**REFERRED TO COURT** 

Colorado Legislators in Tangle About Contest.

THEY ASK JUDICIAL DECISION

Question is Whether Legislature Has Power to Declare Governorship Vacant-Bribery Case Delayed Despite Protests.

DENVER. March 2 .- The joint legislative convention has sought an opinion from the State Supreme Court on the question whether it has the power to

question whether it has the power to declars the office of Governor vacant and what the effect of such action would be, and the decision of the Peabody-Adams Gubernatorial contest will be deferred un-til the court's answer is readived. Senator Morton Alexander, a member of The contract content committee, was allowed this sfismpoon to amend his report, which fa-vored the seating of Lieurenant-Governor, in such Gubernatorial contest will be deterred un-til the court's answer is received. Senator Morton Alexander, a member of the contest committee, was allowed this afternoon to amend his report, which is-vored the seating of Lieutenant-Governor Jense A. McDonaid as Governor, in such a way that, if it be now adopted by the island concentration of Graneror Adams will s way that, if it is not not add the will be legislated out of office. Alexanders amended report declares that no legal election for the office of Governor was held in the state last November, but the resolution declaring Lieutenant-Governor resolution declaring Lieutenant-Governor McDonaid "the logal, duly qualified Gov-ernor of the state," is comitted and the following is substituted: "Resolved, that the action of the joint maxembly in decirning Atva Adams elect-ed Governor be hereby rescinded and re-struction of the statement as having any influence insermity in decirning Atva Adams elect-ed Governor be hereby rescinded and re-struction of the statement as having any influence insermity for the statement as having any influence

ed Governor be herety resenated and re-voked and that a vacancy be declared in the office of Governor." a dogtion of The Alexander resolution, the adogtion of the alexander resolution would seem to James H. Peabody in office, his legal successor not having been elected. That Timothy Healy, president of the Inter-mational Brotherhood of Stationary Firequestion, however, will be submitted to the Supreme Court for adjudication be-fore a vote is taken on any of the reports now before the joint assembly.

### Bribery Hearing Postponed.

In the meantime the allegations of Sen-ator Richard W. Morgan in regard to bribery will be held in abeyance. The committee which has charge of the investigation of this matter held a brief meeting this afternoon, after which Sen-ator Arthur W. Comforth, its chairman, announced that, at the request of the tiorneys on both sides, an adjournment and been taken subject to the call of the or practically until the Gov

ed to 22, one Republican voting with the Democrats in the negative. Senator 1. G. Campbell, a Republican, at once submitted a resolution to submit to the Supreme Court the questions of the right of the Joint assembly to adopt the Alexander report and. If it should be adopted, what its effect would be, sepe-cially who would then be Governor of Colorado. This resolution was adopted and the joint assembly took a recess un-til tomorrow morning. rrow morning.

### Division of Opinion.

The Legislature cousies at present of W members & Republicans and 31 Demo-rats, the Republicans baving a majority of 5 on joint ballot. Twenty-two Re-publicans, it is commonly reported, have icided in conference that Peabody has falled to prove his election, but many of them would not agree to vote to sustain the Democratic Governor. These Repub-licans, it is said, have united in support

Finch and Representative Bailey. errors of vital importance were for Bailey. No were found. SENATOR BATE IS DEAD errors of vital importance ware found, though it was necessary to supply a few roll calls that had been omitted. The revision of the Senate journal will he completed in a few days.

THEY HAD NO RIGHT TO STRIKE

Action of Subway Men Condemned by Their National Officers.

NEW YORK, March S .- The most intersting development in the Subway and Elevated Railway strike in New York was the stand taken by some of the National labor leaders in repudiating the action of the local leaders who ordered and are conducting the strike. The first

National union, the men having broken their contract with the Interborough Com-pany. He ordered the men to return for duty failing which, exputision from the organization is threatened. He said: The present strike is in direct violation

strake nor were the oncers of the Brother-hood commuted. This is the first time in the history of the Brotherhood that our members have repullated their agree-ment with any railroad. "Labor organizations must keep their

part of the agreements inviolable if they expect to succeed. Had our laws been complied with, conditions as they now appear could not exist on the lines of

Timothy Healy, president of the Inter-national Brotherhood of Stationary Fire-men, said he would not call out the memhe had insisted on doing so because

bers of his organization unless requested by President Mahon. W. D. Mahon, president of the Amalga-mated Association of Street & Electric Railway Employes of America, issued a statement tonight similar in tenor to that leaued by Mr. Sione. He says the strike was not authorized by the national body and that the strikers must go back to that there should be another determined effort to secure four new states, and an-nounced his determination not to yield

work The executive committee of the joint The executive committee of the joint bodies of the Amaigamated and the Brotherhood issued a statement denying that Mr. Stone hag ordered the men to return to work and adding that the strikers would fight until they won, and made attacks on Mr. Stone, declaring the local unions were quite independent of the National union. Notwithstanding the efforts of the local leaders, there were indications around

to Jibutil.

NASHVILLE, Tenn., March 5 .- The PARIS. March 2.—The Temps' dispatch of yesterday from Madagaacar, announc-ing that Admiral Rojestvensky's entire squadron was returning to Jibuiti, Friench. Somalliand, is not yet officially confirmed. Sumalliand, is not yet officially confirmed. The Governor, who was General Bate's most active opponent during the last cam-paign, withdrew in favor of Senator Bate with the understanding that should Sen-ator Bate retire, he (McMBlin) would be-come the candidate. PARIS, March 9 .- The Temps' dispatch he Democratic Governor. These Repub-cans, it is said, have united in support if the report of Scantor Morion Alexan-Russian officials here recently discussed Senate Arranges for Funeral. the probability of the soundron turning back. It was pointed out that the prin-cipal mission of Rojestvensky ended with the fail of Port Arthur, and that there-fore it was desirable that he should not WASHINGTON, March 2 - After 5 ans WASHINGTON, March & Alter a sos-sion of seven minutes the Senate ad-journed at 12:07 P. M. today, out of re-spect to the memory of the late Senator Bate. Gorman precated the usual reso-lations of regret at Senator Bate's death. These resolutions also recited the appoint-ment of a committee of 12 Senators to proceed, but return to await the third squadron. Captain Clado, who is Rojest-vensky's tactical chief of staff, was ex-pected to join the squadron on the conpected to join the squadron on the con-clusion of the international inquiry into the North Sea incident, but it is sig-nificant that Clado received orders to re-turn to St. Petersburg. forth the imperative necessity for strengthening Rojestvensky's squadron. advised that it would be a wrongful and a personal pamphlet, in which he set tates is in progress. Eighteen estates have already been sacked. The Michael-offsky Sugar Refinery has been burned and the employes have been robbed. It is also reported that the peasants have CHICAGO, March 5.-The Rev. Mother Mary Agnes, superior-general of the Con-gregation of St. Agnes, is dead at Hays, gregation of St. Agnes, is dead at Hays, Kan., after an illness of one year. Bhe founded the order in 1879 at Fond du Lac, Wis. Mother Agnes was also the founder of Leo House in New York, which is a ders Gain \$1,000,000. ne for immigrants.

LEADER ON DEMOCRATIC SIDE KILLED BY COLD. Illness Beginning on Inauguration Day Ends Fatally-Veteran of

Mexican and Civil Wars,

WASHINGTON, March 8. -- United States Senator William Bromage Bate, of Tennessee, twice Governor of his state, a veteran of both the Mexican and Civil Wars, rising from private to Major-General of the Confederate Army, and for 18 years a conspicuous member of the upper house of Conunions came in a statement from Grand Chief Warren S. Stone, of the Brother-hood of Locomotive Engineers, to which the motormen belong. Mr. Stone insisted that the strike was a violation of laws of Nutional union, the men having broker defective heart. Senator Bate attended the inaugura-tion ceremonies on March 4, and his death is believed to be due primarily

to exposure on that occasion. He suf-fered a slight chill on that day. He, however, continued his official duties and occupied his meat in the Senate last Tuesday. He became suddenly ill at the dinner table that evening, and im-mediately called for a physician He mediately called for a physician. He was put to bed, and his condition was recognized as serious. Despite the efforts of his physicians, he became steadily worse, and all hope

for his recovery was given up yester-day. Senator Bate was entirely con-scious until his death, and, realizing that the end was near, asked that he be buried at his old home in Nazhville. Besides the widow, two daughters, Mrs. Thomas F. Mastonof, of Tennes-see, and Mrs. Childs, of Los Angeles, survive the Senator. A brother, Cap-tain Bate, of Tennessee, and a sister, Mrs. Harris, of California.were sent for, but were unable to reach here here

but were unable to reach here before his death. Senator Bate's remains will be taken to his old home at Nashville, and will be interred in the Mount Olivet Cem-

when Senator, Bate made his appear ance in the Senate chamber on Tuesday he complained of a cold which he has caught on the inaugural claiform of Saturday, and the fact was recalled that some of the Senators had advised that he should not go out with the President, but

the fact that he was a member of the escorting committee. While in the Senate Monday he talked with some of his Democratic colleagues concerning his plans for the next seasion of Congress, which related almost ex-cludively to the question of statched for the territories. He adhered to his theory

to the consolidation of Arigons and New Mexico under the circumstances. William Bromage Bate, late United

William Bromage Bate, late United States Senator from Tennessee, was elected in 1887. He was born near Castilian Spring, Tenn., October 7, 1826. He gained an scademic education, and was a steamboat clerk on the Missia-sippi River. He was a private in the Maxican War in Louisiana and Tennes-see regiments, and on his return was a member of the Tennessee Legisla-ture. He graduated from the Lebanon Law School in 1855, and practiced at a been morably tangle had been straightenes into an ender to allowing the subway tonight was almost perfect. The local trains being run during the sole complayer is the was Attorney-General and hours on and to allowing the sole company it was almost perfect. The local trains being run during the sole complayer is the was Attorney-General and Attorney-General and four on the matter. After the subway tonight was almost perfect. The local trains being run during the sole complayer is the was Attorney-General and four on the to allowing the sole company it was almost perfect. The local trains being run during the sole complayer is the was Attorney-General and four on the to allowing the sole company it was almost perfect. The local trains being run during the sole company it was at the was Attorney-General and four presidential Elector in 1850 on the Breckenridge-Lane tick-At the offices of the company it was said tonight that 300 of the old employes had applied for reinstatement. The Inter-borough Company also sent out letters ad-vising their employes to appeal to the police when molested, guaranteeing pro-tection, and saying that all competent men would be retained. **RETURNS FOR MORE SHIPS.** Purpose of Baltic Fleet's Movement

McMillin His Probable Successor.



# New Arrivals in Boys' and Youths' **Spring Suits**

We have just received a most complete line of youths' Single and Double-Breasted Suits and boys' Knee Pants Suits, in Norfolk, Russian Blouse, Eton, Single and Double-Breasted and Military styles, in serges, worsteds and light and dark mixtures.

QUALITY CONSIDERED, OUR PRICES ARE THE VERY LOWEST.

Ball and Bat free with Knee Pants Suits. Ball, Bat and Catcher's Mitt with youths' suits.

SAM'L ROSENBLATT & CO.

### FACTIONS IN RUSSIA ARMING

THE MORNING OREGONIAN, FRIDAY, MARCH 10, 1905.

Autocratic Party Organizes Armed Bands to Cope With Liberals.

SPECIAL CABLE.

ST. PETERSBURG, via the Frontier, March 10.-Although the General Staff of the Russian army declares that it expects

to have information within a few hours

that the Russian army has succeeded in withdrawing from Mukden to the north-ward without any serious losses, this be-lief is not held by the rank and file, and

The internal situation in nearly all Rus-

armed men, who will, at a given signal, rise and rob and murder. In order to pro-

SOLDIERS KILL STRIKERS.

Flag in Parades.

sian cities is still extremely serious. is rumored that, taking their cue from the Liberal leaders, the dynastic follow-ing has organized numerous bands of

of the Empire.

arm

ill-concealed pleasure. The newspapers wished to publish the report, but were peremptorily forbidden by the censor to do so. It was quickly circulated, how-ever, and was the subject of almost jubliant comment in the cafes and else-

where. One of the assistant inspectors of police was fatally shot at 7 o'clock inst night by an unknown assailant, who escaped.

Bouligan Weary of His Task. LONDON, March 10.-The correspond-ent at St. Petersburg of the Morning Post says that Minister of the Interior Bouligan resigned, but the Emperor requested him to remain in office, and that he consented to retain the port-folio temporarily. reports are again current that serious news from the front is being held back in an endeavor to assist the police in quell-ing anarchistic outbreaks in various parts

NEED NOT DECIDE QUESTION YET

Choice Betweei Sea-Level and Lock Canal May Be Deferred.

tect themselves, the Liberals throughout the country are said to be organizing themselves into civil guards. WASHINGTON, March 2 .- There is authority for the statement that the question as to whether the Isthmian Canal shall be made a sea-level waterway or constructed on the lock system need not be determined at the outset of Reply to Attack With Volley-Red the work. In fact, it is stated that work could progress for five years or more before this matter would necessarily be decided and without in any way retarding the progress of con-

Fig in Parades. ST. PETERSBURG, March 1.-A tele-gram from Ekaterinosiav, South Russia, says that five miners have been killed and 1b wounded in a conflict between the strikers of the Shoerbinoff mines and the Aurbach quicksliver mines and sol-diers in the district of Bakhamut. The strikers started looting and the troops threatened to shoot. The former there-upon fired at the soldiers with revolvers and also threw stones at them, whereupon way retaraing the progress of con-struction or causing any delay. The explanation is made in this con-nection that the same work would be required for the early stage of a sca-level canal that will be necessary in the construction of a 66-foot cut, or, in other words, that the same excavation work would be required for the one as work would be required for the sense for the other. Thus ample time would be given for a most exhaustive consid-eration of the subject and for a thor-ough study of all the engineering proband also threw stones at them, whereupon he troops fired a volley and order was estored. Revolutionary disorders have broken out at Smolensk, Middle Russia. Bands of

at Smolensk, Middle Russia. Bands of demonstrators are marching through the streets carrying red flags. DEMAND THEIR OLD RIGHTS Baltic Provinces Protest Against Being Made Russian. ST. PETERSBURG, March 2.—The Bal-tic Provinces, the Russification of which

FOUR OF HIS SHIPS USELESS dered to return to the English Channel. Rojestvensky Fears to Sail Eastward, and May Return.

St. Petersburg correspondent of the Daily Telegraph, a telegram from Vice-Admiral Rojestvensky, not yet published, states that four of his warships are incapacitated for firing because they are too heavily armed, and that the problem of coaling has become so difficult that he feared he

would be unable to proceed to the Far East, No further news has reached London concerning Rojestvensky's squadron, but reports are current at Dover that all the ships of the Baltic fleet have been or-





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Bign this coupon, take to any of the following druggints, and get a 50c. bottle Hay's Hal beelth and a 20c. cate Hardina Modicated Son best for hair, bath, tollet, both for 50c.; or set by Philo Hay Specialties Co., Newark, N. 3

BERLIN, March 10.-Hamburg specials say the Hamburg-American Steamship Company has again begun to employ rews for the 14 steamers chartered by LONDON. March 10 .- According to the

g further

Russia and is leading coal. The Lokal Anseiger's Hamburg correspondent says the vessels were sold to Russia, but other correspondents say they were chartered. One dispatch says the Paialia and Ar-menia will return to Hamburg immedi-ately after going to Libau. Russia Pays North Sea Claims.

LONDON, March 3.-Count Benkendorff, the Russian Ambussador to Great Britain, today paid \$25,000 to Foreign Secretary Lansdowne in settlement of the North Sea chaims, and the incident was thus thered.

Russian Colliers Again Loading.

of the report of Scuator Morton Alexander, a member of the joint contast com-mittee, which declares that the election for Governor was null and void, there being fraud on both sides; that there is scancy in the office, and the virtue the Lieutenant-Governor, by virtue the constitution, should succeed to the of the con

Peabodyites declare that this method of settling the contest is uncon-stitutional and impracticable. Lieutenant-Governor Jesse, A. McDonald has pub-licity announced to the members of the General Assembly that he has been legally legal act to seat him as Governor as compromine or makeshift in deciding the contest.

### Prompt Action on Bribery Sought.

At the formoon session of the joint assembly, Representative J. B. O'Connell criticized the Republican majority of the bribery investigating committee, of which he is a minority member, for not pro-ceeding promptly with the investigation of the charges made by Senator Morgan and for adopting star chamber methods. Senator Cornforth, chairman of the com-mittee, explained its delay by saying that the Republican members wanted to stthe Republican members wanted to at-tend a culcus and the sessions of the joint convention and defended its course init convention and defended its course in holding secret seasions on the ground that the members of the General Assem-bly would more readily give testimony re-surding attempts to brite them in secret seasions than at public hearings. He sold he would not serve as chairman of the committee unless the hearings could be held privately. A smotion by O'Consol to instruct the committee to proceed imme-distely with the investigation of Morgan's charges was declared out of order be-cause the question of adopting the major-ity report of the context committee was before the House.

 Construct the second structure of the subjects to be considered by the commission, said tonight that one of the subjects to be considered by the commission "involves alleged colusion in the sale of the Exposition building and all the property of the Exposition building and all the property of the Exposition building and the brought and the property of the Exposition building and the brought of the commensumer of the transmission.
Tames M. Herbert, vice-president of the commension or publicity.
Tames M. Herbert, vice-president of the compensation or publicity.
The stinesses and report prompty. Twen withesses and report prompty. Twen withesses and report prompty. Twen the Exposition Company to failure or scribe the property for sale, a profit of more than \$4,000,000 was given to the farmer that the meeting would be postponed in the United States of one-third of short part of the scheme to the United States of one-third of short part of the scheme to the United States of one-third of short part of the scheme to the United States of one-third of short publicity. The second secon

DOVER, Del. March 3.-The ballot for United States Senator resulted as follows today: Addicks. 13; Saulsbury, 15; H. A. Dupont, 9: Richardson, 5; Hughes, 4; total vote, 44. Necessary to a chucke 53 Hughes, 4; 10 to a choice, 23.

### No Change at Jefferson City.

JEFFERSON CITY, Mo., March 9,-There was no change in the vote for United States Senator. The vote stood: Cockrell, 76: Niedringhaus, 57; Kerens. 15; Bartholdt, 5; Warner, 2; Dyer, 1; Lyons. 1; McKinley, 5.

### House Journal in Good Shape.

SALEM. Or., March 5.--(Special.)--The revision of the House journal of the recent Legislative session was com-pleted today by Chief Cherk Thompson, Journal Clerk Draper, Calendar Clerk, Mayor.

## GRAFT IN ST. LOUIS FAIR. Senator Carter Charges Favored Bld-

WASHINGTON, March 9 .- Charges of

scandal are being made to the affairs of the St. Louis Exposition Company. They concern the graniting of awards and the saivage contracts by which certain of the great buildings are to be removed. Senator Thomas H. Carter, who has resigned his place as chairman of the Sovernment Commission, said tonight that one of the subjects to be considered

tion of the Pekin-Kalgan Railway will be commeaced immediately under the super-vision of a Chinese chief engineer, says a Heraid dispatch from Tien Tsin. A charter was not granted, owing to the Russo Chinese agreement that unless Chine employed Chinese engineers and Chinese money, Russia alone might con-struct the line. The new railway will be financed by the Pekin-Shanghati Kwan Railway Company, which is bonded to Englishmen, Kalgan is the railway key to all the northwestern section.

### Only Amateur Boxing Allowed.

ALEANY, N. Y. March 5.-The Frawley boxing bill permitting limited round con-tests between amateurs under the same-tion of the Amateur Athletic Union, passed the Senate today.

### Socialist Candidate for Mayor.

CHICAGO, March 2.- The Socialist city obvention has nominated John Collins for

George H. Love, Hotel Man. ST. PAUL, March 2.-George H. Love, one of the proprietors of the Ryan Hotel, is dead as a result of blood-potsoning, following an operation for appendicitis,

SAY RAILROAD HAS FAVORITE SAY RAILROAD HAS FAVORITE

Northern Pacific Accused of Discrimination in Yellowstone Park.

WASHINGTON, March &-Complaint has been filed before the Interstate Commerce Commission by William M. Wiley, of Boseman, Mont., against the Northern

of Boseman, Mont., against the Northern Pacific Railroad Company, the Tellow-stons National Park Transportation Com-pany and Yellowstone Park Association. It is charged that the railroad gives pref-erential rates for the same service of as much as \$17.50 per passenger in favor of the defendant transportation company, and against other competitors doing business in the park, and a large number of people who care to tour the park otherwise than stopping at the hotels in which the railroad company is charged with having an interest.

Great Rejoicing in Tokio. TOKIO, March 9 (Noon) .- Although the TOKIQ, Xarch 3 (Noon).-Although the satent of the success gained by Field Marshai Oyama's army is unknown, Tokio is celebrating the victory. Flags are going up all over the city and crowds are on the streets this early baying extra editions of the local papers, and congrat-ulations are pouring into the effice of the Minister of War and to the army staff bandmarture. It is rumored that General Kuropatkin's

retreat has been partly cut off, insuring beavy lowes of supplies and the capture of many prisoners, but this it is impossible

Convalencents Going to Odessa. CHEFOO, March & One thousand con-vulsement Russian solders arrived here using. They will be transferred imme-distely to a steamer bound for Odessa.

tic Provinces, the Russification of which was regarded as practically completed, have been encouraged by recent develop-ments to again demand the restoration of some or all of their ancient rights. well-developed movement, backed by the nobles and intelligent classes, is now openly demanding that the teaching of German in the schools be revived, and that native officials conduct the adminis tration of provincial affairs

They Burn and Loot Landlords' Es-

tates and Factories.

Bad Aim.

six shots from revolvers at the Governor, but he was not struck. The motive of the attempt is believed to have been polit-

at Warsaw.

Sen1

ST. PETERSBURG, March 2.-Colonel

tion, thus indirectly bringing the question of a sea-level canal before the legislative branch of the Government. The Executive and the Commission have under consideration a strong recom-mendation in favor of a sea-level canal.

CANAL COMMISSION MEETS.

Admiral Walker Declines to Talk of Coming Decapitation.

ARMED PEASANTS ON WARPATH NEW YORK, March 2.- The regular bl eekly meeting of the Isthmian Canel Commission was held at the office of the Panama Railroad Company. All the com-LONDON, March 10.-A dispatch from Kieff to the Dally Mall says: "An army of 5000 peasants from the Orlovka district is advancing south-westerly. Burning and looting of esmissioners attended except Major-General George W. Davis, who is now at Panama. According to Rear-Admiral John G. Walker, the chairman of the commission. the matter of contracts for supplies was not taken up openly, only routine mat-ters being considered. Admiral Walker was shown a dispatch

Admiral walker was shown a dispatch from Washington which stafed that he will probably not be retained as a mem-ber of the commission and that radical changes are contemplated by the Admin-istration. The Admiral declined to dis-cuss the matter. The directors of the Panama Bailroad Comment in the afternoon held a brief burned a refinery belonging to the crown. A strong military force has been sent to suppress the rising. ATTEMPT TO KILL GOVERNOR

Company in the afternoon held a brief and unimportant session, according to the statements issued after the meeting. The Canal Commissioners, with the exception Six Shots Fired at Him by Men With of Mr. Parsons, returned to Washington soon after the close of the directors' meeting.

> Japanese Beat Advance Guard. MUKDEN, March 9 (3:39 A. M.) .- The Japanese yesterday stacked the village of Pudiasa, northwest of the Imperial tombs, and a stubborn fight followed, but

tombs, and a stubborn fight followed, out the Russian advance guard was obliged to abandon the village. During the night the Japanese invaded the village of Samiatse, north of the im-perial tombs. The fight continues as this dispatch is filed. The Japanese outposts have reached Hirantchan, on the south front, and a heavy cannonade is in prog-ress there. POLES REJOICE AT DEFEAT. Vain Effort to Suppress Bad News

WARSAW, March 10.-(12:15 A. M.)-A report which reached Warsaw yestsfrday that Mukden had failen was received with reas there.

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