

NOTED WOMAN IS FOUND STRANGLER

ANITA DE BETTENCOURT IS MURDERED

She Had Swindled Most Prominent Men in New York and Philadelphia and Caused Several Deaths

Special to The Herald.

PHILADELPHIA, Jan. 16.—With marks of fingers about her neck and her face distorted with awful fear, Anita de Bettencourt, who claimed a \$300,000 estate in Cuba, entertained General Grant, Dom Pedro, emperor of Brazil, and noblemen and noblewomen galore, and who swindled the biggest men in New York and Philadelphia, was found dead today in her apartments in this city.

Her son John, a drunkard, is under arrest pending an investigation. The police suspect him of murdering his mother, but she refused to give him money. Thus closed the career of a remarkable woman who caused at least two deaths, one that of her own son, who killed himself in the west after his mother was exposed, and the other of Senator Barco, a Spanish minister to the United States, who in 1882 blew out his brains in a Fifth avenue hotel, New York, because he could not pay back to his government the tremendous sums out of which the Countess de Bettencourt had swindled him. For years after the exposure, the woman, mysterious in everything, had some source of income which enabled her to live well, travel where she wished and do as she pleased.

There are stories of great wealth hoarded in her swindling days. She often had mysterious visitors, men and women of evident refinement and wealth.

It is known she had a bitter quarrel last night with her son, and he had torn the hair from her head and beat her. Her son went out later and brought his mother a box of candy. At 2 o'clock this morning she was found dead in her chair beside her bed. The lock was torn off her door and the family physician, finding finger marks about her neck, refused to give a death certificate and notified the police. The son's arrest followed.

RIVERS AND HARBORS CONGRESS IS OPENED

DELEGATES ARE ADDRESSED BY THE PRESIDENT

Roosevelt Expresses Approval of the Object of the Meeting, Declaring It is a Matter of Interest to the Whole Country

By Associated Press.

WASHINGTON, Jan. 16.—The National Rivers and Harbor congress opened today with the address of the committee on organization recommending the election of the following officers: President, Harvey D. Goulder, Cleveland, O.; one vice president from each state represented to be named by the delegates; secretary, Colonel W. H. Love, Baltimore; treasurer, V. H. Sherwood, Philadelphia. Among those recommended for the executive committee were J. W. Dever of Portland, Ore.

The legislative committee is charged with the duty of actively prosecuting the work of securing regular and increased annual appropriations for the improvement of rivers and harbors of the entire country and to this end to take such steps and use such means as will tend to mold public sentiment in favor thereof.

Resolutions were adopted declaring that the national government should put river and harbor bills on a par with other great appropriation bills by annual appropriations and direct all work economically and continuously, without the waste incident to intermittent efforts. The resolutions urge an annual appropriation of at least \$50,000,000.

President Roosevelt addressed the delegates at the White House as follows:

"I sometimes have visitors who want to discuss with me matters with which I am not interested but a congress like this is always welcome because they are at heart the affairs in which the whole country is deeply concerned, for it is unnecessary to say that those who live remote from any navigable river, or from any deep sea harbor, yet have almost as great a concern in an indirect concern, in their proper care and development as those who live right on the borders; for the development of our commerce depends in large part upon the same treatment of the rivers and harbors of the United States."

TO BRING BACK CHINESE

Three Who Claim to Have Been Illegally Deported Are to Be Returned

By Associated Press.

SAN FRANCISCO, Jan. 16.—A telegram received yesterday from Secretary Metcalf says that the department has ordered that Li Wah, Ng Shi and Gi Yok, on board the Coptic, now on the way to China via Honolulu, be transferred at Honolulu and returned to San Francisco, to be held in custody of the steamship company pending appeal proceedings in the United States circuit court of appeals.

These Chinese were shipped out of the state by the local Chinese bureau on an order of deportation after the bureau had been advised that an appeal had been allowed by United States District Judge de Haven. Li Wah and Gi Yok claim to be Americans, and Ng Shi is Li Wah's wife and demanded admittance as such.

Oldest Mail Clerk Dead

By Associated Press.

ALBANY, N. Y., Jan. 16.—Capt. P. R. Skinner, the oldest mail clerk in the service, died today, aged 86 years. He served 58 years in the postal department.

WANTED IN PENNSYLVANIA

Men Held in San Francisco Accused of Crime in the East

By Associated Press.

SACRAMENTO, Jan. 16.—Several weeks ago the district attorney of San Francisco obtained requisition papers for the return from New Mexico of J. H. Ott, Jr., who is now awaiting trial in San Francisco on a charge of robbing his friend, Frank Johnson, of \$100. Governor Farabee has now received requisition papers for both Ott and Johnson from the governor of Pennsylvania, where they are wanted for obtaining a quantity of building material by fraud and selling the same. It is inferred that after arriving in San Francisco Ott robbed Johnson of his share of their pilferings. As the district attorney desires to press the charge against Ott it is probable that the Pennsylvania documents will not be honored at the present time.

BUNKERS ENTERS HIS CELL TODAY

MOTION FOR A REHEARING IS DENIED

Offers to Surrender Himself at Once, but He Is Allowed One More Night of Liberty

By Associated Press.

SACRAMENTO, Jan. 16.—Harry Bunkers, convicted bribe-taker, was denied his motion for a perpetual arrest of judgment today by Superior Judge Hart. Tomorrow on arrival of the remittitur denying his motion for a rehearing made before the supreme court, Bunkers will be taken to San Quentin state prison to begin his servitude of five years. He offered to surrender to the sheriff this afternoon, but as he has a good bond up, he was told to appear tomorrow, when the sheriff expects to have received the commitment for his incarceration.

The motion Bunkers made today was argued by his attorney, H. V. Moore, who contended that under subdivision 35 of article 4 of the constitution, the instant Bunkers testified for the people in the case against E. J. Emmons, one of his confederates, he was protected by the constitution and section assures those who testify, and that at that instant all proceedings against him in law and right absolutely ceased. To this District Attorney Seymour simply replied that Bunkers is protected by the constitution and that against prosecution after he testified, and that the testimony he gave could not be used against him in subsequent prosecution, except for perjury.

Judge Hart took the same view of the application and denied the motion.

CONFERENCE ON MOROCCO OPENS

ONE OF CONCILIATION IS MANIFEST

Duke Almodovar, Spanish Minister of Foreign Affairs, Is Unanimously Elected President of the Assembly

By Associated Press.

ALGECIRAS, Jan. 16, 6:10 p. m.—The opening of the Moroccan conference was chiefly notable for the spirit of conciliation manifested throughout the formal inaugural session. The events of the day were gathering of the ambassadors and their executive staffs and the one-hour session, in which the duke of Almodovar, Spanish minister of foreign affairs, was unanimously elected president of the conference.

The duke's speech of acceptance breathed concord and peace. It counseled the nations to adjust their differences, emphasized the essential principles of the sovereignty of the sultan, the territorial integrity of Morocco and the open door. It was significant that both the French and German delegations heartily seconded the remarks of the duke, thus foreshadowing the amelioration of Franco-German relations.

The delegates had agreed to make themselves comfortable and not to trouble about uniforms, so most of them were in afternoon dress.

The Moors were the last to arrive and their white draperies, turbans and yellow shoes added an odd touch to the gathering that otherwise looked like that at an afternoon tea.

There were seven of the Arabs, dignified men with watchful eyes and all with athletic frames except Mohammed el Torres, whose figure is bent under the weight of his years and who walks with a long staff.

The duke of Almodovar, in welcoming the conference in the name of King Alfonso, said it was the second time that Morocco and the great powers had set in Spain to deliberate on questions of the highest importance, and he hoped that the common efforts of the envoys would result in the satisfactory fulfillment of the heavy task imposed upon them.

Herr von Radowitz, the German ambassador to Spain and head of the German delegation, then rose and pointed out that the position alphabetically of Allemagne (Germany) gave him the right to propose the duke of Almodovar for president of the conference. The election of the duke was unanimous.

BUFFALO FIRM FAILS

W. F. Dever & Co., Stock Brokers Doing a Large Business, Suspend

By Associated Press.

BUFFALO, N. Y., Jan. 16.—The offices of William F. Dever & Co., stock brokers, were closed today.

Edward Brady, manager and principal stockholder in the concern, was said to be in Boston. No statement as to the cause of the suspension could be secured. The firm did not hold membership on any of the stock exchanges but handled a large stock business on margin in eighty branch offices in New York state and Canada.

JUDGE HAS PAID BY TOWN TOPICS

ADMISSION MADE BY JUSTICE DEUEL

Confesses That He Received Fees From This and Other Publications While on the Bench

Special to The Herald.

NEW YORK, Jan. 16.—Presiding Justice Joseph M. Deuel of the court of special sessions was submitted to a searching and merciless cross-examination by James W. Osborne, one of the counsel for Norman Hapgood, editor of Collier's magazine, when he was called to the stand today as his own and sole witness in his suit for criminal libel against Hapgood.

Under stress of Osborne's fierce questioning the white haired justice admitted amid intense silence in the crowded court room, that he had accepted retainers from Town Topics and the Ess Ess Publishing company; that he owned stock in both concerns; that he worked for the publication, had office room in their building and drew fees from other companies, while at the same time accepting \$9000 per year as judge upon the bench. Osborne's cutting sarcasm and the admission he was making from the witness left Justice Deuel pale and depressed when he left the stand.

With dramatic insistence Osborne asked: "Are you familiar with the charter of this city?"

"I am," said Deuel as he moved uneasily in his chair. Then he easily said in his chair: "I have read the pitiless cross-examiner read section 1416 of the charter, absolutely forbidding a justice to draw any fees whatsoever while acting in a judicial position."

REV. W. N. CLEVELAND DEAD

Brother of Former President Succumbs to an Attack of Paralysis

By Associated Press.

COLUMBUS, O., Jan. 16.—Rev. W. N. Cleveland, brother of ex-President Grover Cleveland, died last night from the effects of paralysis, aged 73 years. Rev. Mr. Cleveland was a retired Presbyterian minister.

The body will be taken to Cleveland for interment. Relatives here say that ex-President Grover Cleveland cannot attend the funeral, as he is not able to make the journey.

FORMER PRESIDENT INDISPOSED

NEW YORK, Jan. 16.—Former President Cleveland came to New York today from his home in Princeton and later was joined by Mrs. Cleveland. It was said tonight that while Mr. Cleveland is not ill he is not feeling in the best of health.

Mr. Cleveland was guest tonight at the home of Paul Morton, Dr. J. D. Bryant, Mr. Cleveland's physician, in speaking tonight of the former president's health, said:

"Mr. Cleveland is slightly indisposed, but is not by any means ill. I will give you my word he is not ill. The trip to Ohio is long and so tedious that I advised Mr. Cleveland not to go. He reluctantly consented not to do so, and will remain at Mr. Morton's home most of tomorrow morning and then both Mrs. Cleveland and he will return to Princeton."

STORM WORKS HAVOC

Hurricanes Cause Great Damage in Ohio, Indiana and Kentucky

By Associated Press.

CINCINNATI, Jan. 16.—Dispatches received today from various points in Ohio, Indiana and Kentucky tell of great damage by a severe wind, rain and hail storm, which during the height of the storm the wind reached a velocity of from forty to sixty miles an hour.

The telegraph and telephone companies suffered severely by wires being blown down in all directions.

At Lancaster, Ohio, several buildings were wrecked and considerable damage is reported throughout the country.

The roofs of several dwellings at Springfield and Hamilton, Ohio, were blown off during the storm.

At Lima, Ohio, the Main Street Presbyterian church was struck by lightning and gutted by flames.

At Eaton, Ohio, a schoolhouse was razed and many dwellings, barns and small buildings demolished. Miss Bertha Harland and twenty-five pupils were in the school building when it collapsed, but aside from a few minor bruises all escaped injury.

Educational institutions that a number of houses and sheds were unroofed and other damage done. Several barges in the harbor there and at Rockport and Joppa, Ill. were sunk.

STRICKEN BLIND AT SEA

Captain of Schooner, Though Sightless, Pilots His Vessel to San Francisco

By Associated Press.

SAN FRANCISCO, Jan. 16.—Stricken with blindness at sea, Capt. Sanburn of the Schooner Falcor, bound for Ventura to Grays Harbor, stood by the helm and piloted his vessel through the storm and brought her into this port.

Sanburn had one of his officers take the observations, from which he gave orders to the helmsmen. He felt unequal to the strain of continuing the voyage to the northern port and will seek relief from oculists here.

End of Cattle Shipping Season

By Associated Press.

SACRAMENTO, Jan. 16.—State Veterinarian Charles Keane announced today that the season for shipping cattle on inspection from points below the quarantine line of the state to points outside will close January 31, 1906.

Town Nearly Destroyed by Fire

VAN WERT, O., Jan. 16.—Convoy, a town of 800 inhabitants, eight miles west of here, was almost wiped out by fire today. The loss will probably aggregate \$75,000.

POSTAL CLERK ARRESTED

Shortage Alleged in Accounts of C. J. Harrington of Oakland Money Order Division

By Associated Press.

OAKLAND, Jan. 16.—Last night, in the course of his examination of the affairs of the post office at W. M. Harrington, postal inspector of this division, discovered discrepancies in the account of Charles J. Harrington, clerk in charge of the money order division, indicating a shortage of several hundred dollars.

Madden immediately placed Harrington in custody and lodged him in the county jail pending further investigation. This morning a representative of Harrington's department Postmaster Dargie a sum sufficient to cover all the apparent discrepancies which Harrington says are due to a multiplicity of errors which have been permitted to go uncorrected. He denies any intentional embezzlement and declares his ability and willingness to make good any shortage that may be found in his accounts.

TOLD TO WASH DISHES; DIES

TWELVE-YEAR-OLD BOY ENDS HIS LIFE

Declares Task Is Girl's Work, and When Left Alone to Perform the Task Shoots Himself

Special to The Herald.

DENVER, Colo., Jan. 16.—Rather than wash dishes, which he declared to be girls' work, Juan Cautiras, aged 12 years, son of a well known ranchman living near Malachite, committed suicide by shooting a rifle ball through his head. The boy was ordered by his father to wash the breakfast dishes, after which he was to have joined him and an elder brother in a nearby hay field.

Juan protested but it did no good. After an hour had passed and the lad did not appear in the field the father and mother were given rapidly to look for him. They found the boy dead on the floor with a 22-caliber rifle lying by his side. It is supposed the lad sat down on the floor, placed the weapon between his knees and then fixed his feet over the muzzle, when he released the trigger with his hand. Death must have been instantaneous.

FOUR LOSE THEIR LIVES IN TUNNEL DISASTER

AIR PIPE BURSTS IN CAISSON IN EAST RIVER

Two Men Are Drowned and Two Suffocated—Two Others Are Seriously Overcome, but Are Rescued by the Foreman and His Assistant

By Associated Press.

NEW YORK, Jan. 16.—Two negro tunnel workers were killed by suffocation and caisson disease, two were drowned, two others were seriously overcome and the white foreman and assistant suffered severely in rescuing those who survived, when a compressed air pipe burst in the East river tunnel on Man O'War reef, opposite Forty-second street, early today.

The bodies of the two drowned men still lie at the bottom of the shaft, twenty feet below the river level. These men were overwhelmed by the water that entered the shaft when the pressure was removed. The other two dead men were hoisted to the surface by the foreman and his assistant, who also rescued the two whose lives were saved. The foreman and his assistant left the bottom of the shaft and were hoisted to the river level with the bodies just in time to escape the prison here has been removed from their positions; Henry Harrison, captain of the guard; John Russell, lower gate keeper; R. E. Shaw, steward of the convict mess; M. T. Bayward, overseer of the stock and farm; and Edward Arthur Evans.

CHANGES AT SAN QUENTIN

A Number of Officials Removed by Tompkins and Their Places Filled by Others

By Associated Press.

SAN QUENTIN, Jan. 16.—Warden Tompkins has made a number of changes in the San Quentin prison here has been removed from their positions; Henry Harrison, captain of the guard; John Russell, lower gate keeper; R. E. Shaw, steward of the convict mess; M. T. Bayward, overseer of the stock and farm; and Edward Arthur Evans.

\$300,000 Fire in Arkansas

RUSSELLVILLE, Ark., Jan. 16.—The fire that broke out here last night wiped out the entire business district, Loss, \$300,000. The fire practically burned itself out this morning. An audience in the opera house started to stampede and it was with difficulty that a serious panic was averted.

PLOT TO DETHRONE PETER OF SERBIA

Special to The Herald.

BUDAPEST, Hungary, Jan. 16.—A dispatch to Hiriaps from Belgrade says that military and political conspirators have been discovered to dethrone King Peter and elect Prince Joachim, the sixth son of Emperor William, as king of Serbia in his stead.

Mrs. Berry Goes to Asylum

SPOKANE, Wash., Jan. 16.—Sally Berry of Northport, Wash., the insane woman who held possession of a car at Girard, Kas., for five days, has been brought to this city and was committed to the asylum at Medical Lake this afternoon. She was brought here by Mrs. Mary Reason of Tulsa, I. T., whom she was on her way to visit when stricken.

Serious Rioting in Hungary

BUDAPEST, Hungary, Jan. 16.—A sanguinary fight between peasants and gendarmes took place today in connection with the election of a judge at the village of Bilke, in the Berig district. Six peasants that were wounded were killed and a number wounded.

San Francisco Man Robbed

SAN FRANCISCO, Jan. 16.—Henry Mousse, proprietor of a grocery and saloon on Bryant street, was stood up and robbed last night by two masked men, who made their escape after locking him in a back room. They secured only \$7 in cash.

CHALLENGE DEFEW SERIOUSLY ILL

FAILING BOTH MENTALLY AND PHYSICALLY

They Greet Him—Trouble Is Caused by the Recent Exposures

Special to The Herald.

NEW YORK, Jan. 16.—Senator Chauncey M. Depew is in a state of health that has seriously alarmed his friends. He is reported to have had a slight attack Sunday that left him weak. The strain that the senator has been under ever since he returned from Europe last August has worked a startling change, mentally and physically. He has practically abandoned business and has withdrawn from all social engagements except those which are imperative. His manner has altered completely and his face shows in a marked degree the distress which has grown daily greater since the insurance revelations.

Today as he came on his way to Washington he absolutely failed to recognize old friends who called on him. His age, of course, is a serious factor. From being one of the most jovial and easily approachable of men, Depew now lives alone as a recluse. He cannot be induced to comment on his affairs and to some of his friends has appeared to forget essential facts.

CADET MERIWETHER TENDERS RESIGNATION

AUTHORITIES PROBABLY WILL NOT ACCEPT IT

Six Midshipmen Testify Against Him in Trial for Hazing, and One Performs "Rabbit Dance" for Edification of the Court

By Associated Press.

ANNAPOLIS, Md., Jan. 16.—Midshipman Meriwether has tendered his resignation from the naval academy. It is said it is not likely that it will be accepted, as there are now charges pending against him, and for the further reason that he is under sentence of confinement to the academy grounds for one year on account of his connection with the fight in which Midshipman J. R. Branch received fatal injuries.

The evidence of those whom Midshipman Minor Meriwether, Jr., was accused of hazing was given rapidly today, after the court had disposed of the objection offered by counsel for the defense. Six midshipmen of the fourth class connected Meriwether in some way with the hazing and they were positive in four cases. Corroborative testimony in several instances was given.

The prosecution closed its case and the defense examined some of its witnesses, but did not close. Nearly all the fourth class men stated that they did not consider the exercises which he had been required of them were in the least humiliating, that they had enjoyed the fun and taken it as a part of the regular order of the academy.

However, the judge advocate brought out the fact they believed they would have incurred serious consequences if they had not done what the upper classmen told them to do.

The "rabbit dance" was a form of hazing which the court had not dealt with before. Midshipman Kilduff was asked to illustrate it, which he did.

SAYS HE KILLED HUSBAND

New Jersey Man Confesses He Murdered in Order to Marry the Woman He Loved

By Associated Press.

NEWARK, N. J., Jan. 16.—Frank Banasik, an employee of the Edison works at West Orange, was arrested last night and, according to the police, confessed to having murdered a woman, Thomas Hoff, with whom he boarded, that he might marry Hoff's wife, with whom he was in love.

A week ago Sunday night he and Hoff, who worked in the same place and whom he was friendly, were chatting at home and Banasik challenged his landlord to a drinking bout. "What shall it be?" asked Hoff. "Gin," said Banasik.

They went to a saloon and called for the Banasik filled his glass with water each time Hoff filled his with gin, and late at night Hoff was overcome by the liquor. He could not take care of himself and Banasik helped him to the door of the saloon and started for home with him. They went up the Lackawanna tracks toward Bloomfield. When he was sure no one was in sight, Banasik raised a mallet and brought it down on the drunken man's head, killing him. Then he carried the body some distance down the tracks and laid it across the rails.

The midnight train cut off both legs of the body, but the engineer saw the body just before his engine struck it. A report of the skull pointed to murder and Banasik's arrest and alleged confession followed.

Railroad Case Postponed

OAKLAND, Jan. 16.—The injunction suit of the American Dredging company against the Southern Pacific company, a decision on which was to have been rendered today by Judge Waste, was postponed this morning to a date to be set later, because of Attorney W. R. Davis being detained before Judge Ellsworth, where he is arguing the case of Clough against the Spring Valley Water company.

CONFESSES IN THEATER

Young Man, Moved by Play, Rises in Audience and Proclaims Himself a Criminal

By Associated Press.

CHICAGO, Jan. 16.—A dispatch to the Record-Herald from New York says: Moved by a passage in a play where a clergyman that the whole world is against a criminal who tries to reform, a young man who gave his name as Albert Emerson, arose from an orchestra seat the Garden theater last night, and before the audience proclaimed himself an expert safe-breaker and robber and declared his experience proved the words of the stage character.

His interruption, made in tones loud enough to be heard throughout the theater, stopped the action of the play. He was arrested and at the police station his statement and record were verified. Emerson has served several terms in prison.

KANSAS FUNDS \$78,000 SHORT

DISCLOSED BY INVESTIGATION JUST COMPLETED

It is Stated Most of the Deficit Occurred During the Incumbency of Former Treasurer Frank E. Grimes

By Associated Press.

TOPEKA, Kas., Jan. 16.—A total shortage in the United States treasury of about \$78,000 is shown by the report of Accountant Morris in the treasury examination just closed, according to a summary of the report prepared by Governor E. W. Hoch and made public late this afternoon. The report covers all transactions made by the state treasurer from January 1, 1898, to June 30, 1905, including the two full terms of former State Treasurer Frank E. Grimes and one term and six months of the administration of Thomas T. Kelly, the present state treasurer. The bulk of the shortage appears in the account of the office during the Grimes administration.

Of the total of \$78,000, \$60,000 is due to missing coupons from bonds owned by the state school fund and \$18,000 is due to the loss of interest on warrants issued by the territory of Oklahoma to the state of Kansas.

Governor Hoch tonight declined to discuss any action that he might take in regard to the result of the investigation.

Former State Treasurer Frank E. Grimes issued a statement tonight. He absolutely denies any responsibility for the shortage in the Oklahoma warrants and says he is able to account satisfactorily for all the bond coupon shortages except \$7215. Mr. Grimes states that he is willing to make good any shortages he is responsible for.

In his statement Mr. Grimes puts the responsibility for a number of serious discrepancies on C. R. Richey, his chief clerk.

Aside from the shortage shown, the Morris report makes sensational disclosures concerning the erasure of the "state property" stamp from the backs of coupons and the mutilation of records in the offices of the state treasurer and state auditor. Thomas T. Kelly, the present state treasurer, will issue a statement in reply to the charges made against him in the report.

THOMAS J. EMERY IS DEAD

Cincinnati Multi-Millionaire Stricken With Pneumonia While in Egypt

By Associated Press.

CINCINNATI, Jan. 16.—Thomas J. Emery, multi-millionaire of this city, is dead in Egypt from pneumonia, the news reaching here by cable today.

Mr. Emery, who was an extensive traveler, went to North Africa during the summer, and the news of his death came within a few hours of the time when his family heard of his serious illness. He spent some time at Algiers and then went to Cairo, where he died.

His death was reported by cable today. None of his immediate family was with him at the time of his death.

Mr. Emery was one of the principal heirs to the Thomas W. Emery estate, the largest owner of real estate in Cincinnati and south Ohio. He established the Cincinnati orphan asylum as a memorial to his two sons who had died and was a large contributor to negro orphan asylums. He also contributed generously to other charities.

DUNNE WANTS INQUIRY

Asks Grand Jury to Investigate the Charge That Gambling Is Protected

By Associated Press.

CHICAGO, Jan. 16.—Mayor Dunne yesterday made a formal request of State Attorney John J. Healy for a grand jury investigation of the charges that gambling is protected in Chicago and that one-third of the proceeds is being collected for distribution among the police.

This action was after Chief of Police Collins, personally accused by some of the gamblers of protecting the gambling trust, had denied indignantly to the mayor the charges that there was