

BISBEE DAILY REVIEW

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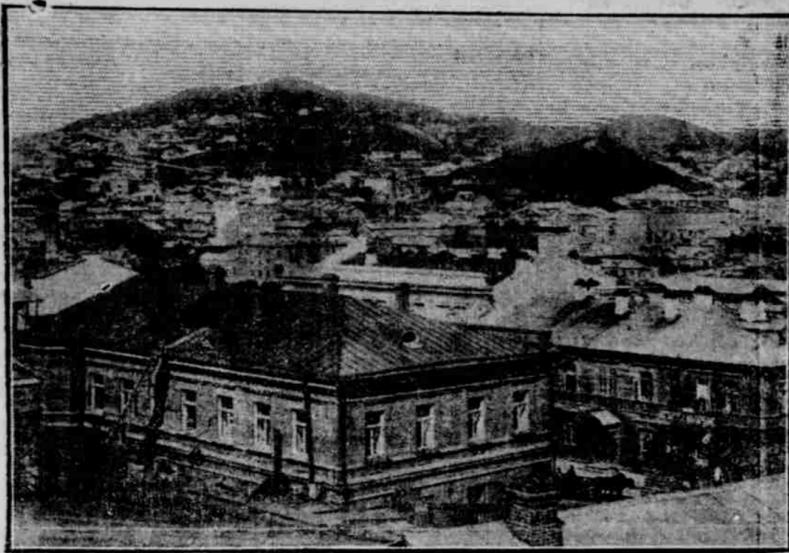
VOL. VII

BISBEE, ARIZONA, FRIDAY MORNING, APRIL 1, 1904.

UNIVERSITY CLUB

NO. 276

It will be well to Remember that the Review is the only Paper receiving and publishing Associated Press Dispatches. These are received Every Night, hence authentic war news makes the Review valuable as an Advertising Medium



VLADIVOSTOK.

Vladivostok is the terminus of the Trans-Siberian railroad, and consequently a point of the utmost strategic importance to the Russians. The hills seen in the road constitute the town's best defenses.

Judge Doan Decides Case

HELD THAT CITY CLERK HICKS WAS A PUBLIC OFFICER AND THE GREAT REGISTER WAS A PUBLIC RECORD.

Writ of Mandamus Was Dismissed on the Ground That the City Council Had Not Provided the City Registering Officer With Suitable Quarters or Sufficient Help to Allow Inspection of Records in His Possession.

(Special to Review.)

March 31.—Judge Doan today practically decided in favor of every contention made by the plaintiffs in the mandamus suit against City Registering Officer Hicks. The writ of mandamus could not be granted or made perpetual for the reason that since the action was brought and the day set for the hearing, the records had passed out of the possession of the defendant.

Judge Doan held that City Registering Officer Hicks was a public officer. He held that the City Register in his possession was a public record, and censured the Common Council of Bisbee for not providing suitable quarters and sufficient help for the proper conduct of the registration.

The Legislature that passed the Registration law was also criticized for the wording of the law, defining the powers of the Council in registration matters.

Lewis Hunt, alderman of the Second ward, was the only witness. He seemed to know more about the registration in Bisbee than any other man present. He attempted to tell how the City Registering Officer of Bisbee had been overworked, but very little of his story was admitted as evidence. Registering Officer Hicks was not present in court. His interests were being looked after by Hunt, who had him appointed to the position of registering officer, and who was the only man in Bisbee who was allowed to see the registration records.

The expressed opinion here is to the effect that the contention of the Democrats in every particular was in accordance with law and precedence. Judge Doan so held this afternoon, but instead of placing the blame on the shoulders of Hicks he shifted the burden to the Republican City Council of Bisbee for not conducting the registration in a proper manner.

The case will serve as a precedent for Bisbee in the future.

Registering officers under the decision of Judge Doan today must in the future keep their records open for inspection, and the Council must provide suitable quarters and additional help if necessary, for the inspection of such records.

The case decided at Tombstone yesterday was the outgrowth of a political job attempted to be perpetrated on the people of Bisbee by a small crowd of would-be ward leaders in the ranks of the s. o. p. Alderman Hunt, who was the star witness as to the

(Continued on Page Eight.)

Repeal Bill Before the House

CLARKE REFUTES STATEMENT THAT GREAT FRAUDS HAVE BEEN COMMITTED.

McCreary Declares Republican Pledges Have Been Broken With Regard to Statehood for New Mexico, Arizona and Oklahoma.

Washington, March 31.—The attention of the Senate was divided today between the bill for the repeal of the desert land, timber and stone and homestead commutation laws and post office appropriation bill. The repeal bill was taken up only for the purpose of discussion, and Clark, of Montana, was the principal speaker. He contested the position taken by Gibson that there had been great frauds in the administration of the land laws in the West. He declared there is a lobby in Washington in the interest of the repeal bill, and engaged in a short colloquy with Patterson, during which each characterized statements of the other as untrue.

Mr. McCreary spoke on the post office bill, and was frequently interrupted by Republican Senators. McCreary also criticized the policy of the Republican party in regard to immigration and statehood for Arizona, New Mexico and Oklahoma. He declared the Republicans had broken their pledges.

CARRINGTON TO BE RELIEVED.

San Francisco, March 31.—Major Carrington, in command of the Philippine scouts now at Presidio, has been ordered to start at once for St. Louis and turn over his command, after reporting to the Adjutant General.

RIVERS OVERFLOWING BANKS.

Butte, Mont., March 31.—Reports received from eastern Montana for the past few days state that owing to the melting snows and rains, rivers and creeks of that section are overflowing their banks. Ice in the Tongue river, five miles above the city, has been piled high for several weeks, causing the water to overflow the banks and flood the town.

TELLURIDE SHERIFF RETURNS TO HIS HOME EMPTY HANDED

Denver, March 31.—Sheriff Rutin, of Telluride, who came here yesterday with a warrant for Secretary Haywood of the Western Federation of Miners, in which Haywood was charged with desecrating the flag, returned to Telluride tonight without having performed his mission.

Service of another warrant, sworn to in Denver and charging the same offense, before Rutin could locate Haywood, and the arrest and release on bond of the latter, followed the plans of the Telluride sheriff, and he was compelled to return empty handed.

BRYAN LOSES HIS WILL CASE

JUDGE RULES THAT SEALED LETTER WAS NOT PART OF WILL OF PHILIP S. BENNETT.

CASE TO BE APPEALED

Finding Was Given in Accordance to Instructions to Jury, and Upholds Previous Decision of the Probate Court—\$50,000 at Stake.

New Haven, Conn., March 31.—Finding that the sealed letter by which Philip S. Bennett expressed the wish that \$50,000 should be given to William J. Bryan and his family was not part of the last will of Bennett, was returned by the jury today in the Superior Court.

This decision, which upholds the decision of the probate court, was given in accordance with instructions to the jury from Judge Gager, who presided at the Superior Court trial. Judge Gager's ruling on the question has never been directly before the courts of Connecticut, and decides that the sealed letter could not be admitted as evidence.

The decision followed the arguments which had occupied most of the two preceding days' session, regarding admissibility of this letter as evidence, the counsel for Bryan contending that it should be admitted, while the attorneys for Mrs. Grace Imogene Bennett, widow, and other heirs presented arguments.

Mr. Bryan's appeal was based on the exclusion of the letter as part of the will in the probate court, so the decision by Judge Gager that it could not be admitted as evidence practically concluded the proceeding in the Superior Court, and the jury was accordingly directed to bring in a verdict against Bryan.

An appeal will be taken to the Supreme court by Bryan on the ground that the letter should be admitted as a part of an established trust.

He left his warrant with the police, however, to be served as soon as the present case is disposed of.

The case is set for hearing April 8. It is not believed Haywood will attempt to give bond for fear the Telluride warrant would then be actionable.

Haywood practically enjoys freedom, a deputy sheriff accompanying him wherever he goes.

A brief censored dispatch from Telluride tonight speaks of the inspection of troops by a U. S. Army officer today. The men were complimented.

COMMANDER VIGSBURG CENSURED

DIDN'T ENTER PROTEST AGAINST THE JAPS ENTERING OF THE PORT.

FEELING VERY BITTER

Vicksburg Surgeon's Services Were Refused When Offer Was Made to Administer to Wounded—Continued Skirmishing, With Heavy Losses to the Japanese.

St. Petersburg, March 31.—A correspondent of the Russ, who has just returned from Korea, writes he knows from official sources that the command of the other commanders against the Japanese entering port to engage the Variag and Korietz, and later, after the fight, when the Vicksburg sent her surgeon, his services were refused.

The tone of the correspondent is very bitter. He adds that he saw American denials of the incident when he arrived at Port Said, but that they are convincing.

THEY ARE GETTING ON DANGEROUS GROUND

SHIPS MUST SHOW THEIR COLORS, OR RUSSIA WILL SINK THEM IF SHE CAN.

Washington, March 31.—Count Cassini, Russian ambassador, today addressed the following communication to Secretary Hay:

"By order of my government, I have to inform your excellency that the following announcement has just been made by the commander-in-chief of the fleet in the Pacific ocean: Any public or private vessel navigating waters in which military operations are carried on and detected at night without showing and which, after warning by firing of gun, will not show its colors, will be considered as an enemy and sunk."

THE CRUISER DENVER FAILS TO MAKE SPEED

Boston, March 31.—The projected cruiser Denver was given her second government speed test over the Cape Anne course today and again failed to reach her contract requirements of 17 knots per hour, her average speed being 16 1/2 knots.

HEAVY RAINS HAVE INCREASED DANGER

Indianapolis, March 31.—Heavy rains have increased the flood danger in southwestern part of Indiana. Vincennes, Mount Carmel, New Harmony, Graysville, Princeton, Evansville, Westport and all of Lawrence county, Illinois, are suffering from high water. Westport has been completely abandoned. Hundreds of refugees are living in school houses and barns. Livestock is quartered in hay lofts, and railroad traffic is at a standstill. One death by drowning is reported at Vincennes.

New York, March 31.—Silver, 55 1/4; Mexican collars, 44c. Copper, firm and unchanged.

Special Agent Valentine, of the treasury department, accompanied by his wife and Edwin Baker, collector of Arizona customs, was in Douglas yesterday, inspecting the custom house and its workings. He was also here to look into the question of moving the custom house to a point nearer the line than it now is.

Appropriation Bill Blocked

GETTING READY FOR FINAL TOUCHES WHEN SENATOR OFFERS AMENDMENT.

To Strike Out Appropriation for Rental of New York Custom House—Canteen Discussed.

Washington, March 31.—Consideration of the sundry civil appropriation bill was concluded in the House today and the bill was about to be passed when Sulzer forced a roll call on a motion to recommit the bill with instructions to strike out the paragraph appropriating \$136,000 for rental of the New York custom house. The vote developed "no quorum," and adjournment was taken.

The right of boards of directors of state homes for disabled volunteer soldiers to retain certain portions of pension money received by inmates was discussed at length.

Bell, of California, assailed his own state for permitting a canteen to be established in the California State home, and charged that old soldiers were allowed to draw their pensions from the home in most instances only through canteen checks. An extended debate took place on the amendment, after which it was adopted.

FIRST STEP TOWARD PUNISHING THE ASSASSINS

TWELVE HIGH ARMY OFFICIALS RETIRED FROM THE FORCES OF SERBIA.

Belgrade, March 31.—A royal decree issued today retires twelve of the high army officers.

Vienna, March 31.—The royal decree issued at Belgrade today retiring twelve high army officers is regarded here as the first step in a scheme for settling the question of the treatment of the assassins of King Alexander and Queen Draga. This scheme is intended to pacify those powers which practically broke off diplomatic relations with Serbia when the regicides were retained in power.

STATEHOOD BILL TO BE RECOMMENDED TOMORROW

Washington, March 31.—The statehood bill as prepared by Republican members of the sub-committee of the House Committee on Territories, was considered today by the full sub-committee, and will be recommended favorably to the full committee tomorrow.

COLORADO IN GRASP OF STORM KING

Denver, March 31.—A storm of snow and rain is progress throughout the State of Colorado tonight. On the continental divide snow is reported from 2 to 6 feet deep. Shovels and rotary plows are keeping the Gunnison branch of the Colorado and Southern road open at Alpine tunnel. Heavy snow slide is reported from there.

THREE PERSONS PLUNGE 250 FEET OVER FALLS TO THEIR DEATH

Boise, Idaho, March 31.—Three persons plunged 250 feet to their death over the Shoshone Falls of Snake River about 9 o'clock last night. They were Miss Willis, Samuel Graham and a man whose name is unknown. Miss Willis sometimes runs the ferry boat at this perilous place. Last night Miss Willis took the boat across in response to a call. On return she found the guide rope was not working properly and put back. Graham and the

COPPER KING TURNED LOOSE

JUDGE BEATTY ENDS CONTEMPT PROCEEDINGS AT BUTTE.

DEFENDANTS PAY COST

Famous Case Has Attracted Great Attention Throughout the Northwest Owing to Prominence of the Defendants, Heinze, Terise and Frank.

Butte, March 31.—Late this afternoon Judge Beatty signed an order for the discharge of the defendants, A. F. Heinze, J. A. Terise and Alfred Frank from the contempt proceedings instituted some time ago by Butte and Boston companies, and argued at Helena before an Idaho judge, when he was sitting there on the former occasion by Judge Knowles.

The defendants at the Helena hearing were adjudged guilty of contempt in stopping the progress of the inspectors who had been appointed by the county to inspect the workings of Rarus & Johnstown claims that were thought to lead into the Michael Devitt, which was under injunction.

Heinze was fined \$2,000, and each of the other defendants were fined \$500. Collection of the fine was held in abeyance, with instructions that if the inspection was allowed to proceed the sums would not have to be paid.

The decision was appealed from the circuit court of appeals at San Francisco, and affirmed by Judge Beatty. About March 9 the inspectors were again stopped in their work, and the defendants were arrested and brought before Judge Knowles for contempt. Judge Knowles let the parties go on parole pending the hearing before Judge Beatty, who was to arrive here about two weeks later to hear the contempt matters.

The marshal's return was read today, stating the facts as to the inspectors being stopped on March 9, and stating further that after Judge Knowles had let the defendants go on parole they had not interfered with the inspection. The costs were taxed to the defendants, and they were discharged from past liabilities.

INDICTMENTS RETURNED.

Seventeen Policemen in St. Louis Charged With Negligence in Office.

St. Louis, March 31.—The grand jury called some time ago to investigate the alleged assaults perpetrated upon voters during the Democratic primaries on March 12, made a report today, returning indictments against 17 policemen and John Lavin, central committee man, charging them with failing to quell disturbances. The report also severely criticizes Governor Dockery for allowing the St. Louis police department to be used as a political machine.

Japs Lose Heavily.

London, March 31.—A correspondent of the Daily Telegraph at Seoul reports there is continuous skirmishing between Ping Yang and Wifu, and that many Japanese have been killed. The correspondent adds that a Korean spy at Ping Yang has been shot by Japanese.

LEVEE BREAKS.

Havana, Ill., March 31.—By the breaking of the big levee here today more than 12,000 acres of farms have been flooded. The loss is estimated at \$75,000.