IT BROKE THE LAW

Santa Fe Road Condemned by Interstate Board.

COMPETITION WAS STIFLED

Commission Declares That It Entered Into Partnership With Colorado Fuel and Iron Company, and Violated Injunction.

WASHINGTON, Feb. 3. - "Flagrant, willful and continuous violations" of the law during the past five years is the way in which the Atchison, Topeka & Santa Fe Railroad is arraigned in a decision promulgated today by the Interstate Com-Commission on the "alleged unlawful rates and practices" of that road in the transportation of coal and mine supplies, involving also the Colorado Fuel & Iron Company. The main points of the decision, summarized the way in which it the law has been violated and disregarded, are as follows:

"The act to regulate commerce requires carriers to publish and adhere to their tariffs. The Atchison Topeka & Santa Fe Railway Company has for the last five years willfully and continuously vio-lated this provision of the law in the re-

spects above stated.
"February 19, 1960, the so-called 'Elkins bill' was enacted, providing that carriers should in no case transport traffic until a tariff has been published, and that the published tariff should be observed, and providing a penalty of not less than \$1000 nor more than \$30,000 for each offense. The provisions of this statute extend both to the railway company which grants and the party which receives the concessions. Both the Santa Fe and the Colorado Fuel & Iron Company systematically and con-tinuously violated the provisions of that act in the particulars mentioned from the in the particulars mentioned from the of its passage down to November 27, when the tariffs under which this is moved were reduced in all less \$1.15 a ton. It would seem it the El Paso & Southwest-Railway was also in violation of the same statute during that period, but that company was not a party to this proceeding and has not been heard.

Injunction Was Disobeyed. "It should be further coserved that March 25, 1902, the United States Circuit Court, in a suit begun at the instance and request of the Interstate Commerce Commission, enjoined the Atchison, Topeka & Santa Fe Railway Company to ob-serve in all respects its published sched-ule of rates. That company from the date of this injunction down to November 27, 1904, was apparently continuous in its disregard of that order of court in its failure to maintain these coal tariffa."

The alleged infractions of the law were first called to the attention of the Comssion by the claim of the Caledonia Coal mpany, operating a coal mine at Gallup.

N. M., that the Santa Fe road was disof the Santa Fe road was dis-criminating against it in favor of the Colo-rado Fuel & Iron Company. A contract of the Santa Fe with the Caledonia Com-pany expired in 1998 or 1899, and was not enewed, and when it attempted to find a market for its steam sizes of coal, it is charged, "It ascertained, apparently, that coal, both from the Trinidad region and from the mines at Gallup, was being supplied at a price which about equaled the freight rate alone from the point of pro-duction to destination."

No Chance of Competition.

The decision says that "no other indiwith the Colorado Fuel & Iron Company in this field, unless he enjoyed the same in this field, unless he enjoyed the same freight rate advantages; that when other individuals endeavored to make contracts in competition with the Colorado Fuel & Iron Company they were compelled to mission should be increased so that discovered the contracts and the contracts of the competition with the colorado for the competition than any other one factor. I believe the powers of the Interstate Commerce Comments and the contracts and the contracts the contract of the co pay the published rate and were therefore unable to furnish the coal, and that under this arrangement the Santa Fe Company and the Colorado Fuel & Iron Company virtually entered into a partnership in the handling of this coal. in the execution of which the published schedules of the Santa

Fe were utterly disregarded."
The decision says that a number of other operators in New Mexico beside Mr. Mowie, of the Caledonia Coal Company found it difficult to dispose of their prod competition with the Colorado

Collected the Coal Bill.

The Santa Fe Company, the commission cays, acted as agent for the Colorado Fuel & Iron Company in collecting from its customers the price of the coal itself along with the freight rate, and evidence showed that in one instance, at least, this also was done for the Victor Fuel Company. Under this arrangement the Santa Fe instructed its agents to bill coal from certain points at which the Colorado Fuel & Iron Company operated to various sta-tions on its system at figures to be furmished by the Colorado Fuel & Iron Com pany, and the practice seems to have been to embrace the price of the coal and the freight rate in a single item, which ap peared on the expense bill as freight. Con Unuing, the commission says:

If the Colorado Fuel & Iron Company had it all cases paid the published tariff rate which was exacted from other shippers, the fact that the price of the coal and the freight were included in a single item would have worked no practical advantage to that company so far as we can see. Neither, apparently, would there have been any reason for this arrange-ment if the purpose of the parties had been houses. If, however, there existed on the part of th Sunta Fe Company an forent to charge the Colorado Fuel & Iron Company less for transportation of its coal than the published rate. It is evident that this method of billing would afford a ready means for concealing the.

Rebate Equal to Price of Coal.

In point of fact, during the entire period overed by this investigation, the Santa Fe Company did transport coal for the Colorado Fuel & Iron Company for less than its open tariff rates, and these concessions amounted fan many cases to the price of the coal itself. Under the joint tariff of May 24, 1903, and efficiency until November 27, 1804, the railroads parties to that tariff allowed the Cotorado Fuel & Iron Company a concession on all coal transported under those joint rates of \$1.15 a ton. Mr. Biddle, freight traffic manage the Santa Pe system, testified that of the \$4.05 received by the Santa Pe, \$1.15 was always paid to the Colorade Puel & Iron Company, with the full knowledge of the El Paso & Southwestern. These railroads, therefore, col-lected the published tariff rate from the Trin-ical district to the destination, and paid back to the Colorado Fuel & Iron Company \$1.15 a ton of the amount so collected.

Some suggestion has been made that these parments to the Colorado Fuel & Iron Company by the Santa Fe were not in the nature of rebates, but simply payment of the price of its coal; that the published tariff in reality included the cost of the coal, but inadvertently mitted to state the fact. The record conclu-

gively shows the contrary, It was said that these rebates in favor of he Colorado Puel & Iron Company were as discrimination, as there were no other shippers and, sonsequently, no actual preference. The Santa Fe published its rates, and these rates were actually insisted upon in the case of small consumers, apparently; but, whenever it ecemed desirable, to secure a particular con-tract, to shade the price, a special arrangement was made between the Santa Fe and the Colorado Fuel & Iron Company, by which the Santa Fe agreed to transport the coal required to fill that contract for less than this published rate. Since the greater part of the business of that company was in filling these contracts,

rebate was applied to the greater part of

because, in the very nature of things, nobody slae could sell. Those tariffs from the Trinidad district merely served as scarecraws to keep off all competitors, and, further, as a pretext for declining to reduce rates from other coal fields on the ground that there ought to be some relation between different divisions. It has been intimated in some quarters that the Santa Fe, in the payment of these rebates, squandered its revenues in the interest of the Fuel Company. That phase of the subject was not under investigation, but nothing appears in the record to justify that suggestion.

The testimony also tended to show that, while the Colorado Fuel & Iron Company was operating the mines of the American Fuel Company ing the mines of the American Fuel Company at Gallup, the Santa Fe gave that company a special rate on its supplies. No witness hav-ing knowledge was produced, and we have a strong impression that such special rates were enjoyed by the Colorado Fuel & Iron Company.

OFFICIALS ARE EXEMPT.

Under Law Secretary Morton Can't Be Prosecuted, as He Testified. WASHINGTON, Feb. 2 .- At the conclu sion of a long Cabinet meeting today, Attorney-General Moody and Secretary Morton remained wit hthe President for a considerable time, the latter finally accompanying the President from the executive offices to the White House, when he went to lunch. Railroad rate legislation was under discussion, but beyond the fact that the report of the investigation made by the Interstate Commerce Commission of the charges that the Atchison Topeka & Santa Fe Railroad had granted rebates to the Colorado Fuel & Iron Company formed a basis for a part of the dis on, nothing was learned concern-

It is understood that under act of Congress officials of a rall-road corporation who testified be-fore the Interstate Commerce Comnission in an investigation are rendered number thereby from prosecution for such offenses against the law as may be disclosed by their testimony. Whether officials of the same corporation who do not testify also are immune from prosecution for the offenses charged is said to be a serious question of law. Secretary Morton was one of the officials of the Atchison. Topeka & Santa Fe Bailroad who tertified before the Commission dufing its investigation of the rebate charges.

ARMOUR COMPANY RULES.

Fruit Shippers Say Its Refrigerator-Cars Are Favored.

WASHINGTON, Feb. 2 .-- E. H. Ferguson, of Duluth, Minn., representing the Retail Shippers' Association, continued his statement before the Senate committee on interstate commerce today. He made especial complaint of the secret routing agreements of the railroad companies operating in the fruit centers the West. This arrangement enabled the railroads to select lines without consulting the shippers, and Mr. Ferguson said that loss and inconvenience often resulted to perishable goods. He charged discrimination by the railroads in the interest of the Armour Private Refrigerating Line Company, saying that the charges of that company were often double those of rail-road lines themselves. This, he said, was due to the exclusive contracts which the Armour Company had been able to pro-cure, and he asserted that the organization and success of the beef trust were

traceable to those contracts.
In reply to questions, Mr. Ferguson expressed the opinion that the railroad of-ficials were interested in the private car companies, but that the railroad companies themselves secured no benefits from the arrangement with the companies.

GOODING BACKS THE PRESIDENT

Idaho's Governor Believes in Federal Control of Railroads.

ROISE, Idaho, Feb. 2 .- (Special.)-In response to a request for his views on President's Roosevelt's plan for the regulation of railway rates, Governor Good-ing has sent the following to a Chicago

mendations of President Roosevelt relative to Pederal control and regulation of rail-road rates. I consider the rebate system mission should be increased so that dis-crimination in railroad rates may be stopped, and the commission should be clothed with authority to ravise rates with power to enforce their decrees until set aside by adverse decision of the courts. The foling concurrent resolution has passed the er house of the Legislature and is now ler consideration and will pass the

lowing concurrent resolution has passed the lower house of the Legislature and is now under consideration and will pass the Senate:
"Whereas, Steps have been taken by the National Congress toward increasing the powers of the Interstate Commerce Com-mission in accordance with the idea of President Roosevelt,
"Resolved That the Congressional repre-

"Resolved, That the Congressional repre-sentatives from Idaho be requested to up-hold the hands of the President and that a copy of this resolution be sent to each of them."

The concurrent resolution was passed by the House unanimously. When it was sent to the Senate It was referred to committee and nothing has since been heard from it. When the Governor wished to see it today the chairman of the committee did not know where it It is believed some influence has been at work to smother it, but mand will be made on the floor for a report from the committee

POLAND STILL IN UNREST.

Strike Extends to Coal Mines, and Fighting Occurs at Lodz.

WARSAW, Feb. 1.-Serious disorders broke out today at Lodz, where 25,000 men are striking. Some of the employes of a lace factory attempted to return to work and the remainder forcibly prevented them. A strong minitary patrol was summoned and attacked and fired at the strikers, who replied with revolver shots. Village is it is reported over the telephone that the brigade firing was continued at 1 o'clock this aft-

Strikes were started this morning in the coal districts of Dombrowa and Sosnovics. It is feared they will have a seri-ous effect on the industrial situation gen-erally, Warsaw and other important manufacturing centers being entirely depen-dent for their cost supply on these districts.

According to the best information obtainable, the official list of persons killed during the disturbances here contains over 300 names in addition to many un-identified bodies lying at the receiving vault in the cemetery. The unidentified dead will be buried today.

A group of soldiers outside a liquor store last night fired on passers-by without warning, killed a shopkeeper and wounded another man.

NOGI WAS AGAINST THEM

Russians Attribute Able Defense to Victor of Port Arthur.

MUKDEN, Feb. 1, via Tien Tsin, Feb. L-All the natives of Holantai and Fuchichunang who were let through the lines during the Russian occupation, arrived at Mukden on January II, except a few who were killed in battle. The impreswho were killed in battle. The impres-sion is general among the Russian troops on the right flank that either General Nodzu or General Nogi was present at Sandiapu, where the Russians ascribe their greatest losses to cleverly concealed batteries behind the main works. The Japanese withdrew from their outworks at Sandlapu, which at one time the Rus-

sians occupied. General Mistchenko was still advanc-ing, carrying out a flanking movement, intending to cut the rallway north of Fe agreed to transport the coal required that contract for less than this published. Lace Yang, and was taking outpost after outpost with prisoners when the order to the company was in filling these contracts, the value of the contract of

LINE PIERCED

Japanese Break Through Kuropatkin's Center.

FIGHTING ALONG HUN RIVER

Oyama Tells Complete Story of How Japanese Lost and Captured Helkoutal Skirmishes Continue All Along Line.

SPECIAL CABLE.
LONDON, Feb. 4, (3 A. M.)—The St. Petersburg correspondent of the Lonlon Daily Chronicle cables that a tel egram has been received from the front, stating that General Kuropatkin's center has been forced by the

The Russian newspapers, the correspondent adds, have been forbidden to make mention of the receipt of the dis-

BEATEN BY SMALLER NUMBERS

Russians Had One Hundred Thousand Men Engaged in Battle.

GENERAL OKU'S HEADQUARTERS. Jan. 30 (noon), via Tien Tsin, Feb. 2 .-The Russian attempt to turn General Oku's left flank has proved a complete failure. Following on the failure of the recent cavalry raid down the railway. this, it is thought by the Japanese, will probably induce the Russians to await in the future the Japanese attacks. The attempt, even with the bombardment of other portions of the line or a cavalry movement around the flank, was doomed to failure from the start. The Japanese were at Heikoutai, but withdrew its small force from there and allowed the Russians to occupy the position until they could move enough men to make its

ecapture certain. recapture certain.

The reoccupation of this position was easily accomplished, although the loss was heavy. The casualties have not yet been reported, but it is believed they will amount to fully 3000. The Russians had five divisions engaged at Helkoutai, and in that direction. They were driven back by less than two Japanese divisions. Over 100,000 men were engaged in the Russian demonstration against the Jap-anese positions immediately east of Heikoutal, a force strong enough to have been successful, as only about one Japan-ese division was sent against them. The Russian loss is estimated at over 4000, although prisoners say that one regiment was practically annihilated.

The Japanese loss is only placed at 2000, due to the fact that they remained in their trenches, while the Russians were forced to cross open ground, solidly frozen, where the construction of shelter trenches was impossible. The ground being covered with snow, was naturally a great disadvantage to the attacking force, as it was plainly visible against the white background for a long distance. The Japanese suffered the same disad-vantages in the recapture of Helkoutai. The weather was cold during the fighting, the minimum being 6 degrees below and the maximum 14 degrees above zero. The Russians did not retreat north, but re-tired well out of range, with no sign of further activity.

During the fighting the left wing of the Japanese was heavily bombarded from the Russian positions along the whole front. The Japanese made ceble reply.

SKIRMISHES ALL ALONG LINE Japanese Report Repulse of Attacks at Several Points.

TOKIO, Feb. 2.-Manchurian headquarters, telegraphing yesterday, February 1, the mutilation of their wounded. Por-tions of the report follow:

"On Wednesday, February 1, in the direction of the right, small bodies of the enemy attacked up in all directions. Our utposts repulsed them. "On Thursday, February 2, from

clock in the morning, Russian artillery n the west front of Ta Mountain and Liuchlengtun shelled Fangshen and Put-saowa and their vicinities. The enemy's Infantry immediately surrounded Fang-shen, but we repulsed them.

"In the direction of the center, Thursday, the enemy's artillery, situated about a mile and a quarter north of the village of Shakhe, and on Wenpao Mountain, bombarded the southern heights of Shakhe village. "Constant collisions between scouts took

place to the north of Chenglingtau and "In the direction of the left, on Thurs-

day morning, the enemy's artillery flerce-ly bombarded Chengchiehpao. Our artilery responded.
"According to a reliable report, the enemy has built a railroad from Such-

latun, which is five miles north of Lamuting, to Suhupao, and has opened traffic "At & o'clock on Thursday morning the enemy's field and heavy guns concentrated a fire against Yatzupao, two miles

northeast of Chenchichpao. Subsequently a Russian division entered the southern village of Changtan and dispatched a brigade to attack us. We repulsed the 'According to a reliable report,

picket, consisting of an officer and 23 men, was surrounded near Haunglashatzu January 26. Our picket resisted to the last, when most of the wounded surren-The enemy mutilated all our

NEW GENERAL GOING TO FRONT

Myloff, Veteran of Turkey and Caucasus, Succeeds Grippenberg. ST. PETERSBURG, Feb. 4 (2 A. M.)

It is believed in military circles that the succession of Lieutenant-General Myloff to the command of the second army of Manchuria does not necessarily mean that the position of second in command in the Far East has devolved upon him. General Myloff has a good record as a fighter, though he was not present at any of the great battles of the Man-churian campaign. He is \$2 years old. He fought in the Turkish campaign and naw a great deal of service in the Cau-casus. He was appointed to the command of the Eighth Corps in 1901 and when to Manchuria with that corps from Odessa. The Eighth Corps was one of the latest corps to arrive there Army officers confirm the report that General Grippenberg is in ill health and point our that he was seriously ill a year before his appointment to the command of the army in Manchuria.

COMMANDERS ARE QUARRELING

Grippenberg Asks to Be Relieved Because Kuropatkin Gave No Support. ST. PETERSBURG, Feb. 2.-It is ru-moved that Lieutenant-General Grippenberg has asked to be relieved of his command. The Associated Press is unable to obtain a confirmation or denial at the War Office. According to the version prevalent in military circles, General Grip-

penberg telephoned direct to the Emperor, requesting to be relieved because of the alleged fallure of General Kuropatkin to afford him proper support in the operations against Sandepas.

The Russ today severely criticises General Kuropatkin on the ground that General Grippenberg's flanking movement was doomed to failure unless immediately followed by a general advance. The latest lowed by a general advance. The latest official dispatches show that the Russians apparently are still near Sandepas, and that the attempt of the Japanese to outflank them westward along the Hun River has been repulsed,

BATTLE OF HEIKOUTAL

Oyama Tells How Village Was Lost and Won Again.

TOKIO, Feb, 3 .- Field Marshal Oya ma, telegraphing yesterday, reports that the extreme Japanese left holds a line along the Hun River, with its extreme left established on the right bank. The main body of the Russians, after their defeat at Helkoutal, religid across the Hun River and occurred tired across the Hun River and occupied Niuyupao, Sufangtsi and a por-tion of Changtan. On Wednesday the Russians began constructing defensive works in the neighborhood of Shufang-tai, Chunchiaawopeng and Changtan. Russian cavalry patrols were seen Wednesday along the line of Tzuyuto, Pinpaotzu and Yuhpaotazu. The Russians made a series of small attacks on the right army and the left flank on the right army and the lett tians of the army, but were repulsed in each

Details of the fighting from January 25 to January 29, which Field Marshal Oyama officially designates as the bat-tle of Helkoutai, show that the operations were more extensive, the forces engaged larger and the fighting more desperate than the first reports indicated. The Japanese casualties totaled 7000. According to the Japanese estimate, the Russians lost over 10,000. The armies fought in a driving snow storm. It was bitterly cold and very difficult to see. It was a night attack delivered in the early morning that brought success to the Japanese

A Russian division surrounded and attacked Helkoutai January 25. Field Marshal Oyama reports that the gar-rison, though outnumbered, made a stubborn resistance, and retired at night under cover of the darkness to Kuchentzu. In the meantime Field Marshal Oyama, warned of the attack. ordered an advance for the purpose of retaking Heikoutal. It was snowing, and the movements of the troops were delayed. January 26 about noon, while the attack on Heikoutai was developing, a report reached the Japanese headquarters that another division of Russians, advancing from Changtan had surrounded Chenchiehpao, and also that an independent and smaller body of Russians was operating west of Chenchlehpao, threatening the left flank of the Japanese force moving against Heikoutai which had deployed from Sumapao, westward of Heikoutal.

It was originally planned to deploy from Sumapao to Taopao, but it was found that the Russians posessed a line from Helkoutai to Taopao. The Japanese therefore deployed to Sumapao and Wuchiatzu and attacked Helkoutai and Taopao. The latter place was strongly held, but its capture was necessary before it was possible to take Helkoutai. The Russian guns skillfully played around Helkoutai, enfilading the troops attacking Taopao. The nightfall of January 26 saw the Japanese still struggling to disiodge the Russians. On January 27 the Russians pressing the Japanese right wing temperarily retreated. The freed force reinforced the Japanese center. The line from Heikoutai to Taopao. The reinforced the Japanese center. The attack on Heikoutal was resumed Jan uary 27. A covering force was sent to protect the right flank, rear and also the left flank of the Japanese force operating at Chenchiehpao. Another vering force protected the extreme t. The troops attacking Heikoutai advanced fearlessly, and, despite the heavy losses inflicted by the reinforced Russians, constantly gained step by

compelled to retreat temporarily. The says that on that day the Russians tacks January 27 in all directions sumed their activity in front of the Japanese left, and that there has been continuous altirmishing along the fronts of ment stationed at Sumapao in the stationed at Sumapao in the ment stationed at Sumapao in the stat stant skirmishing along the fronts of both the opposing forces, exchanges of heavy artillery fire taking place. The heavy artillery fire taking place with ese finally succeeded in repulsing all the attacks

A portion of the Russians remained concealed at Sumapao, and on the morning of January 28 fired into the rear of the Japanese center. The Japanese turned, attacked and practically annihilated the Russians, only 200 of them surrendering. The fighting con-tinued through the day and night of January 25. The Japanese, who were everywhere outnumbered, decided to

make a general night attack.
In his report Field Marshal Oyama says: "Our object had not been attained, so I encouraged all the umns to make night attacks. All colof the attacking force suffered dilation. We attempted several annihilation. attacks and movements, but suffered heavily by the enemy's artillery, espe cially the machine guns. All columns ontinued the attack with all their might. The enemy, unable to with-stand our vigorous attacks, began to retreat at 5:30 in the morning. Our forces, charging into Heikoutal, occupled the place firmly and entirely at 330 o'clock in the morning."
The Russian force engaged is esti-

mated by the Japanese at seven divisions, with a division of cavalry. Prisoners report that the Fourth Russian regiment was practically an-

TO MAINTAIN NEUTRALITY.

American Fleet Guards Philippines Against Belligerent Navies.

PARIS, Feb. 3.-An official dispatch from Manila says that an American squadron, composed of 15 warships, sailed today from the Island of Luzon for the southern waters of the archipelago, with the object of maintaining neutrality in American waters both as to Russian and

Japanese fleets.
It is the understanding that the move ment of the American Squadron is a precautionary step taken in connection with the movements of the Russian second Pacific squadron and of Japanese warships. A recent dispatch said that Japanese warships had been seen in Southern Philippine waters, and it is therefore expected that the precautionary measures apply equally against the

ussians and Japanese. It is added here that the Dutch Islands of Sumatra and Java and the unexplored waters of Southern Mindanao offer a possible rendezvous for belligerent war-ships. The Dutch government has ai-ready sent two warships to protect the Dutch waters, and the mover American warships assumes

It is not expected that Vice-Admiral Rojestvensky's squadron will proceed to the Far East until joined by the division of the squadron which left Jibutil today,

VILLAGE LOST AND WON AGAIN Kuropatkin Tells of Conflict on Hun River Bank.

ST. PETERSBURG, Feb. 2.—The Emperor has received the following dispatch from General Kuropatkin:
"The Japanese, during the night of January II, attacked Djantancheran, on

ade, reattacked our forces at Djantancheby the fall of Port Arthur makes it in-

NOT TO WATCH HOSTILE FLEETS Navy Department Denies Rumored Purpose of Fleet's Cruise.

Special

Price

WASHINGTON, Feb. 3 .- (Special.) Navy Department officials deny that any orders have been issued to the Asiatic fleet to prevent the violation of neutral ity by Japanese vessels seeking to inter-cept the Russian Baltic fleet, now on the way to the Orient. No instructions have been issued which could be construed as having this meaning. If any American warships have salled south from Manila, their object is to A Russian division advanced from the direction of Niuchu and struck the left column on the right flank.

A force of Russian infantry and mounted artillery fired into the rear of the left column. The Japanese lost heavily, and the extreme left wing was compelled to retreat temporarily. The will violate American neutrality.

south from Manilà, their object is to have a practice cruise, and their departure has no connection with the war between Russia and Japan. The opinion is expressed by Navy Department officials that neither of the belligerents withholding the fact that the firm alwitholding the fact that the firm always and the extreme left wing was compelled to retreat temporarily.

RUSSIANS AT IT AGAIN.

They Attack Helkoutal and Another Village, but Are Repulsed. GENERAL OKU'S HEADQUARTERS, Feb. 3 (Noon), via Fusan.-The

forces opposite the Japanese left wing are showing some activity. A Russian de-tachment attacked Pekowtai (Helkoutai) but was driven back, leaving 160 dead. A bombardment of the entire left wing continues.

Considerable activity was manifested yesterday, February 2, opposite Shentan and Letalyetun, and it is believed the Russians are preparing for another attack. They fired occasional salvos of artillery and volleys of musketry. The Japanese remain in their trenches and do not answer the Russian fire. The severe cold continues,

GONE TO JOIN ROJESTVENSKY Second Division of Baltic Fleet Off to Madagascar.

JUBITAL, French Somaliland, Feb. 2.-The division of the second Russian Pa-cific squadron commanded by Rear-Admiral Botrovsky, consisting of four cruis-ers and three torpedoboat-destroyers, sailed from here yesterday to join the warships commanded by Vice-Admiral Rojestvensky, off the Island of Madagas-Eighteen German colliers will follow Admiral Botrovsky's division

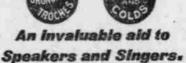
Grippenberg's Health Breaks Down. LONDON, Feb. 3.-A dispatch from St. Petersburg to a news agency says it is stated that Lieutenant-General Grippen-berg, commander of the Second Manchu-rian army, has handed over his command to Lieutenant-General Myloff for the reason of ill health.

Blockade Grows Very Strict.

BERLIN, Feb. 3.-Much concern is feit among Hamburg shipowners over the Japanese interpretation of international law as shown in the recent seizures of vessels destined for Vladivostok. The release of the Japanese blockading ships



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nan at noon, February I. The Russians first retired, but ultimately reoccupied creasingly difficult for the vessels to en-ter Viadivostok. Between 40 and 50 ships, first retired, but ultimately reoccupied the village, although some outlying parts are still in the hands of the enemy."

The Commander-in-Chief adds: "De-spite the intense cold, frost bites are rare, owing to the preventive measures.

"Up to February 1, 133 Japanese pris-oners have arrived at Mukden." the Vossische Zeitung estimates, many of them British, are bound for the Far East, laden with contraband, including the vessels supplying the squadron of Vice-Admiral Rojestvensky.

YOUR CREDIT

TO STOP PAYMENT OF BIG FEE Choctaw Says Lawyers Have Not Earned That \$750,000.

WASHINGTON, Feb. 1.—Summonses were today served on Secretary of the Interior Hitchcock and United States Treasurer Roberts in proceedings instituted against them by Richard McLish, a Choctaw Indian, to entitle them by Figure 1. dian, to enjoin them from drawing and paying warrants to satisfy the award of a fee of \$750,000 to the law firm of Murray. Mansfield & Cornish, of South McAllister, I. T., for services in "purifying" the cit-izenship rolls of the Choctaw Indians.

\$15,000 a year for their services and su aggregating approximately \$200,000 their expenses, etc. He alleged that the citizenship case, on account of which the fee has been allowed, are not yet finally determined, and that the rights to enrollment, etc., of the Choctaw and Chica-shaw Indian funds are not yet finally

Many Appointments Confirmed. WASHINGTON, Feb. 3 .- The Senate to lay confirmed the following nominations Harry Tarsbell, coiner of the Mint at Denver, Colo.; Rev. George J. Waring, Iowa, Chapisin in the Army; James C.

Kellogg, Louisiana, Consul at Barran quilla, Colombia; D. S. Kidder, Florida, Consul at Nankin, China; William Martin, New York, Consul-General at Hankau China Postmaster-Montana:

OWN TERMS

rane, Fort Benton Also promotions in the Army and Navy

To Repeal Bankruptcy Law. WASHINGTON, Feb. 3.—The House committee on the judiciary, by a vote of to 5, today ordered a favorable report on the Clayton bill repealing the bank-ruptcy laws. A minority report will be made to the House by Powers of Massa-

Would Prevent Quick Remarriage.

AUSTIN, Tex., Feb. 2.—The Lower louse of the State Legislature today passed the Senate bill forcing persons giving ground for action in divorce cases to remain single for three years. the other parties to the divorce to re-main single one year.

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ment to send for ment to send for a free package of my Paw-Paw Pills. I want to prove that they positively curs Indigention, Sour Stom-sch, Beiching, Wind, Headache, Nervousness, Sleeplessages Headache, Nervousses, Sloeplessness, and are an infallible cure for Constipation. To do this I am willing in give millions of free packages. I take all the risk. Sold by druggists for 25 cents a vial. For free package address

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