicago. Page 4.

Witte prevailed in the matter of the imperial manifesto, the hapterness of which do not necet with Prince Sylatopolk-Mirsham resumed immediately income that the convening of the committee of Ministers, the Prince finding day returned a verdict for 1800 against day returned a verdict for 1800 against James B. Marcum, to-day returned a verdict for 1800 against James Hargis, calchan and found for defendant in the case of French and Senator Hargis.

ITSTIFLES TRADE

Moody Argues Against Beef Trust.

CONSPIRACY IS SHOWN

Attorney-General Exposes Its Methods of Action.

ATTEMPTS TO EVADE LAW

Trust's Denial That Its Business Is Interstate Baseless-How It Works Stockmen, the Railroad and Consumer, Each in Turn.

WASHINGTON, Jan. 9 .- Attorney-General Moody today resumed his argument on behalf of the Government before the eme Court of the United States in the case of Swift & Co. vs. the United States, commonly known as the "Beef Trust" case, begun last Friday. Mr. Moody said one of the aguments or acts complained of related to manufacture or production but to commerce—commerce as distin-guished from manufacture or production. They do not accomplish fusion of prop-erty interests he said, but are, on the contrary, simply agreements between strangers to each other's business affect-ing their freedom of action in certain re-spects, and by that consideration the case at bar is shown to be devoid of those features from which differences of opinion arose in the Northern Securities case. He also pointed out differences between this and the Knight and Hopkins cases. Thus, he said, the inquiry is narrowed down to only two questions for the determ

ommenced among the states, and, if whether the agreements constitute a mo-

nopoly or any part of it.

Mr. Moody said it appears clearly in
the petition that there were three main
subjects upon which the defendants entered into an agreement. Taking up the agreement alleged in paragraph six of the petition, Mr. Moody said that eliminating all the statements by which the pleader characterized the purpose and effect of the agreement, the following state of facts is clearly shown:

following state of facts is clearly shown:

Persons owning livestock and living in other
states and territories than those where the
slockyards are situated were accustomed to
send such stock to the various stockyards
named for the purpose of sale there. The defendants who were severally engaged in the
husiness of buying such livestock, for the purpose of naughtering and converting it into
fresh mest, entered into an agreement with
each other to refrain from bidding against each
other, except collaborally, in the purpose of
such livestock, with the purpose and result of
suppressing all competition in such purchases."

Business is Interstate

An agreement having been thus clearly alleged he said, the question arose as to whether the agreement relates to interstate commerce, and proceeded to argue the proposition, saying that the same sort of bargain is made for cattle produced and owned within the state of sale as for cattle produced and owned in another state and sent to the "locus" of the transaction for the purpose of sale there.
The interstate character of the transaction, he said, where an owner of a commodity living in one state ships it to an modify living in one state sings it to another, continues from the beginning of the shipment to and including the sale of the commodity, if it has not lost its identity by the breaking of the original package in which it has been imported.

Mr. Moody cited numerous decisions as to what constitutes interstate commerce and an original package, and, quoting from one opinion of the court, said if was clearly established by the case in point that the "sale by the owner or his agent of the commodities imported or to he imported from another state to the place of sale in the original package is an act of interstate commerce, and the owner, or his agent, taking part as vend-er, is engaged in transacting interstate commerce." He thought it inevitably fol-lowed that those who take part in the act as vendors also are engaged in inter-

state commerce. Continuing, be said: It is contended that unloading of the cattle from the cars in which they are transported and their disposition in the various pens in and their disposition in the various pens in the stochyards constitute a breaking of the property with the domestic property of the state to such an extent that the purchase and saise of them are domestic commerce. It is difficult to treat this contention seriously. If the original package conception has any rel-evancy to this discussion, surely it must be that the packages which nature itself has made are the original packages.

The two parties to the transaction, the buyes and the seller, when they agree upon the conand the seller, when they agree upon the con

action.

When all or substantially all of the huyers when all or australiary all of the mysels in this interstate market enter into an agreement with respect to their conduct in making purchases, the agreement thus entered into relates to interstate commerce. The further question arises whether such as agreement affects interstate commerce either ways of direct restraint upon it or by the

tract of sale, are effecting an interstate trans-

by way of direct restraint upon it or cy to monopolize it. Commerce is Restrained.

Arguing on this question, Mr. Moods aid it would be a useless parade of said it would be a useless parade of learning to offer to the attention of the court the long line of decisions declar-ing that the silence of Congress upon the subject of interstate commerce is in ef-fect a declaration that it shall be free and untrammeled, and referring to the act of 1890, regulating interstate com-merce, said he knew of no other act which restrains the freedom of the inmerce, said he knew of no other act which restrains the freedom of the individual to conduct interstate commerce according to his own discretion and choice. It follows, he said, that the con-duct of the defendants set forth in para-graph six is entirely within their rights, inless it constitutes a contract, combination or conspiracy in restraint, of trade, or a monopolization or attempt to monopolize any part of such commerce.

Having cited certain species of contract which he did not believe should be held to be within the prohibition of the

But each age has its own evils, and there has come into view in more modern times another kind of contract which, unfortunately, as I venture to say, has been also called a con-

(Concluded on Page Four.)

interstate commerce act, Mr. Moody