

TERMS OF SURRENDER WERE SOON ARRANGED

Articles of Capitulation Signed at 9:45 O'Clock Yesterday Evening.

Exact Nature of Agreement Not Yet Known, But It Is Supposed the Russians Will March Out With Honors of War.

Tokio, Jan. 2, 10 p. m.—The text of General Nogi's telegram announcing the capitulation of the Russian forces at Port Arthur is as follows: "The plenipotentiaries of both parties concluded their negotiations today at 4:30 o'clock. The Russian commissioner accepted on the whole the conditions stipulated by us and consented to capitulate. The document has been prepared and signatures are now being fixed. Simultaneously with the conclusion of the negotiations both armies suspended hostilities. It is expected that the Japanese army will enter the city of Port Arthur tomorrow. Tokyo, Jan. 3, (morning).—The Russian and Japanese commissioners appointed to arrange the terms of the capitulation of the Russian forces at Port Arthur signed the compact of surrender at 9:45 o'clock last night. Mukden, Jan. 2.—A heavy cannonade and rifle fire commenced on the Russian center early this morning and continued during the day. It is reported here that the Japanese attacked in an effort to break the center, but were driven back with great loss.

PORT ARTHUR HAS SURRENDERED. Exhausted by months of almost constant fighting, decimated by disease and casualties and hopelessly sealed in its rocky fortress, the gallant garrison has yielded to its gallant besiegers and the end is now written to one of the most dramatic war incidents of modern times. At 9 o'clock last night General Nogi, commanding the Japanese army of invasion, received from the Russian general, Stoessel, a note saying that he found further resistance useless and asking for a meeting to arrange terms of capitulation. The note was simple and direct and the Japanese general immediately named commissioners to confer with representatives of the Russian commander. They met at noon today to arrange the conditions of surrender. The nature of the terms agreed upon is not yet known, but dispatches from Tokyo indicate that they will be of the most magnanimous character. The emperor of Japan himself, through the chief of the imperial staff, has given public his expression of commendable service to his country in the midst of difficulties and that it is his wish "that military honors be shown him."

Bravery Recognized. A dispatch from Tokyo quotes military opinion as believing that the entire garrison will be allowed to march out under arms and may be sent to Russia on parole. Late dispatches from Japan have shown that the gallant defense of Stoessel and his men has nowhere been given a finer appreciation than in the land of his foes, and it is more than likely that Japan will embrace the opportunity to show her magnanimity and admiration of the bravery of the Russian soldiers by allowing them all the honors which war permits a victorious army to bestow upon the vanquished. The siege and the operations of Russia's stronghold in the far east have been marked by bravery, gallantry and desperation unequalled in modern warfare and hardly excelled in military history.

Heroes on Both Sides. The story of the operations around Port Arthur is one of repeated fighting, both by land and sea, of the most desperate and thrilling character. It would have set the world ringing under less overwhelming circumstances have been marked by the general character of conduct of both forces. By sea there have been torpedo boat dashes of super-recklessness and big ships have ploughed their way through the water, disregarding to give battle or in wild efforts to escape. By land the Japanese have hurled themselves against positions deemed to be impregnable. They have faced and scaled rocky heights crowned with batteries and crowded with defenders, suffering losses that military experts say would have appalled any European army. Lived in Rain of Shot and Shell. In the doomed fortress its people have lived under a devastating rain of shell and shrapnel. On scanty rations, besieged on every side, knowing that hope of succor or escape was vain, the garrison has fought with a stubbornness that has evoked the admiration of the world. The mettle of the fighting men has been tested by the unrelenting assaults of the Japanese with a grim valor that won even the praise of their foe, and the fighting has been waged with a religious fervor that refused truces to bury the dead and collect the wounded. Over corpse-filled trenches men have fought hand to hand with cold steel and clubbed guns, and at short range have hurled at each other hand grenades filled with high explosives. The Russian soldiers, with undaunted courage and sublime bravery.

Appalling Losses. What Port Arthur has cost in human life and in money no estimate of even approximate correctness can be made. The losses have been appalling. It has been reported that in some engagements leading up to the recent capture of 233-meter hill, the attacking force lost as high as 40 per cent of the force engaged, while the garrison's losses, of which no word has come, must have been frightful. Fleet Wiped Out. The defense of the position, which fell to her at midnight after the Japanese-Japanese war, has cost Russia practically her entire fleet in those waters. Her ships lie from Port Arthur's coast to the Shantung peninsula, battered hulks of once proud vessels, or ignominiously abandoned, are interred in neutral Chinese ports. Save the three or four cruisers and some larger craft that lie in the ice-bound refuge of the Russian cross in the waters of the northern Orient. And Japan, too, has had her losses in the long-drawn-out operations. Mines have struck from Admiral Togo's fleet list many big ships and smaller vessels since the morning of Feb. 8, when he hurled his fleet at the Russian ships in Port Arthur's roadstead.

Siege Began May 27. The siege of Port Arthur properly dates from May 27, when, after engaging the first army landed by the Japanese at Pitswey, Stoessel was forced back from the neck of the Kwantung peninsula. The Japanese landing was begun on May 5 and the Russian commander elected to give battle at his port's most line of defenses. The engagement was severe and drove the Russians back to the first of the main defenses of the position. A few days later, on May 30, the Japanese occupied Dairi, and on June 14 General Stakelberg, advancing to the relief of the Port Arthur army, was defeated by General Oku at the battles of Wafangkian and Teilsau. With Togo's ships lying like waterdogs around Port Arthur's seaward side and Nogi advancing south but reluctantly by land, the famous stronghold was under siege, and from then on until General Stoessel, on New Year's day, sought terms of capitulation, the operations have been marked by almost ceaseless fighting, bombardments by the fleet alternating with desperate attacks by land, or a combined naval and military force. When Stoessel and the remnant of his devoted garrison march out of Port Arthur, the flag of the Rising Sun will once more float from the ramparts of the position Japan won when she first sent her new fleet to give battle and drove China from the seas. Rejoicing in Tokio. Tokio is the scene of rejoicing, people of all ranks finding in the outcome compensation for all the sacrifice of life and money that was entailed in the ten months' siege. To what will the fall of Port Arthur will make for a restoration of peace is an open question. There is an encouraging note in the expression of Gen. Hayashi, Japanese minister to London, of the "hope that in some way it will facilitate final peace," though the pacific note is perhaps lost in the other words of the minister, which all attention to the fact that the besieging army will now be free to go north, where it will be an offset to the reinforcements General Kuropatkin has been receiving from Russia since the battle of Shakhe. The spirit of the Russians may be judged by the statement of the secretary of the embassy at London that the campaign will be a "great victory for the Russian people, and that the nation will not be content to permit Port Arthur to remain in the hands of the Japanese. Squadron May Put Back. Both in Paris and in London the opinion is that the squadron under Vice Admiral Bagration, which started from Libau for the far east three months ago, will have to retrace its way home, as adherence to the original plan would have meant a high probability of effecting a junction with the warships at present in the harbor of Vladivostok. That Japan may not be permitted to capture the Russian fleet is a subject of dispute is shown in the fact that Paris newspapers are already reviewing the claim made in 1901 that the eastern sea by the Japanese would be a menace to European powers. Assurance Only Needed. There is an expectation in diplomatic circles in St. Petersburg that some one of the powers may make a tender of friendly offices, and the intimation is conveyed to Emperor Nicholas and may take the initiative. Should that be the case it could only be upon assurance from both the warring powers that the tender would be received by them in good part. Early today two torpedo launches arrived at Chefoo, and there were then seven Japanese torpedoes destroyed in the harbor. Later in the morning four of the destroyers departed. Russian officers who have reached Chefoo relate that the Port Arthur garrison was completely worn out by five days of continuous fighting, that the supply of food was almost exhausted, and that the limit of resistance had been reached when General Stoessel made his offer of capitulation. Japs Will Enter Today. At 9:45 o'clock last night the commissioners completed the signing of the capitulation agreement. Both armies had suspended hostilities five hours earlier. The city of Port Arthur will be occupied by the Japanese today. End Was Then In Sight. St. Petersburg, Jan. 2.—In view of today's news from Port Arthur, pathetic interest attaches to a dispatch sent by General Stoessel to Emperor Nicholas and given out this afternoon. It was written in the emperor's name and read as follows: "We are happy to greet our sovereign imperial majesty on the occasion of your name day, from Port Arthur, which we have now held for eleven months by the aid of God and your prayers. The spirit of our warriors is magnificent. Today on parade the resounding hurrahs were in honor of our father, the czar, that have had potent influence on your majesty's title and sacred fidelity to the czar, our father."

WITHHELD FROM THE PUBLIC. News of Capitulation Not Given Out in Russia. St. Petersburg, Jan. 2, 5:40 p. m.—The news that General Stoessel, after sustaining eleven months' siege, has at last yielded to the inevitable is not yet known to the Russian public, the announcement being forbidden until it is officially communicated to the czar, our father. (Continued on Page 2)



COUNT TOLSTOI OUT OF MONEY AND WITHOUT WORK

Rev. Ingram Irvine's Household Goods and Books Attached by Hungry Creditors—Has Lost Everything But His Life.

HARTFORD, Conn., Jan. 2.—A prominent Hartford clergyman, says the Post, has received a letter from the Rev. Ingram N. W. Irvine, who figures in the charges brought against Bishop Talbot of Pennsylvania. The letter indicates that the writer is in straitened financial circumstances, saying, in part: "I have won from the church a court of appeals, but suppose, like all martyrs, must go down under a cloud. Pray for me, and I will be glad to see you. I have been hindered on all sides. Wealth and power have been against me. I have lost everything but my life."

INDICTMENTS TODAY OR TOMORROW

Dodge-Morse Scandal Has Reached a Climax—Second Husband Now on His Way Back from Europe.

NEW YORK, Jan. 2.—The Herald tomorrow will say: Three, and perhaps five, indictments will be handed down today or tomorrow in connection with the Dodge-Morse divorce and marriage tangle. If the plans of District Attorney Jerome do not miscarry, arrangements have been made to have Charles F. Dodge taken from the Broadway Central hotel, where he has remained under close guard, though the indictment is not yet filed in court. It is expected that Dodge will be taken to the courts building this morning to keep what he knows of the events leading up to the annulment of the divorce. Mrs. Morse sailed from here Dec. 3 and spent most of his time abroad in Paris. He was legally served with a complaint in the original action. The effect of the divorce, former judge of the supreme court, has been subpoenaed to appear before the grand jury with the books of the firm of Fursman, Little & Schwartzkopf, in whose name Mrs. Morse was represented. The county detectives who have been working on the case will testify, as will another man whose name Mr. Jerome declines to make public. A story was published here tonight to the effect that Charles W. Morse, the banker, is now on his way home from Europe and that he would doubtless reach here by the last of the week. Mrs. Morse sailed from here Dec. 3 and spent most of his time abroad in Paris.

NOT ALLOWED TO SAIL.

Newport News, Jan. 2.—The situation tonight indicates that the predicted departure of the German steamship Arde, with two submarine boats reported to be destined ultimately for the Russian navy on board, has occurred. Just after a pilot had boarded the steamer, which was scheduled to sail at 4 o'clock this afternoon, a stranger, whose identity has not been learned, appeared at the shipyard and a few minutes later it was announced that the vessel would not sail. Information as to the cause of the change of program, and the destination of the submarines and the identity of the messenger is refused.

CHANCE TO BUY DIGNITY WITH THE READY CASH

Berlin, Jan. 2.—A Mecklenburg newspaper prints an advertisement offering for sale a large landed estate carrying the right to a hereditary seal and a vote in the diet. The Vorwaerts (socialist) says, evidently joking, that the social democratic legislative committee intends to buy the estate so as to put one of the party's followers into the feudal diet of the duchy, which is the only state of Germany without its own constitution.

RUSSIAN FLEET OFF COAST OF MADAGASCAR

Tamatave, Madagascar, Jan. 2.—Vice Admiral Rozhkovsky's division of the Russian second Pacific squadron, consisting of five battleships, three cruisers, the transports Kamchatka and Anadur and the hospital ship Orel, anchored in the roadstead of Saint Marie today. The dispatch boat Libau afterwards visited Tamatave to file dispatches. She will return to the hospital ship Orel, anchored in the roadstead of Saint Marie today. The Libau reports that the Russian warships are in excellent condition, despite the severe storms the divide encountered.

CLUB'S OPEN HOUSE.

Hundreds Enjoy Hospitality of Business Men. The "open house" at the Commercial club yesterday was enjoyed by the members and their friends to the number of about 500. The club was in gala attire and the entrance to the farther hall, and everything bespoke good cheer. In the large dining room a table in horseshoe shape held viands of all kinds arranged in artistic and enticing manner, and from this great storehouse of good things the many visitors were regaled. Pyramids of confections surmounted by delicately browned birds, fish baked whole and enormous turkeys from which slices were cut, all graced the board, and at other end of the horseshoe a great punch bowl, surrounded with flowers and ferns, held punch and orange. The visitors were given the freedom of the club and the entire floor was filled during many hours of the afternoon.

ENGAGEMENT ANNOUNCED.

Paris, Jan. 2.—The engagement of Miss Etile Porter, daughter of the American ambassador, is announced to young Dr. Mendel of Zurich, son of the celebrated physician who attended Mrs. Porter during her last illness. Young Dr. Mendel is a distinguished graduate of the government university at Bern.

STOESSEL WOULD NOT SURRENDER COL. W. M. FERRY PASSES AWAY

Horrors of the Siege Described by Escaped Russian Officer. AMMUNITION IS EXHAUSTED FOOD GONE AND THE GARRISON STARVING.

CHEFOO, Jan. 2.—Midnight—Commander Kartzow of the Russian torpedo boat destroyer Vlastin, in an interview with the Associated Press correspondent tonight, said: "Port Arthur falls of exhaustion—exhaustion not only of ammunition but of men. The remnant of the garrison left had been doing the work of heroes for five days and five nights, but yesterday they reached the limit of human endurance. Black With Starvation. "In the casemates of the forts one saw everywhere faces black with star-

vation, exhaustion and nerve strain. You spoke to them, but they did not give answer, only staring dumbly. "The lack of ammunition alone would not have suggested the seeking of terms. Scant ammunition had long been common in the fortress, and during the past month many of the forts had nothing with which to return the fire of the enemy. "The Russians sat in the casemates firing not more than once to the two hundred shots sent by the Japanese. Then, when the assault came, they repulsed the enemy with bayonets. But the men themselves, having existed for three months on reduced rations, were so worn that it is marvelous they stood the final strain so long. Would Still Fight. "Yesterday General Stoessel would still fight. His wound, which was received early in the siege, had been bothering him, but his determination to fight while one man stood had not been diminished. "But we cannot fight," said the general. "Our men cannot move. They sleep standing. They cannot see the bayonets at their breasts. We can order, but they cannot obey." "Stoessel, oh, my general's fight," said Stoessel, clinically, "his fight was not a fight, but a struggle for existence. He seemed fanatical on the subject, but finally he was brought to see reason by the insistence of his subordinates, Admirals Lochinsky and Wiren, and Generals Smynoff and Fock and others, sometimes with broken voices, urged the step which all had dreaded so long. "I am sure Port Arthur would have stood for a month ago had it not been for General Stoessel, who, with his bright eyes, repeatedly refused to permit such action to be taken. He had told his emperor that he would never surrender, and he meant to keep his word."



Colonel Ferry learned the trade of a machinist in his youth and became widely known as an inventor and mechanical draughtsman. While still a young man he established the Ottawa iron works and soon became a man of prominence in his native state. At the outbreak of the civil war he enlisted as a private in the Fourteenth Michigan regiment, and was soon after commissioned 3d captain and commissary of subsistence. In 1862 he attacked the army rations and the sutler system in a vigorous report to General Rosecrans. The report was approved by General Rosecrans, but the report failed of approval at army headquarters. Colonel Ferry thereupon, on his own responsibility, ordered from the north supplies for the hospital patients, paying for the supplies out of government funds by a system of commutation. His report was promptly condemned, but Colonel Ferry made so eloquent an appeal that, although his action was not formally approved, he was permitted to continue his system. In 1863 he was appointed on the staff of General James E. McPherson and during the siege of Vicksburg was detailed by General Grant to put into practice the system of providing for the sick and wounded which he had proved so successful in the previous year. Colonel Ferry's system of commutation of rations has since been included in the army regulations and the sutler system, against which he waged so bitter a fight, has been abolished.

After the war Colonel Ferry returned to Grand Haven, and in 1870 was nominated for congress by the Democrats of his district, but was defeated. He was secretary of the Democratic national convention of 1872 at Louisville, and was the Democratic nominee for governor of Michigan the following year. The following year he was a member of the convention that formed a new constitution for Michigan and three years later was elected Mayor of Grand Haven. After coming to Utah, Colonel Ferry, although always a Democrat in national politics, became a prominent member of the Liberal party. He was Democratic national committeeman for Utah from 1888 to 1892, and was the Democratic candidate for congress in this state in 1892, but was defeated by John T. Caine, the People's party candidate. He was one of the world's fair commissioners for Utah in 1893. Last year he espoused the cause of the American party of Utah and was the nominee of that party for governor. Colonel Ferry passed away during the hour in which Governor Cutler, his successful opponent, was inaugurated.

Colonel Ferry was a prominent figure in the mining field of Utah, particularly of Park City, where he was one of the early buyers of the Queen mine, later merged with the Daly-West. He was rated as one of the wealthiest men of the state. He wrote extensively of political and historical events of Michigan, and until late in life was a frequent contributor to current literature. Colonel Ferry was married in 1851 to Miss Jeannette Hollister, who survives him. In addition to the widow, he leaves two children, Mrs. Mary M. E. Hancock of Salt Lake; a brother, E. P. Ferry of Salt Lake; four grandchildren and two nephews, E. S. Ferry and W. Mont Perry of Salt Lake. The late Senator Thomas W. Ferry of Michigan was a brother of Colonel Ferry. Throughout his life Colonel Ferry was an active member of the Presbyterian church, and gave much attention to charity and educational work. He was the donor of the site of Sheldon Jackson college on Blaine avenue in this city. Arrangements for the funeral will be announced later.

Colonel Ferry was married in 1851 to Miss Jeannette Hollister, who survives him. In addition to the widow, he leaves two children, Mrs. Mary M. E. Hancock of Salt Lake; a brother, E. P. Ferry of Salt Lake; four grandchildren and two nephews, E. S. Ferry and W. Mont Perry of Salt Lake. The late Senator Thomas W. Ferry of Michigan was a brother of Colonel Ferry. Throughout his life Colonel Ferry was an active member of the Presbyterian church, and gave much attention to charity and educational work. He was the donor of the site of Sheldon Jackson college on Blaine avenue in this city. Arrangements for the funeral will be announced later.

Colonel Ferry was married in 1851 to Miss Jeannette Hollister, who survives him. In addition to the widow, he leaves two children, Mrs. Mary M. E. Hancock of Salt Lake; a brother, E. P. Ferry of Salt Lake; four grandchildren and two nephews, E. S. Ferry and W. Mont Perry of Salt Lake. The late Senator Thomas W. Ferry of Michigan was a brother of Colonel Ferry. Throughout his life Colonel Ferry was an active member of the Presbyterian church, and gave much attention to charity and educational work. He was the donor of the site of Sheldon Jackson college on Blaine avenue in this city. Arrangements for the funeral will be announced later.

Colonel Ferry was married in 1851 to Miss Jeannette Hollister, who survives him. In addition to the widow, he leaves two children, Mrs. Mary M. E. Hancock of Salt Lake; a brother, E. P. Ferry of Salt Lake; four grandchildren and two nephews, E. S. Ferry and W. Mont Perry of Salt Lake. The late Senator Thomas W. Ferry of Michigan was a brother of Colonel Ferry. Throughout his life Colonel Ferry was an active member of the Presbyterian church, and gave much attention to charity and educational work. He was the donor of the site of Sheldon Jackson college on Blaine avenue in this city. Arrangements for the funeral will be announced later.

Colonel Ferry was married in 1851 to Miss Jeannette Hollister, who survives him. In addition to the widow, he leaves two children, Mrs. Mary M. E. Hancock of Salt Lake; a brother, E. P. Ferry of Salt Lake; four grandchildren and two nephews, E. S. Ferry and W. Mont Perry of Salt Lake. The late Senator Thomas W. Ferry of Michigan was a brother of Colonel Ferry. Throughout his life Colonel Ferry was an active member of the Presbyterian church, and gave much attention to charity and educational work. He was the donor of the site of Sheldon Jackson college on Blaine avenue in this city. Arrangements for the funeral will be announced later.