

TRIAL DAY IS SET

Judge Swayne Given a Week to Answer Charges.

DOES NOT APPEAR IN PERSON

Expectant Crowd Disappointed of Spectacle—Actual Trial Begins February 13—Prohibition in Oklahoma Discussed.

WASHINGTON, Jan. 27.—Through his counsel, consisting of ex-United States Senators Anthony Higgins and John M. Thurston, Judge Swayne today appeared in the Senate to make answer to the summons in connection with the impeachment proceedings against him as Judge of the United States for the Northern District of Florida. He obtained a week to make complete response and the time for the opening of the trial was fixed at February 13. The galleries were crowded and a large number of members of the House were present. The discussion of the indictment bill then was resumed, and Gallinger, Bailey and Stewart spoke on the Gallinger prohibition amendment concerning the sale of liquor in the Indian Territory.

At 1 o'clock, when the trial of Judge Swayne was resumed, much interest was manifested. There was an exceptional attendance of Senators and the vacant spaces in the Senate chamber were all occupied by members of the House. The galleries were crowded.

The return made by Sergeant-at-Arms Randall on the summons upon Judge Swayne was read, and after Mr. Randall was sworn as to the correctness of the return, he called for the appearance of the respondent, saying:

"Charles Swayne, Charles Swayne, Judge of the District Court for the Northern District of Florida, appear and answer to the articles of impeachment exhibited by the House of Representatives against you."

Judge Swayne did not appear in person, but responded through his counsel, ex-Senators Anthony Higgins and John M. Thurston, who took the seats assigned them, as did the House managers those assigned to them.

Mr. Higgins announced the presence of Judge Swayne in the city, but said that he desired to appear by his counsel, who had his warrant for doing. February 3 was set for Judge Swayne's answer. The trial will proceed on February 13.

The trial proceeding then terminated for the day, and the House managers and Judge Swayne's counsel withdrew to return February 3.

Consideration of the joint statehood bill was resumed, Gallinger addressing the Senate in support of the amendment prohibiting traffic in intoxicating liquors in Indian Territory, saying the Indiana themselves expressed to be so protected.

Spencer expressed the opinion that, in admitting a state, Congress had no right to grant privileges to one class and not another, nor could the Federal Government retain control of one class of offenses and code it in another. If, for instance, Congress could retain control of the sale of liquor, it could retain it in case of burglary.

"Or of bigamy, or polygamy," suggested Platt.

"Yes," responded Spencer, and he added: "Utah ought not to be admitted into the Union, but once admitted on an equality with other states, Congress had no more power to deal with polygamy there than it had to deal with burglary there."

Stewart supported the amendment, saying that the pro-Indian bill of the United States over the Indian land not cease to exist so long as the Government exercised control over the property of the Indians, even though they be citizens.

Bailey contended that under the constitution, no such discrimination was permissible.

The Senate went into executive session and adjourned.

ACTS LIKE A SULKY BOY.

Williams Complained Because Democrats Would Not Follow.

OREGONIAN NEWS BUREAU, Washington, Jan. 27.—The little sulkiness of the Democratic minority of the House created by John Sharp Williams, of Mississippi, shows in what small things a man of considerable ability will often descend. Williams' troubles was that the Democrats did not follow him on a certain proposition and make a party matter out of a good piece of legislation proposed by Chairman Hull, of the military committee. A number of Democrats refused to go on record against a sensible amendment which Williams opposed, and he showed his petulance by having a caucus called for the purpose of finding out whether he was to be followed absolutely whether the Democrats were to vote as they pleased. When Joseph W. Bailey was leader of the minority he performed in a similar manner, which made him as ridiculous as Williams has been made in the present instance. It is a part of the Southern idea of leadership. The leaders, so-called, demand absolute obedience from their party.

The legislation which Hull proposed, and which Williams objected to, provided that retired officers of the army of high rank, when selected by states for National Guard duty, should not receive the full pay and emoluments of their rank, but should receive the pay and allowances of a major in the army. Williams undertook to make the point that this was an attack upon the full pay and allowances of a major in the army. Williams' object was to make the point that this was an attack upon the full pay and allowances of a major in the army. Williams' object was to make the point that this was an attack upon the full pay and allowances of a major in the army.

TO IMPROVE ARMY POSTS.

Liberal Allowance Sought for Vancouver and Walla Walla.

OREGONIAN NEWS BUREAU, Washington, Jan. 27.—As soon as the army appropriation bill reaches the Senate, Senator Ankeny and Representative Jones will confer with the Secretary of War and Quartermaster-General, with a view to securing liberal allotments of funds for further improvements at Vancouver Barracks and Fort Walla Walla. Appropriations for improving army posts are made

WOULD TEACH JIU-JITSU.

Lesson of War May Be Applied in Naval and Military Academies.

WASHINGTON, Jan. 27.—America is learning lessons from the Russo-Japanese war which will prove valuable to both the Army and Navy of the United States. Some of these lessons were considered at the meeting of the Cabinet today, and a discussion which ensued will result in definite action within a few days.

Some time ago President Roosevelt directed attention, through letters to Secretaries Taft and Morton, to the desirability of encouraging by every means possible the physical development of cadets at both the Military and the Naval Academies. Subsequently the suggestion was made that instructors be employed at the academies to teach the science of Jiu-jitsu, the Japanese method of wrestling. At the meeting today the entire subject was discussed very fully. It was concluded to appoint a joint military and naval board to study the matter with the idea of supplying the cadets at the two National academies with instruction, not only in wrestling, but also in boxing and other forms of exercise which might prove of value to the cadets in personal encounters.

It was pointed out that the pending Espionage law had demonstrated that hand-to-hand encounters were much more likely to occur in the course of war than had been supposed. The reason for this condition, as indicated by Secretary Taft, was the adoption of new methods of attack. The present war had developed an unusual number of night attacks, in which the attacking force usually was in very close proximity to the enemy before it was discovered. The result was hand-to-hand encounters. In many of these fights the Japanese, through their superior knowledge of swordplay and their remarkable agility, had overcome their opponents. It was announced after the meeting that an order forming the proposed board would be issued soon.

The Cabinet also discussed the subject of government supervision of wireless telegraphy. About a year ago a special board was appointed for the purpose of investigating it fully. This board had made a report to the President. As the matter now stands, it will require Congressional action to carry into effect the ideas of the Administration. It is likely that Secretaries Morton and Taft will bring the subject to the attention of Congress in a formal way.

The Administration's views have been embodied in a bill drafted by the Commissioner of Navigation, assisted by Captain Seabury, of the Navy, and others. The bill is to be revised further by the Cabinet. It provides that no person or corporation shall use any apparatus for wireless telegraphy in this country or upon any American vessel, except he be licensed by the Government.

Persons exchanging messages or signals between points situated in the same state or on behalf of the American Government are to be exempt from this requirement. The official license shall provide that the President of the United States in time of war or public peril may close any wireless station or authorize its use by the Government.

The President is given power to establish regulations which shall prevent interference between the naval and military wireless telegraph stations and the private or commercial stations. Each licensed station is to be required to answer calls and signals from any other licensed station, and to receive all messages or signals offered for transmission to a neighboring station, the rate to be that customarily required for such service.

This requirement is to be observed, regardless of the station used, on pain of revocation of the license of the offending person or corporation.

Operation of any apparatus for wireless telegraph on a foreign ship, while that ship is in American waters shall be in accordance with the regulations prescribed by law. Government stations are prohibited from competing for commercial messages with licensed wireless stations.

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EACH BULLET KILLS ONE

ARIZONA GAMBLER'S DEADLY REVOLVER PRACTICE.

In Revenge for Discharge, He Kills Three Men and Then Himself, Not Waiting a Shot.

NOGALES, Ariz., Jan. 27.—Ferdinand Walters, a gambler, early today shot and killed, in the Palace saloon and gambling house, M. M. Conn, proprietor of the place; J. J. Johnson, a gambler; Moderato Olivas, a Mexican card-dealer; and then turned the revolver upon himself, sending a bullet through his brain.

Walters, who was known in the Southwest as the "Catalina Kid," had been engaged by Conn to conduct a poker game in his house. A few days ago complaint was made by patrons of the resort that Walters had been using marked cards to win their money. George Howard, one of the managers, informed Walters that

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BRONCHO-BUSTING AS A FINE ART.

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ALONG THE HEADLANDS OF SOUTHERN OREGON.

LITTLE SERMONS BY ELBERT HUBBARD.

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GOING TO WED, DESPITE HER ROYAL SIRE.

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Thomas Shippe at Goldfield, Nev. The shooting was the result of a disagreement over a mining deal. Shippe, president of the Bullfrog Mining Company, one of the big mining corporations of the Southern country, Shippe is a mining prospector, and it is said he claimed some interest in Shippe's property. A quarrel ensued and today's shooting is the result. Shippe has been arrested.

BALL CLUB INCORPORATES.

Portland Athletic Company Files Papers With Secretary of State.

George S. Shepherd, acting as attorney and incorporator of the Portland Athletic Company, which means the local baseball club, has filed his papers with the Secretary of State. The capital stock of the company will be \$20,000, divided into 4000 shares, and the par value will be \$5. The incorporators, as was first published in The Oregonian, are Judge W. W. McCredie, of Vancouver, Wash.; Manager Walter H. McCredie, and George S. Shepherd, of Portland.

The first clause in article 2 of the incorporation papers reads that the enterprise will operate and manage baseball clubs and give exhibition games of ball for hire and promote athletic sports in the State of Oregon and other states of the Union, British Columbia and the provinces of Canada. Whether this means that the McCredies intend to play ball teams in other towns, is not known. If there is to be a ball team in Vancouver Judge McCredie will sure be one of the boosters.

Y. M. C. A. 29, O. A. C. 27.

Fast Game of Basket-Ball Won by Local Team.

The Y. M. C. A. first basket-ball team experienced their first taste of the season when they met the Oregon Agricultural College players last night, and only secured victory by the narrow margin of two points, with a score of 23 to 21.

The game was one of the fastest and most interesting ever played in the city and one that attracted a large number of spectators on their feet most of the time. The closeness of the play is evidenced by the score, the Y. M. C. A. leading in the first half with but one point.

Durand played a half game for the Y. M. C. A., throwing six baskets during the game. Thornton, as forward, distinguished himself, and Freeman was more than a match for his opponent.

Swann was the Corvallis star. The Agricola had much the better balanced team and played a good hard game throughout. The Y. M. C. A.'s superiority lay in their ability to throw baskets from the field.

The line-up was: Y. M. C. A. — Durand, Thornton, Livingston, Schamm, Omdahl, J. R. Shaw, referee; F. W. Nelson, umpire.

Following the big game the Y. M. C. A. Tigers took the boys from Oregon City into camp by the score of 46 to 10. The game was too much one-sided to be even interesting, the only feature being the good team work of the local men. Masters of the Tigers scored 30 points out of the 46.

Shifty Racers at Oakland.

SAN FRANCISCO, Jan. 27.—The best race of the day, the fourth, brought out half a dozen shifty platers. San Nicholas was installed favorite, and after flattering his backers up the stretch, weakened and finished third, McBride picking the best going with Ishlana, won in clever style by the best part of a length. Sals, which finished second, averaged badly.

Weather fine, track muddy. Summary: Five furlongs—Golden Idol won, Spens dook second, Grenore third; time, 1:05 1/2. Six furlongs—Instrument won, Sir Preston second, Lady Kent third; time, 1:13.

Mile and three-sixteenths—Erne won, Formoro second, Mr. Dingle third; time, 2:08. Six and one-half furlongs—Ishlana won, Sals second, San Nicholas third; time, 1:34 1/2.

Mile and 50 yards—Black Thorne won, Vigoroso second, Mr. Furnum third; time, 1:23. Seven furlongs—Horton won, Souffriere second, Gateway third; time, 1:32.

Delago Wins at Last.

LOS ANGELES, Jan. 27.—After almost a score of starts, Delago managed to win a race at Los Angeles today. Two favorites, two second choices, and two third choices were successful. Weather clear; track fast. Summary: Four furlongs—Expressing won, His acced, Dorobas try second, 64 3/4. Stauson course—My Gem won, Mac-Flecknoe second, Rubiana third; time, 1:10.

One mile—Ralph Reese won, Fredstone second, Mart Gentry third; time, 1:49. Six furlongs—Delago won, William Wright second, Tim Hurst third; time, 1:19 1/2.

Stauson course—Seastock won, Lady Klapar second, Del Coronado third; time, 1:10. Mile and 50 yards—Capable won, Bando second, Jardin de Paris third; time, 1:45 1/2.

Loes Fight by a Foul.

DENVER, Jan. 27.—Charlie Berry, of Milwaukee, lost to Rube Smith, of Denver, by fouling him in the fourth round of a bout scheduled for ten rounds, before the Democratic Club tonight.

Knocked Out in First Round.

SAGINAW, Mich., Jan. 27.—Joe Cierry, of Saginaw, was knocked out in the first round by Harry Forbes, of Chicago, tonight.

THE MARYLAND IS SPEEDY.

New Cruiser Exceeds Requirements on Her Trial Trip.

BOSTON, Jan. 27.—With the Watry northwest wind striking her beam, the armored cruiser Maryland, which was built by the Newport News Shipbuilding & Drydock Company, made on her official trial trip today an average speed of 23.06 knots an hour, thereby exceeding her contract requirement of 22 knots.

The Maryland is the fourth and last of her type of fast cruisers to have a trial off Cape Ann. Of the three which have preceded, the Pennsylvania, the speediest, averaged 23 1/2 knots an hour. The Colorado, which made 22 1/2 knots, and the Pennsylvania were built by the Cramp Shipbuilding Company, of Philadelphia.

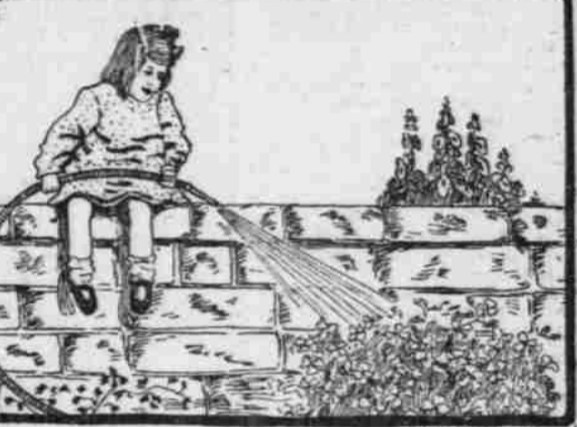
The West Virginia, a sister ship, was built by the Newport News Company and it averaged 22 1/4 knots.



\$2.50 SPECIAL TODAY \$2.50

Today we're offering a very special special. Golden Oak and Mahogany Birch Corner Chairs exactly like the cut above. They're built on very graceful lines of selected woods, carefully joined and gloss-finished. Big value for the money.

REGULAR PRICE \$4.50



FREE FLOWER SEEDS FOR 1000 LITTLE GIRLS TODAY

Don't forget we wish to see all the little girls who want to start flower gardens this Spring. We've a thousand packages of assorted flower seeds to give away today. Come to our store any time after nine o'clock today. We'll be ready for you

ANY TIME AFTER NINE O'CLOCK TODAY



by order of the Health Officer the Vadeland was sent back to quarantine.

NEW YORK, Jan. 27.—Dr. A. H. Doty, Health Officer of the Port of New York, announced today after a bacteriological examination into the deaths of the passengers of the Vadeland that no evidence of contagion or infection had been discovered and that the persons had died of pneumonia. The Vadeland will be released from quarantine and the steerage passengers will be sent to Ellis Island.

Marines Not Going to Santo Domingo WASHINGTON, Jan. 27.—The Navy Department today issued the following statement: "On January 19 orders were issued to Rear-Admiral Sigsbee, authorizing him to send the Dixie with 300 marines from Panama to Guantanamo, where they will be held in readiness for use elsewhere. No other orders have been issued to the Dixie, no hurry orders of any kind, and so far as the Navy Department knows, there are no disturbances in Santo Domingo. This leaves 300 marines on the Isthmus."

BANKERS ACCUSED OF FRAUD

Three Officials of Bankrupt Buffalo Bank to Be Arrested.

BUFFALO, Jan. 27.—Justice Murphy, who has been conducting John Doe proceedings with a view to ascertaining if there was anything criminal in connection with the insolvency of the defunct German Bank, today issued warrants for the arrest of Arthur E. Appleyard, of Boston; Elwood Emory, of Robert E. Schelling and Eugene A. Geogier, of Buffalo. Appleyard is charged with larceny and the other three with violating the section of the penal code which makes it a national offense for officials to fail to perform their full duty.

It is charged that Appleyard misrepresented the value of bonds of the Ohio Union Traction Company, which were given the bank as security for a loan obtained by him. Emory was president when the bank went into the hands of a receiver, Schelling was one of the directors and Geogier was credited up to the time the Appleyard interests obtained control of it.

AFFAIRS OF SANTO DOMINGO

Treaty Will Replace Protocol and Be Sent to Senate.

WASHINGTON, Jan. 27.—Secretary Hay today sent to the Senate a treaty to take the place of the protocol, through which the United States intends to take charge of the financial affairs of the Government of Santo Domingo and administer them until such time as the clause of all persons against the island shall be equitably settled. A communication to that effect was sent to the Senate, and by Senator Cullom laid before the committee on foreign relations today.

Senator Cullom gave to the committee the result of a conference he had had with Acting Secretary of State Loomis, to the effect that the protocol by which the United States representatives took charge

of the island's finances has not yet been received at the State Department, but is now en route to the United States. In view of the communication, Senator Bacon moved that his resolution of inquiry be over without prejudice until the full statement has been received from the State Department.