

The Washington Times

LARGEST CIRCULATION
IN WASHINGTON
OF ANY NEWSPAPER

Unsettled weather to-night and tomorrow, with occasional showers.

NUMBER 3761.

WASHINGTON, TUESDAY EVENING, SEPTEMBER 27, 1904.

PRICE ONE CENT.

JAP STRATEGISTS SET STAGE FOR COMING TRAGEDY

Battle Deferred Until
Offensive Positions
Are Gained.

MARCHING ON THE PASS

Re-enforcements and Move-
ments Reported by Rus-
sian Commanders.

ST. PETERSBURG, Sept. 27.—General Sakharoff wires that a Japanese force on September 25 advanced along the ground between the Mandarin Roads and the Heights of Toumitsi to the southeast of Mukden.

The movement, apparently a reconnaissance, was retarded by Russian cavalry.

The Japanese, he adds, are not yet north of Davan.

REPULSE AT KAOUTOU PASS.

General Sakharoff reports that during the last two or three days the Japanese vanguard has attempted to occupy the Kaoutou Pass, but the attacks have been repulsed.

All is quiet along the Russian south front, except for skirmishes between the outposts.

Kuropatkin reports the Japanese re-enforced at Bentsiaputze. He also records the attempt of the Japanese to seize the Kaoutou Pass.

Skirmishes have occurred in the valley of the Hun, and also in the vicinity of Inpou. Large numbers of Japanese, Kuropatkin says, are advancing upon Dziantchau.

MARCHING ON THE PASS.

A large Japanese force is now marching direct on the Tse Pass, north of Mukden, on the Liao River, by a road from Tsean-Chan, which passes 100 miles east of Mukden.

When this fresh turning movement is sufficiently advanced a general movement against the Russian forces is anticipated. It is reported that the Japanese efforts are being somewhat retarded by disease.

Da Pass is necessary for the complete success of the move, and it is stated that the Mikado's men have not yet penetrated this defile. These facts, however, while more or less a hindrance to the Japanese full advance, are not expected to retard the first stages of the battle.

MAIN FORCES ARE AT TIE PASS

TOKYO, Sept. 27.—The Russian outposts south of Mukden, which have hitherto been composed of troops who fought at Liao-Yang, now consist of fresh troops from Europe. The main strength of the Russians is at the Tse Pass, east of the railway from Liao-Yang to Mukden. It is mountainous to the very banks of the Hun River. The succession of hills furnishes excellent cover for the army. Therefore, the Russians do not expect attack by the direct and easy route over the plains to the westward, but through the mountains from the southeast.

JAPS MOVING ON THE HUN RIVER

ST. PETERSBURG, Sept. 27.—Dispatches from the front state that the Japanese are still moving toward the Hun River, but making very slow progress.

The cause of the extreme deliberation in the Japanese advance on Mukden was explained by a dispatch from General Kuropatkin, which indicates that

(Continued on Third Page.)

WEATHER REPORT.

Low pressure continues with unsettled weather over the entire country, except the Pacific States, and there have been local showers over all districts, except the West Gulf States.

Temperatures are 3 degrees to 18 degrees above the seasonal average in the middle slope, central valleys, and the South, while west of the Rocky Mountains they are comparatively low.

Unsettled weather will continue to-night and Wednesday in the East and South, with local showers in the central Rocky Mountain region, the middle and southern plateaus. The weather will be fair and comparatively cool. It will be cooler tonight in the extreme South-west.

THE TEMPERATURE.
8 a. m. 69
12 noon 71
1 p. m. 71
2 p. m. 71
2 p. m. 75

DOWNTOWN TEMPERATURE.
(Registered at Ashick's Standard Thermometer.)
8 a. m. 68
12 noon 70
1 p. m. 70
2 p. m. 70
2 p. m. 75

THE SUN.
Sun sets today 5:51
Sun rises tomorrow 5:52

TIDE TABLE.
Low tide today 3:51 p. m.
High tide today 9:42 p. m.
Low tide tomorrow 4 a. m., 12 p. m.
High " " tomorrow 10:22 a. m., 10:22 p. m.



He Did It!

WILLIAMSON FILES ANSWER TO BYRNE

Acted in Good Faith in
Executing Releases.

CONFIDENCE IN WAGGAMAN

Samuel Waggaman Files Separate Answer—He Has No Personal Knowledge of Holders of Notes.

Irving Williamson, counsel for Thomas E. Waggaman, who is named with him and others as a defendant in proceedings brought by Joseph T. Byrne and others to restate a certain deed of trust, in his answer today admits the execution of the deed from C. J. Heyland and others to Fannie A. Moore, conveying the property referred to and the deed from Moore to Williamson and Waggaman, securing the same by a deed of trust. He further says he has no reason to doubt that the complainants hold the notes mentioned. The conveyance from Moore to Waggaman and Ridout, trustees, is also admitted.

Releases Executed.
Mr. Williamson goes on to say that prior to 1900 he executed releases of parts of the tract conveyed by the deed of trust in question, dated June 21, 1887. The last of the releases, he says, he believes were executed in 1901, and recite on its face that other property remained within the lien of the trust. So far as he is concerned, he says he executed the releases in good faith, without fraud or suspicion of fraud, upon assurance by Waggaman, in whom he had absolute confidence, that the deed of trust of June 21, 1887, was the deed of trust of June 21, 1887, and that the property remaining unreleased and unexecuted in the deed was of value sufficient to pay all persons looking to that security.

Filed Separate Answer.
Samuel Waggaman, who is also named as a defendant in the proceedings, files a separate answer. He says he has no personal knowledge as to who are the holders of the notes in question, or as to what property was originally embraced in the deed of trust.

PLACE BIGGER GUARD OVER CRUISER LENA

SAN FRANCISCO, Sept. 27.—A detachment of 14 marines under Capt. J. H. Day, United States Marine Corps, arrived yesterday at Mare Island navy yard, from Washington, D. C.

They were hurriedly dispatched to reinforce the garrison at Mare Island in order to maintain a stronger guard over the Russian cruiser, Lena.

SUES TELEPHONE COMPANY.
Maurice McAuliffe today began suit against the Chesapeake and Potomac Telephone Company to recover \$10,000 as damages for alleged personal injuries. He alleges that on December 21, 1902, he was knocked down by a wagon owned by the defendant and seriously injured.

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RICH VENEZUELAN, SCORNED IN LOVE, COMMITTS SUICIDE

Young Von Banditz, Heir to Millions, Kills Himself Because Girl Would Not Wed Him—Leaves Her His Jewelry.

NEW YORK, Sept. 27.—Because he failed to win the love of a New York woman, Carlos Frederique Von Banditz, son of one of the most prominent and wealthy families in South America, and heir to many millions, committed suicide in his apartments in the Hotel Endicott shortly after midnight.

He sent a bullet from a .38-caliber revolver through his brain. Death was instantaneous. She is with another man, and she loves him.

Attack on Escort.
Diners at that moment saw a handsome woman enter the hall. She was accompanied by a handsome man. Von Banditz sprang from the table and attempted to attack the man. His two friends, however, took him to the street.

General in the Army.
Young Von Banditz's father is a general in the Venezuelan army. The Von Banditz estates at Neutras, Venezuela, are the most valuable private estates in the country. His mother comes from a wealthy Trinidad family, where she owns asphalt mines worth many millions.

His Last Acts.
Upon going to his apartments Von Banditz penned three letters. Two of them were in Spanish. One to his mother begged her forgiveness for ending his life. The third was in English, and stated that he intended killing himself.

Apparatus Inadequate.
It was said this morning that nearly 500 passengers above their legal limits on each trip, and that, should an accident happen, the loss of life would be frightful, the boats, if other life-saving apparatus being daily inadequate to care for the people.

POLICE COURT JUDGE.

Chief Justice Clabough today appointed Justice of the Peace Luke C. Strider an interim judge in the Police Court. He will serve from September 29 to October 4, next.

CASSINI COMING TO WASHINGTON

Breaking of Parole by Lena
Officers the Cause.

TIME OF ARRIVAL UNKNOWN

Action of Cruiser's Crew Brings Matters Again to Critical Stage. Troublesome Question.

Count Cassini, the Russian ambassador, is hastening back to Washington to look after the important questions which that he had left Har Harbor Sunday morning in connection with the landing of the Russian cruiser Lena at San Francisco and the breaking of parole by members of the crew.

The ambassador was expected here yesterday, but for some reason he failed to arrive. A brief telegram announcing that he had left Har Harbor Sunday morning was all the information obtainable by persons in charge of the embassy here, and upon receipt of the message all haste was made to get the ambassador's residence in readiness for his arrival. Carpets were put down and curtains hung in record-breaking time, and yesterday the servants of the embassy were striding about in momentary anticipation of the ambassador's coming.

A Matter of Doubt.
Now it is said that the exact time of the ambassador's arrival is a matter of doubt. Presumably he is still in New York and perhaps may remain there with the Countess Cassini until the end of the week.

Count Cassini's Return to Washington.
Count Cassini's return to Washington is timed to coincide with the return of Secretary Hay. The ambassador will undoubtedly lay before the Government certain matters in connection with the trial and questions, and will more particularly deal with the threatened troubles over the Lena.

A Delicate Question.
When the disabled Russian cruiser Lena came through the Golden Gate this Government was at once confronted with the perplexing question that had caused so much trouble at Shanghai. It was successfully dealt with, however, the most important stipulation being that the officers and crew of the ship should consider themselves virtually prisoners, not being allowed to fight for Russia again.

DIG TANNERY BURNED.
ORLEANS, N. Y., Sept. 27.—Fire destroyed the Bushwell & Hubbard tannery here this morning at an early hour, throwing 200 men out of employment. The buildings and stock were insured for \$15,000, the loss being total. There were about 14,000 hides on hand.

Snappy Brown Suits—Wineman, 914 F. —Adv.

VILLAGE JUDGE GETS LEGAL TIP

Massachusetts Official's Assumption of Power Brings About an International Tangle—Government Acts.

ACTING SECRETARY LOOMIS SENDS OUT WORD OF WARNING

Arrest of British Attache Involves Question Raised When Italian Ambassador Was Brought Into Court.

Massachusetts police court officials know more about international law today than they did yesterday, and they will not forget what they have learned. The arrest of Hugh Gurney, third secretary of the British embassy at Lee, Mass., yesterday for exceeding the speed limit while automobiling, and the action of a village magistrate has dragged the United States into an international tangle which the State Department and Department of Justice are both busily engaged in straightening out.

Acting Secretary Loomis sent a dispatch to Governor Bates of Massachusetts last night asking him to call off the Lee officials and let them know immediately that they have no right to arrest or fine a member of a foreign embassy.

Attorney General Moody has also instructed the United States district attorney to go to Lee and call the attention of the officials to the statute which provides that only the Supreme Court of the United States has jurisdiction in cases involving a person attached to an embassy or legation.

There will, doubtless, be a great change in the front of the Lee officials when they are shown that under the United States statutes they have laid themselves liable to imprisonment for three years in arresting and fining Mr. Gurney. It is generally believed, however, that the Lee officials will suffer anything worse than humiliation as a result of their display of dense ignorance concerning the rights of foreign representatives in this country.

Complaint to Embassy.
Mr. Gurney went to Lenox from Lee, where he obtained money to pay his fines, and laid his grievance before Mr. Raikes, the first secretary of the British embassy. Mr. Raikes immediately called the matter to the attention of the State Department.

FINE OR JAIL FOR MR. GURNEY
LENOX, Mass., Sept. 27.—Hugh Gurney, third secretary of the British embassy, received a call from Deputy Sheriff Noble of Stockbridge, yesterday, at the summer headquarters of the embassy here, and a warrant was served upon him charging him with violating the automobile speed laws of the State of Massachusetts and the town of Stockbridge.

Surprised and indignant, Mr. Gurney informed the officer that he was immune from arrest under international law, and he declined to go with the deputy sheriff to Judge Phelps' court, in Lee.

The deputy sheriff remarked that if the secretary did not go voluntarily he would be taken by force, and Mr. Gurney consented to go.

When the third secretary reached the courthouse, he was arraigned, before Judge Phelps and the warrant was read to him. The judge told him he must plead to the charge, and Mr. Gurney, in a British diplomatic tone, declined to answer.

Stands on His Rights.
The warrant was read again, and again the secretary refused to plead. For the third time the warrant was read, and for the third time Mr. Gurney would say nothing. The common-law officer obtained counsel and the case continued, said Judge Phelps, "and if you wish you can have the matter taken to a higher court, but you have got to plead to the warrant."

Mr. Gurney still stood upon his rights and then Judge Phelps fined him \$5 for contempt of court.

MR. HEARST MAY NOT RETURN TO CONGRESS

Reports were received in the city today to the effect that for some reason unknown, William Randolph Hearst will not return to Congress when his present term expires.

The reports have it that he does not want the nomination, and that Grand Southern Murphy, of Tammany Hall, has decided to give the place to Former Senator Towne.

It was also said Murphy contemplates a general revision of the Congressional delegation.

Murphy's appointment not long ago announced that Sulzer would be retired at the end of his present term, and that the late Senator Brice's son would succeed him.

It seems that Sulzer had other views, however, and is coming back, while Brice is now scheduled to succeed Douglas.

contempt of court. A moment later the judge fined him an additional \$5 for turning his automobile too fast in the streets of Stockbridge.

The court turned the prisoner over to Deputy Sheriff Noble with the warning that if the fines were not paid the third secretary would have to go to jail.

Mr. Gurney had only \$15 in his pockets. The deputy sheriff volunteered to go with him to Lenox to get the rest of the money. When they arrived there, Mr. Gurney consulted with the other attaches of the embassy and sent several dispatches to Washington. Then he told the deputy sheriff he would not pay the fines until he had heard from Washington.

"You must pay at once or go to jail," was the officer's response, and Mr. Gurney finally handed over the amount of the fines.

GURNEY CASE HAS WIRES HOT

BOSTON, Sept. 27.—The following telegram was received at the executive office this morning:

"WASHINGTON, D. C., Sept. 26.

"Hon. John L. Bates, Governor of Massachusetts: British Embassy informs me that Mr. Gurney, third secretary of that embassy, charged with driving his automobile at excessive speed, was today arrested by deputy sheriff and taken after entering protest under threat of force to the court at Lee, when in spite of his protest he was sentenced to a fine of \$5 for contempt of court and go to prison if he did not pay."

Section 402 Revised Statutes of the United States declares that any writ or process issued out or prosecuted by any person in any State court or any judge or justice whereby the person of any public minister of a foreign state is arrested or imprisoned shall be deemed void.

"Section 404 declares that any person obtaining or prosecuting such writ or process, or any officer concerned in executing it, shall be deemed a violator of the law of nations, and subject to imprisonment and fine, and to request that you take such action as may be proper in this case."

"(Signed) ALVEY A. ADEE, Acting Secretary of State."

Message to Phelps.
After a consultation with Assistant Attorney General Nash, Acting Governor or Guild sent the following telegrams:

"To Hon. H. S. C. Phelps, Special Justice, Lenox, Mass.: The following telegram has been received this morning from the State Department:

Here follows copy of the telegram. "The Assistant Attorney General informs me that if the facts are as stated you have in your endeavor to enforce the laws of Massachusetts for the security of life upon our highways committed a grave breach of international law. May I ask you to telegraph me at once if Mr. Gurney is arrested and fined in spite of protest."

"Other channels of redress are open in this case. Therefore, if fine was imposed and collected, the common-law will apologize, the fine must be remitted, and I need not suggest to one so respected as you the personal amendment that you will, of course, desire to make Mr. Gurney for the error in method adopted by your court in this unusual case."

"Kindly forward to me affidavit of the evidence of a grave breach of Massachusetts laws."
(Signed) CURTIS GUILD, Jr., Acting Governor."

Telegram to Adee.
A telegram to Secretary Adee was sent as follows:

"Your telegram in regard to the third secretary of the British embassy just received. Investigation already started. Immediate action will be taken."
(Signed) CURTIS GUILD, Jr., Acting Governor."

Governor Guild stated that no further action would be taken until he received a reply from Judge Phelps, who is now conversant with all the facts in the case.

HIS HORSE IS GONE AND WITH IT LIVELIHOOD

One of the most pathetic cases reported to the police for some time was that of the loss of a horse by Samuel Chery, who lives with his wife and four children at 641 Twentieth Street northeast.

Detective O'Brien investigated the case. He says he ascertained that Chery has for years used his horse and wagon to haul ashes from residences, and do any sort of work that he could get. On Sunday his bay mare, fifteen hands high, weighing about 1,500 pounds, either strayed away or was stolen. As the owner had no work to do on that day, and had but little or no feed for the animal, he allowed her to graze on the fields near Benning.

It could not be found. The man is said to be penniless and O'Brien says he has but little food and provisions for his wife and children, and no means of support.