

JAPANESE CARRY MOUNT SUNGSHU

STRONGHOLD AFTER MINES DESTROY WALL

RUSSIANS RESIST VALIANTLY

Admiralty Denies Recall of Ships From Second Pacific Squadron. Togo Invokes Dead Sailors for His Fleet

TOKIO, Jan. 1, 7 a. m.—Sungshu mountain (Canonia hill) was stormed and captured yesterday (Saturday) by the Japanese forces besieging Port Arthur. A telegram from the besieging army at Port Arthur received today: Through an opening at the entrance into the bomb-proof in the gorge at Sungshu mountain all the entombed Russians were gradually brought out. The rescued number two officers and over 160 men. According to the prisoners about 150 corpses are buried under the debris caused by the explosion of our mines. The trophies taken include field and machine guns not yet enumerated. "At 6 o'clock Saturday morning our sapping body in front of the east fort on Panlung mountain blew up a part of the old Chinese wall and are now concentrating defense works there."

MINES DEMOLISHED WALLS

Victors Crowded into the Fort After Explosion

TOKIO, Jan. 1, 10:30 a. m.—The war department confirms the reported assault upon and capture of Sungshu yesterday by the forces besieging Port Arthur. The attack began after the capture of Rihlung mountain. At first the attack failed to succeed on account of protection which the Russians enjoyed and the desperate character of their defense. Yesterday at 10 a. m. the Japanese exploded a series of mines and immediately assaulted the works, which they entirely occupied by 11 o'clock. The Russians exploded a series of mines as they retired. A portion of the garrison retreated southward. Another portion held the gorge where they were buried by the debris thrown up by the explosion of their own mines.

Denies Recall of Fleet

ST. PETERSBURG, Dec. 31.—The admiralty absolutely denies the report circulated last night that the battleship Orel and the cruiser Iauhrad of the Russian second Pacific squadron had been ordered to return.

TOGO REPORTS THE DEAD

He Makes Pathetic Apostrophe to His Departed Comrades

TOKIO, Dec. 31, 7 p. m.—At the funeral here today of several officers and men who were killed while fighting under him in attacks on the Port Arthur fleet and fortress, Vice Admiral Togo addressed their spirits in the following words: "As I stand before your spirits I can hardly express my feelings. Your personalities are fresh in my memory. Your corporeal existence has ceased, but your passing from this world has been in the gallant discharge of your duty, by virtue of which the enemy's feet on this side of the world has been completely disabled and our combined fleet holds undisputed command of the seas. "I trust this will bring peace and rest to your spirits. "It is my agreeable duty to avail myself of my presence in this city, whither I have been called by our emperor, to render a report of our successes to the spirits of those who sacrificed their earthly existence in the attainment of so important a result as that above rendered. "Most humbly Me, in person, "HEIHACHIRO TOGO, "Admiral of the combined fleets."

Loan Terms Please Russia

ST. PETERSBURG, Dec. 31.—The terms of the new German loan are regarded favorably here as an evidence of the state of Russian credit abroad. It is pointed out that during the Russo-Turkish war the Mendelssohns (bankers of Berlin), who are syndicating the present loan, were not completely successful in financing a 5 per cent loan at 7 1/2.

English Watch Russia's Fleet

MELBOURNE, Victoria, Dec. 31.—The Argos intimates that the British cruisers Cadmus and Torch, which recently sailed for the Tonga islands, also visit the Marshall islands in conjunction with the possible coaling of vessels belonging to the Russian second Pacific squadron.

YOUNG WOMAN ENDS LIFE BY DROWNING IN A BARREL OF RAINWATER

By Associated Press. WATSONVILLE, Dec. 31.—Annie Truckson, a prominent young woman of this city, committed suicide today by drowning in a barrel of rainwater in the rear of her home. She was 26 years old. Disappointment in love is assigned as the cause for suicide.

DR. CHADWICK IS WILLING PRISONER

GOES TO CLEVELAND WITHOUT REQUISITION PAPERS

IS STUNNED BY WIFE'S FATE

Weeps When Told She Is Measured by Bertillon System—Will Tell All in Proposed Book

By Associated Press. NEW YORK, Dec. 31.—Dr. Leroy S. Chadwick, husband of Mrs. Cassie L. Chadwick, arrived in this country today on the steamship Pretoria, ran the gantlet of big crowds which had waited for hours to see him, was taken to Hoboken police headquarters and to the recorder's court and finally left for Cleveland, not as a prisoner but as the guest of Sheriff Barry, who had come from Ohio with a warrant for the doctor's arrest, which he did not serve. After the trying ordeal of the day, Dr. Chadwick appeared cheerful when he and Sheriff Barry arrived at the Pennsylvania station in Jersey City this afternoon to take the 5:15 train for Cleveland. Sheriff Barry had left Dr. Chadwick and his daughter, Miss Mary Chadwick, at the hotel in Hoboken, while he came to New York to attend to some business. The sheriff returned to the hotel early in the afternoon and he and Dr. Chadwick rode to the station in a cab. During an hour's wait at the station Dr. Chadwick talked of his travels, but declined to discuss his wife's troubles or his own. His daughter remained in Hoboken and in a few days will go to Jacksonville, Fla. The doctor's departure was delayed several hours that he might arrange for Miss Chadwick's trip south. According to an interview with a first cabin passenger, published here today, Miss Mary Chadwick said in the course of the voyage to America:

Daughter Has Lost Fortune

"We knew nothing or suspected nothing until remittances from home began to fall short. Now I have all of my gowns but none of my money left. I don't know what it all means. I know that father is not to blame. I think there has been some horrible mistake that will be able to clear up when we get home. I hated to believe that my mother wrongfully used my money, although apparently it is all gone."

According to the interview, Dr. Chadwick had lost \$3000 of his money, and several hundred thousand dollars that belonged to his daughter in her own right had also disappeared.

Dr. Chadwick and his daughter occupied one of the poorer staterooms in the second cabin.

Dr. Chadwick gave the Associated Press a long interview on his arrival. In reply to questions, he said:

"I am inexpressibly shocked by the recent turn of events. I am innocent of all charges against me and can point with pride to a thirty-five-year residence in Cleveland. I am entirely without information as to the case, except what I read in the papers and what you have been good enough to tell me. So I can say nothing of the awful charges against my wife. "My life the past few weeks has been a living death, and I hope no one will ever go through what I have undergone."

Stands by Her Father

"When I recovered from my illness in Paris my financial resources made it necessary for me to travel in the second cabin. I insisted that my daughter go first-class, but the noble girl refused and has kept at my side, cheering me in my dark hour of trouble and proving to me what a splendid woman she is. "I know little of Mrs. Chadwick's financial affairs and until I find out the details will say nothing. I am overwhelmed by the charges against her."

Dr. Chadwick read the Associated Press dispatch from Cleveland that Mrs. Chadwick had been measured by the Bertillon system. As he finished the reading he groaned aloud and as he turned to the correspondent, tears rolled down his cheeks.

"This is the last straw," he said, "measuring her in that way. I am absolutely innocent. And you say poor old Beckwith is very ill? Poor man! I know him but little, but I am sure he is innocent."

The correspondent then told Dr. Chadwick the statement that has been made that Mrs. Chadwick is believed to be Madame Devere. He fell back stunned.

"Madame Devere!" he cried. "I don't believe that such a thing can be possible. If she is I have never suspected it and do not for a moment believe it. "I cannot think Mrs. Chadwick guilty of anything. I do not know the charges, but she cannot be guilty."

Asked about his financial resources he said: "If what the papers say is true I am homeless and without a dollar. Oh, it is hard for one at my time of life to come to this! "To make my situation clear, I have

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INDICTS SENATOR AND CONGRESSMAN

MITCHELL AND HERMANN ARE ACCUSED OF FRAUD

SAYS \$2000 BRIBE PASSED

Deputy Sheriff Is Also Implicated With Statemen in Oregon Land Steals Now Under Investigation

By Associated Press. PORTLAND, Ore., Dec. 31.—United States Senator John H. Mitchell, Representative in Congress Binger Hermann and George Sorenson, formerly a deputy sheriff of Multnomah county, were jointly indicted today by the federal grand jury. The indictment alleges that John H. Mitchell and Binger Hermann did in January, 1902, unlawfully and feloniously conspire together and with each other and with S. A. D. Puter, Horace G. McKinley, N. W. Tarpley, Emma L. Watson, Salmon B. Ormsby, Clark E. Loomis and William E. Davis and others to defraud the government of the United States out of a portion of its public lands situated in township 11 south, of range 7 east, by means of forged and false affidavits and fictitious persons, and that in furtherance of such conspiracy S. A. D. Puter did on March 9, 1902, pay to John H. Mitchell the sum of \$2000 to secure his influence with Binger Hermann, then commissioner of the general land office in Washington.

It alleges that acting upon the suggestion and the wish of Senator Mitchell and influenced by him, knowing that the transactions were unlawful and felonious, Binger Hermann used his power as commissioner of the general land office to expedite twelve claims in township 11-7, and had them passed to patent when he knew them to be illegal and not according to the requirements of the law.

Tried to Bribe Hall

The indictment also alleges that on March 28, 1904, George Sorenson offered to John Hall, district attorney for the United States in Oregon, the sum of \$5000 with intent to influence said John Hall in his capacity when acting upon indictments returned against S. A. D. Puter, Horace G. McKinley et al., to defraud the government out of land in township 11, south of range 7 east.

The alleged connection of Senator Mitchell and Representative Hermann with the alleged conspiracy dates back, it is said, to the time when Mr. Mitchell received the letter from "a prominent attorney in Oregon," introducing S. A. D. Puter as a "responsible business man of Oregon."

Before he left Portland, the government will attempt to prove, that he went to F. P. Mays and secured from him a letter to Senator Mitchell though in fact, according to the government, he was already well acquainted with the senator.

He told the senator, it is alleged, that he had already sunk a large amount of money in the claims and that Emma L. Watson, a hard working and honest girl, had also invested in them at his suggestion.

Sought Mitchell's Influence

It was necessary for him to have some influence with the commissioner of the general land office to secure favorable recognition of his claims and he therefore would like to have the help of Senator Mitchell. The government will attempt to prove that he promised to make it right with the senator in the event that he could secure the good will and assistance of Mr. Hermann.

The government contends that Mr. Puter then went to see Binger Hermann, then commissioner of the land office, and talked the matter over with him. Hermann, it is alleged, did not see that anything could be done to the lands unless some action would be taken which would make the transaction of record in the office.

Puter then got into a hack, it is alleged, and went to the hotel of Senator Mitchell, the Dewey house, and told him of the alleged conversation with Commissioner Hermann.

The famous Puter-Watson affidavits, according to the government, were then made in the hotel of the senator, and it alleges that Senator Mitchell dictated the alleged papers to his own stenographer and had them delivered to Mr. Puter as soon as finished.

Hermann Acts Promptly

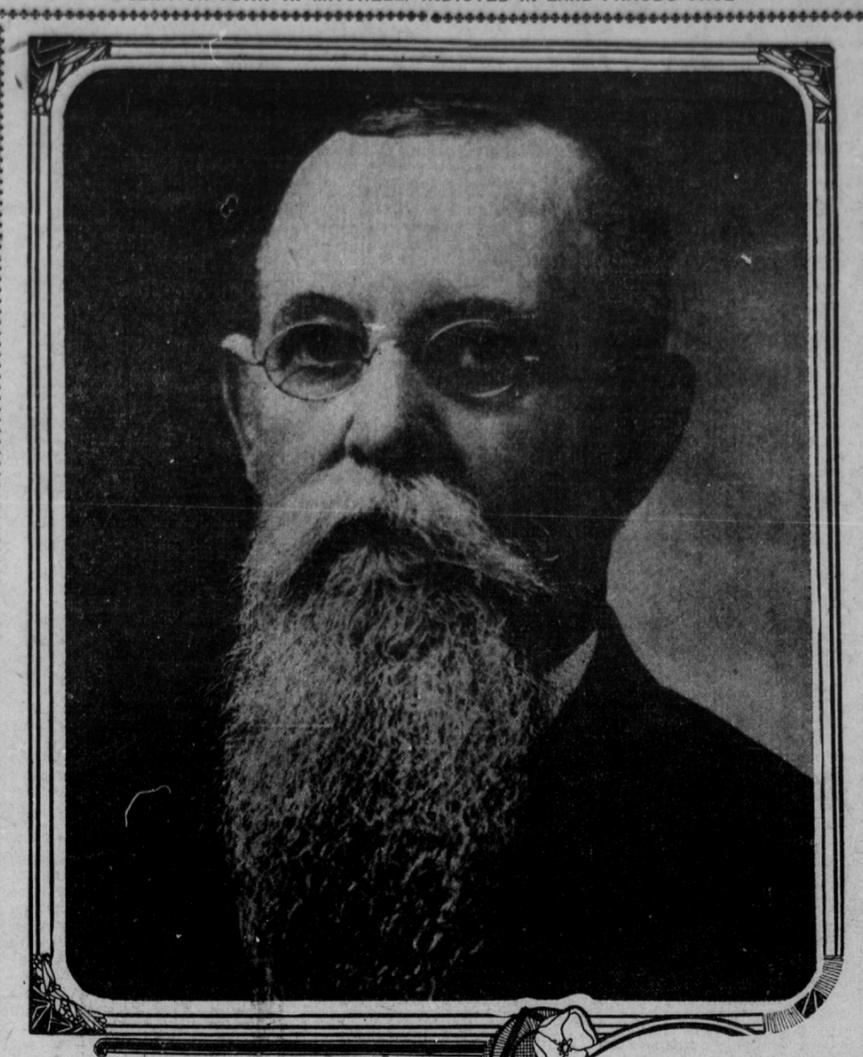
On March 6, 1902, the government alleges, Mr. Hermann wrote a letter to Senator Mitchell, stating that he had expedited the claims as per his request. This is the letter which was introduced in the first trial and over the identification of which both Senator Mitchell and Mr. Hermann were in doubt. It is also the letter which Commissioner W. A. Richards made his trip to Portland from Washington to identify.

The clerk in charge of the case recommended they be returned to the local land office at Oregon City for further proof and investigation, as the entries seemed to be fraudulent and not according to law. These were the Davis lands in which it is alleged W. H. Davis of Albany and others were interested.

Loomis, then forest superintendent, according to the government, in the

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SENATOR JOHN H. MITCHELL, INDICTED IN LAND FRAUDS CASE



FLINT LEADS IN SENATE CONTEST

WOLFE IS SLATED FOR PRO TEMPORE PRESIDENT

John Stafford Claims Majority for Sergeant at Arms of the House. Lamphrey Declines to State Figures

By a Staff Correspondent. SACRAMENTO, Dec. 31.—With the arrival here tonight of the Republican political bosses from all parts of the state and the subsequent opening of headquarters by the different senatorial aspirants the battle for control of the legislature which convenes Tuesday may be said to have reached an exciting pitch. The fight is now on in earnest and as yet it is difficult to forecast the final outcome. As predicted in the Herald there will be but two candidates to figure in the senatorial contest, Bard and Flint. Both sides are claiming a majority in the two houses, but as the case now stands it looks very favorable to Flint. His campaign managers are confident that he will win on the first ballot with a good margin of votes. Knight and Oxnard are practically eliminated from the fight. While a number of senators and assemblymen arrived in Sacramento this morning the scene of activities did not shift to the capital city until midnight, when the party leaders reached here in full force. Then the programers got together and began preparing for the opening gun Tuesday.

The slate is as yet incomplete in so far as the chief clerkship of the assembly is concerned, but it is conceded that General Frank C. Prescott of Redlands will be speaker. Ed Wolfe of San Francisco will probably be speaker pro tem of the senate and L. A. Hilborn secretary. Much interest centers in the outcome of the chief clerkship of the house. Jacob Steppacher has a strong northern following and Clio Lloyd has an almost solid southern delegation in his favor. Indications point to a warm contest with Lloyd the probable winner.

L. A. Hilborn is still being strongly mentioned for secretary of the senate and Lou Martin seems to be certain of his old place as sergeant-at-arms of the upper house.

John Stafford, sergeant-at-arms of the assembly last year, whose return to the place is being opposed by William N. Lamphrey of Sacramento, claims to have a majority of the house pledged to him. Lamphrey declines to give out any numerical estimate of his forces.

Los Angeles Delegates Arrive Assemblyman Frank C. Prescott, who now seems to be in the lead for the speakership, arrived in Sacramento tonight but before any of the waiting

legislators could hold conferences with him he sought seclusion in his apartments and sent word to all inquirers that he was indisposed. The arrival of the Los Angeles delegation attracted general attention. W. H. Wright, a Flint man from San Gabriel, came tonight to prepare for the opening of the headquarters of the senatorial candidate. He declared that Flint had announced tonight just before he had left San Francisco that he would receive fifty votes in caucus. It is announced that Fred Houser of Los Angeles will present Flint in the house and that Senator Hahn will perform a like service in the senate. Senator H. A. Broughton, instructed for Senator Bard, is said to be anxious to go into caucus, while Assemblyman W. A. Johnstone is supposed to hold such feelings in disfavor. It is more than likely that the headquarters of Geo. A. Knight and Henry T. Oxnard will be opened tomorrow evening.

UNIVERSITY SPECIFIES NEEDS

In Addition to Regular Appropriation Large Sums Are Asked

SACRAMENTO, Dec. 31.—A list of the appropriations that the University of California expects to receive from the present session of the legislature was presented to Gov. Pardee today by a committee from the board of regents, consisting of President Benjamin Ide Wheeler and Regents John A. Britton, R. J. Taussig, Judge Charles W. Slack and Attorney Charles Snook. In addition to the general sum for maintenance as fixed by law, appropriations for an agricultural building and a university farm were pointed out as of prime importance. President Wheeler states that while plans had been prepared for a half million dollar building, the university would be content with half that amount for the erection of a portion of the structure. It was stated that a good farm could be purchased for \$100,000. At the suggestion of the members of the pedagogical department of the university a bill appropriating \$10,000 for a teachers' training school to be conducted in conjunction with the university will be presented. That a special study of the diseases of grape vines may be made under the auspices of the university, an appropriation of \$5000 a year will be urged, instead of \$1500 granted two years ago. The system of farmers' institutes has grown to such an extent that \$6000 will be needed by the university agriculturists during the next two years to properly carry out their work. One of the most important appropriation bills that will be presented on behalf of the university will be an electric power plant for the Lick Observatory. Governor Pardee was told that if the university were granted \$10,000 a plant worth at least a third more than that amount could be installed, as Director W. W. Campbell had been promised necessary machinery either as a gift or at cost. The committee pointed out the fact that at the present time the observatory is lighted with kerosene lamps, that greatly endanger the place and that the telescope mechanism has to be moved by hand.

DEALS BLOW TO GAS MONOPOLY

SUPREME COURT ESTABLISHES RIGHTS OF CITIES

High Tribunal Decides That Charter Provision Is Not Necessary to Enable Councils to Proceed Against Corporations

In deciding three cases appealed from lower tribunals the supreme court of California has dealt the gas monopolies of the state a crushing blow. The decision means in substance that every city has the right to fix the price of gas and electricity, whether the municipal charter contains such a provision or not. "Paul Denlinger vs. the recorder's court of Pomona" were the cases upon which the supreme court passed yesterday. Robert G. Loucks, city attorney of Pomona, has been fighting the gas monopoly in his city for three years. Unable to proceed against them through the Pomona city council he proceeded criminally. The suit was decided in favor of the city by Judge Wilbur of the superior court of Los Angeles and the decision of the supreme court is a victory both for Attorney Loucks and Judge Wilbur.

Decision Far Reaching Attorneys consider the decision one of the most important and far reaching yet rendered by the supreme court. It establishes the right of a municipality to proceed against any gas or lighting company either civilly or criminally to compel the corporation to furnish the commodity at a reasonable rate. In case the corporation does not heed the civil action they may be proceeded against as criminals. An established rate may be enforced by arrest and conviction of the violators. In its bearing upon the situation in Los Angeles the decision of the supreme court is considered of great importance. Inasmuch as the city charter provides for the regulation of the gas business, the decision makes doubly plain the power of the council.

In Mr. Loucks' victory for the city of Pomona, those interested in the proper regulation of the gas business in Los Angeles believe that the last obstacle to securing a good quality of the commodity at a fair price has been removed.

Steamers Collide in Bay By Associated Press. SAN FRANCISCO, Dec. 31.—The steam schooner Newberg, in backing from her berth today crashed into the side of the government steamer General Mifflin. The Mifflin was crowded with soldiers she was taking from the Presidio to put aboard the transport Thomas when the collision occurred. The cabin and upper works of both vessels were considerably damaged though no one was hurt.

ESCAPE DEATH BY NARROW MARGIN

AVALANCHE BURIES TRACK OF GLENDALE LINE

PASSENGERS PANIC STRICKEN

Crowded Car Arrives at the Ledge a Moment After Tons of Rock Come Crashing Down

Injury and possible death for a carload of passengers on the Glendale line of the Pacific Electric railroad was avoided by a few yards yesterday afternoon, when an avalanche of rocks and earth crashed down upon the track in the Ivanhoe cut a moment before a car arrived at the spot. The landslide caused by the heavy rains of Saturday morning occurred shortly before 1 o'clock, and the car, on its way to Los Angeles, was crowded with passengers, among whom the wildest excitement prevailed when, as the car passed on to a level space, the whole side of the cut seemed to cave in, and then with a roar heard a mile away, descended upon the track. The car was not thirty yards distant from the scene when the landslide took place, and passengers who heard the rumble of the earth as it was torn loose from the top turned to see the mass of nearly 100 tons of rock and dirt descend upon the track over which they were about to pass. Had the car been a minute or two ahead of its schedule it would have caught the full force of the landslide or plunged at headlong speed into the mass of debris which filled the bottom of the cut to a depth of many feet. Had the car been in the path of the descending earth it would have been crushed like a matchbox; a telephone pole standing in the way of a small portion of the landslide was snapped off near its base as easily as if it had been a toothpick. Passengers were transferred and continued on their way to Los Angeles. The cut is made through the hills near Ivanhoe, and with a depth of nearly seventy feet, is one of the largest engineering feats undertaken on the Glendale line.

SOUGHT HEALTH, FINDS DEATH

Rufus Walbridge, Ranch Owner of Covina, Dies in El Paso

Special to The Herald. EL PASO, Tex., Dec. 31.—Rufus J. Walbridge, who came here six months ago from Covina, Cal., for the benefit of his health, died suddenly as the result of heart failure. He owned a large ranch near Covina, and his wife, who is now here, has been notified. J. M. Walbridge, a son, is an officer on the local police force.

THE DAY'S NEWS

FORECAST

Southern California: Fair Sunday; cooler; heavy frosts in the morning; light north wind. Maximum temperature in Los Angeles yesterday, 60 deg.; minimum, 51.

PART I

1—Senator Mitchell indicted.

2-3—Telegraphic news.

4—Ellis jury discharged.

6-7—Sports.

PART II

1-3—Real estate.

4-6—Classified advertisements.

7—Southern California news.

PART III

1-3—Society.

4—Editorial.

5—Cable.

6—City news.

7—Markets.

PART IV

Colored comic supplement.

EASTERN

Big water main bursts and threatens to flood New York subway.

Secretary Hitchcock of interior department gives out statement regarding land frauds indictments.

Large mail order house destroyed by fire in Chicago. Loss over half a million dollars.

Lawson warns Wall street of intended raid next Tuesday.

Fire enginers business district in Chicago.

FOREIGN

Ambassador Porter asked to be recalled because he needed rest.

Countess of Warwick announces herself a Socialist and takes platform.

American minister at Constantinople urges punishment of Kurdish chief who looted caravans.

COAST

Sacramento river at a dangerous height. Wing dams and weir carried away by flood. Indications are that Flint lands in senatorial race.

Wounded Polono guards are progressing well. Senator Mitchell and Representative Hermann are indicted for land frauds in Oregon. Lumber price is raised 1 1/2 per thousand feet.

LOCAL

Councilman Friah entertains city officials at New Year's dinner.

Supreme court deals blow to gas monopoly. Banning street people claim commission was deceived into granting spur track permission. Corona's report shows 28 cases of sudden death during the year 1904.

Passengers on Glendale electric car have narrow escape from death in landslide. Evening Express is sued for \$50,000 libel, charged by attorney.

Action of council threatens integrity of civil service.

Engineer has plan for furnishing Los Angeles with salt water.

Woman attracts crowd on West First street by her grief over loss of little daughter, which she claimed had been taken from her by her husband, whom she is suing for divorce.