

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 flurry in the Democratic minority of the House created by John Sharp Williams, of Mississippi, shows in what small things a man of considerable ability will be discontented. 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' amendment would have received the full pay and allowances of a Lieutenant-General, and would have received the full pay and allowances of a Lieutenant-General on the active list, a difference of \$3000 a year in his salary. This amendment was not directed at General Miles alone, although he would have been the victim of it, but for a Senate amendment.

The object of the amendment was very clear. There are something over 500 Brigadier-Generals on the retired list, and any of these securing assignments with the National Guard would receive the full pay and allowances of their rank, instead of three-quarters pay without any allowances of the grade of Brigadier-General. It was a good, wholesome bit of legislation, and a great many Democrats understood perfectly well that it was in the interest of economy, and also in the interest of better discipline in the army. Men who could retire and still continue to receive their full pay and allowances by getting assignments with a state guard would do to the detriment of the service. It was a foolish thing on Williams' part to oppose it, but he wanted to make political capital out of what he thought was the Republican party's treatment of General Miles.

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.

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 has 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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ALL THE NEWS AND THE CUSTOMARY DEPARTMENTS.

was just as proper to make it retroactive, and the bill was sent to the committee on military affairs.

KEEP EYE ON CORPORATIONS

Commissioner Garfield Favors Annual Report to Government.

WASHINGTON, Jan. 27.—Commissioner of Corporations Garfield appeared before the House committee on judiciary today in favor of the bill requiring all corporations engaged in interstate commerce to make annual reports to the department of Commerce and Labor. Mr. Garfield said the requirement of the bill would be a very good and safe guide for the collection of information regarding the corporations of the Government.

"It will also afford to Congress the information upon those conditions concerning which the greatest complaint has been made," he added.

For the Benefit of Alaska.

WASHINGTON, Jan. 27.—President Roosevelt signed today the most important measure affecting Alaska that has been enacted by Congress for several years. It provides for the construction and maintenance of roads and schools and the care of insane persons in Alaska. The bill passed the Senate at the last session, but was not passed by the House only a little more than a week ago.

Army Surgeon Poisoned in Islands.

WASHINGTON, Jan. 27.—The Military Secretary received a cablegram from Major-General Corbin, in command of the United States forces in Alaska, telling of the death from accidental wood alcohol poisoning of Contract Surgeon Frederick Richardson at Ligno, Albaty, yesterday. He was a resident of St. Paul, Minn.

FIGHTING YELLOW FEVER.

Governor Davis Orders Drastic Measures Be Taken on the Isthmus.

WASHINGTON, Jan. 27.—A detailed statement of health conditions on the Isthmus of Panama is made in a report received today by Rear-Admiral Walker, Chairman of the Isthmian Canal Commission, from Governor Davis, of the Canal Zone. The report is sent before the cable report regarding yellow fever cases on the United States steamship Boston, which cases, however, it is pointed out by the Commissioner, originated elsewhere than Panama.

The report says that only three deaths from yellow fever have actually occurred there since this Government took charge; that a systematic fumigation of the entire City of Panama is now being made; that all yellow fever cases within the Canal Zone, known to have originated in that city, and that, with the increasing force of men now engaged in mosquito extermination work, it is confidently believed that all mosquitoes capable of transmitting yellow fever will be destroyed within a month. Governor Davis added:

"That the disease is lurking here is quite evident; everything is being done that the sanitarians desire to do or have proposed to do to obliterate the disease.

"All of the cases of yellow fever that have occurred within our knowledge have originated in Panama, and yet Colon is, as respects the question of filth and hygienic conditions, worse than Panama."

BUSINESS ITEMS.

If Baby Is Crying Too Loud.

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unfair methods were prohibited in his place and requested Walters to turn over the game to the secretary of the department of Commerce and Labor. Walters refused to do so Wednesday night, remarking to the man who took his place that there probably would be some dead men around there before long.

Shortly before 6 o'clock this morning Walters strolled casually into the Palace and ordered something to eat. Having finished his meal, he walked leisurely up to the bar, where he was known to the man who took his place that there probably would be some dead men around there before long.

"Cowboy," Johnson was taking a drink. "Without a word of warning Walters reached for a 45-caliber revolver and fired at Johnson from a distance of four feet. The bullet struck Johnson squarely between the eyes, killing him instantly. So close was the range that the victim's face was badly powdered. The report of the revolver drew Conn to the scene. Stepping to the middle of the room, Walters fired at Conn as he entered the door, the bullet striking him just back of the left ear. Conn fell dead. The murderer then turned about and fired at George Spindle, who sat next to Olivas, the monte dealer. The bullet passed through the rim of Spindle's hat and struck Olivas in the left side, producing a wound from which the latter succumbed a few moments later.

Stepping over the prostrate forms of Conn and Johnson, Walters made his way through the crowd of panic-stricken gamblers to the middle of the street, where he placed his weapon to his own head and sent a bullet through his brain.

Only four shots were fired, and so quickly was the tragedy enacted that hardly a minute elapsed between the first shot and the last.

Walters was 28 years old and had traveled extensively. In 1897 he was in Skagway, Alaska, and it is said, was a member of the "Soapy" Smith gang.

Tragedy of Hiram's Pair.

DENVER, Jan. 27.—Henry Wianand, of Sioux City, Ia., shot and probably fatally wounded his wife and made an unsuccessful attempt to commit suicide at the home of his brother-in-law tonight.

Wianand has only a slight chance of recovery. After Mrs. Wianand fell wounded, the husband turned the revolver upon himself and fired twice, missing his mark. The shooting was witnessed by the five-year-old son of the couple. The Wianands had been living apart and the husband came from Iowa yesterday to seek a reconciliation. She refused his appeal to return East with him, and the shooting resulted.

Arrested for Arming Yaquid.

PHOENIX, Ariz., Jan. 27.—According to private advices received here today, Manager Sprecher, of the Copeto Mine, in Sonora, is in jail at Guaymas, charged with aiding and abetting the Yaquid. It is explained that his purpose was not to oppose the Government but to foster revenge. He employed many Yaquid, who, becoming alarmed at the surrounding lawlessness and fearing that they might be impressed into service by renegade countrymen, asked for and were given arms by Sprecher for self-defense. Though none of these Indians became troublesome, the Government does not permit the arming of Yaquid, and when the authorities learned of the incident, Sprecher was arrested.

Oppose Sale of Liquor to Indians.

NEW YORK, Jan. 27.—At a meeting of the New York Religious Society of Friends today a resolution was adopted in the form of a memorial to Senators Platt and Dewey opposing the establishment of the State of Oklahoma unless the sale of liquor among Indians is prohibited.

Chadwick Case Is Delayed.

CLEVELAND, O., Jan. 27.—When the Chadwick bankruptcy case came up before Referee Remington today, it was said that the creditors desired further time. Thereupon the hearing was postponed until February.

Prospector Shoots Mining Man.

RENO, Nev., Jan. 27.—James Simpson was shot and mortally wounded today by

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 Simpson'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.

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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 real 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 27.

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 ball 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. The game was a hard-fought battle, 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. ————— Corvallis.  
Durand ————— Stokes  
Livingston ————— Hiltner  
Schamm ————— Steiner  
Ondal ————— 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 placers. San Nicholas was installed favorite, and after flattering his backers up the stretch, weakened and finished third, McBride picking the best going with Ishana, 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, Gremore third; time, 1:05 1/2.  
Six furlongs—Instrument won, Sir Preston second, Lady Kent third; time, 1:13.  
Seven furlongs—Erne won, Formoro second, Mr. Dingle third; time, 1:20.  
Eight and one-half furlongs—Ishana won, Sals second, San Nicholas third; time, 1:31 1/2.  
Nine and one-half furlongs—Black Thorne won, Vigoroso second, Mr. Furnum third; time, 1:43.  
Seven furlongs—Honiton 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 second, Bly third, time, 1:00.  
Six furlongs—Stauson course—My Gem won, Mac-Fleckno 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, 1:14 1/2.  
Six furlongs—Seastock won, Lady Klapar second, Del Coronado third; time, 1:10.  
One mile and 50 yards—Capable won, Bannockburn second, Jardin de Paris third; time, 1:45 1/2.

Loose 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.

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