

THREE DAYS OF FIGHTING BELOW MUKDEN

JAPANESE HAMMER AWAY AT SLAV LEFT FLANK.

Attack May Be the Prelude to a General Engagement

ST. PETERSBURG, Nov. 28.—General Kuropatkin reports that there has been active skirmishing on the left flank for three days. The opinion is now expressed by the general staff that the Japanese intend taking the offensive, as they cannot afford to wait till the Russians are further reinforced. It is held that the fighting to the eastward is doubtless with the purpose of feeling out the Russian positions, preparatory to an advance in that direction, but as there are about 7000 Russian troops southwest of Sintsintin, where fighting occurred on November 26, and probably twice as many more in the mountains between Bentziaputze and Sintsintin a Japanese move from this quarter would entail serious fighting.

General Kuropatkin, under yesterday's date, reported that the Japanese offensive movement, which was begun on November 24, near the village of Tsinkhachen, on the front of the left flank, was of an indecisive character up to 4 o'clock on November 25, and was checked by the Russian fire. Although the fighting had then lasted three days the Russian troops were in excellent spirits.

ATTACK IS RESUMED. A later dispatch from General Kuropatkin reports that the night of November 27 passed quietly at Tsinkhachen, but that the Japanese resumed the offensive at 7 o'clock this morning on the Russian left flank.

General Sakharoff to-day telegraphed as follows: "The Japanese attack on Tsinkhachen was checked by our artillery fire and the fighting ceased at 6 o'clock in the evening of November 27. At no point did the enemy advance nearer than within 600 yards of our positions."

OFFICIAL VOTE OF THE STATE

Secretary of State Curry Makes Report Showing Ballots Cast for Electors

SACRAMENTO, Nov. 28.—Secretary of State Curry to-night rendered to Governor Pardee the official count on the vote for Presidential electors on the Republican, Democratic, Socialist and Prohibition tickets. It was hoped to have the count for all the offices completed by to-night, but the tardiness of several counties in making returns delayed the count. Several of these counties are yet to be officially counted, and it will be some days before the vote for all the offices is announced.

The official count for electors showed that the highest number of votes received for a Republican elector (Wood) was 205,225; the highest for a Democratic elector (Maguire), 98,494; the highest for a Socialist, 29,555, and the highest for a Prohibitionist, 7389. The Republican majority is shown to be 78,581 votes and the Republican plurality 115,822. The total vote cast in the State was 231,871. Following is the official vote for Republican electors:

William S. Wood, 205,225; Ulysses S. Grant Jr., 204,826; Edward Sweeney, 204,578; Charles M. Hammond, 204,352; Francis M. Smith, 204,425; William J. Dingee, 203,158; George H. Pippy, 204,157; Morris B. Harris, 204,250; Charles J. Walker, 204,210; Richard Melrose, 203,779.

For electors on the Democratic ticket—John Gardner, 89,294; Edward White, 89,284; J. Rose Clark, 89,223; Thomas Blair, 89,158; James G. Maguire, 89,494; A. F. Jones, 89,118; Frank J. Sullivan, 89,235; Eugene Germain, 88,980; W. M. S. Beede, 88,811; J. W. Barnard, 88,870.

For electors on the Socialist ticket—Joseph Leonard, 29,525; H. C. Tack, 29,419; L. E. Leonard, 29,398; J. G. Hurd, 29,424; Thomas Cook, 29,385; Donald Seifert, 29,421; Carl Brauer, 29,396; G. S. Brower, 29,322; W. A. Cox, 29,312; G. W. Woodley, 29,314.

For electors on the Prohibition ticket—Charles T. Clark, 7389; Charles J. Hall, 7325; William O. Clark, 7343; Joel G. Wright, 7325; Albert H. Southwick, 7324; Adam C. Hane, 7309; John A. B. Wilson, 7347; Joel H. Smith, 7329; Joseph B. DeComas, 7347; William T. Eddy, 7333.

There are 326 scattering votes.

San Franciscans at the Fair.

ST. LOUIS, Nov. 28.—The following San Franciscans are among the recent visitors to the fair: J. C. Lindsay, O. S. Nells, B. Varton, S. Caro, P. J. Kuey, Mrs. J. Thompson, O. McDewitt, Mrs. M. Jaques and family, Mrs. R. E. Snow, J. C. Schleck and wife.

OSTRICH FEATHERS RETURNED.

Assistant Secretary Armstrong of the Treasury Department has instructed Collector Stratton to collect \$6 from Mrs. Francis de Souza and surrender to her two ostrich feathers which she had attempted to smuggle.

SCOTT'S EMULSION.

HAD TO HIDE IT. A mother wrote us recently that she had to keep Scott's Emulsion under lock and key—her children used to drink it whenever her back was turned. Strange that children should like something that is so good for them. It's usually the other way. Scott's Emulsion makes children comfortable, makes them fat and rosy-checked. Perhaps that's why they like it so much—they know it makes them feel good.

Well, send us a sample, free. SCOTT & BOWNE, 409 Pearl Street, New York.

KUROPATKIN RIDES ABOUT IN AN AUTO

Commander in Chief of Czar's Armies Is Up to Date.

SCARES CHINESE

CHEFU, Nov. 28.—General Kuropatkin is the possessor of a new twenty-horsepower automobile, with which he is able to rush at high speed from one part to another of a line twenty-five miles long, according to a Frenchman interested in the manufacture and sale of automobiles who has just reached Chefu from Mukden. This gentleman spent three weeks with General Kuropatkin, who wished to procure twenty automobiles specially constructed to carry ammunition speedily in emergencies. These will be used only in winter, when the Manchurian roads are generally in excellent condition. On his first trip in the automobile General Kuropatkin's only comment was:

"I have an advantage over General Shafter."

The Chinese now regard the Russian commander in his machine with superstitious awe, believing the automobile to be an atrociously powerful specimen of the "foreign devil." The French informant continued:

"The two armies lie facing each other, each having three fortified lines. The soldiers of both armies live mostly in caves behind the trenches, which when covered with snow present the appearance of a great host of polar bears waiting to spring at each other. These caves are warm, even without fires. The Russian soldiers are in the best of spirits and have unlimited confidence in their leaders. They expect that General Kuropatkin will attack during the winter. The Russian force now numbers 300,000 men."

"The cavalrymen from the Don district are superior to their Siberian comrades. They are intelligent, brave and active and are mounted on fine and powerful horses."

"There are only a few hundred wounded at Mukden, but there are 30,000 at Harbin."

"I came out on the Siberian Railroad, which seemed to be doing a tremendous work smoothly. Along the railroad between Mukden and Harbin there are lines of warehouses full of supplies, and these supplies remain almost untouched, as up to the present the army has subsisted chiefly on the country."

"The Russians are improving in the handling of their artillery, while the Japanese artillery seems to be less effective. Originally the Russians did not conceal their artillery, which the Japanese quickly disabled. Now they handle and conceal their guns in a scientific manner."

"The belief is general that Port Arthur will be able to hold out until relieved, no matter how long relief may be delayed. Much is expected from the second Pacific squadron."

"General Kuropatkin is not talkative. The only reference he made to the war in conversation with me was, 'It is progressing as I wish.' The general still lives in a railway car, and the light in his office is burning night and day. It is commonly stated that he never sleeps, and his officers are not surprised when they are called into conference at any hour of the night."

RAILROAD MEN PREFER CHARGES AGAINST HAYS

Southern Bank Official Accused of Embezzlement Said to Have Victimized Corporation.

RIVERSIDE, Nov. 28.—J. Ross Clark and T. E. Gibbon, first and second vice president respectively of the Los Angeles, San Pedro and Salt Lake Railroad, to-day preferred charges before the Grand Jury against H. T. Hays. They allege that Hays, while acting as the confidential agent of the company in securing rights of way through the city of Riverside, embezzled \$12,000 from the company. The railroad company, they claim, was made to pay much more for certain properties than Hays paid. It is alleged:

Hays has been held to answer under bonds of \$48,000 before the Federal court for the embezzlement of \$100,000 from the Orange Growers' Bank of Riverside, which was wrecked on account of Hays' alleged defalcation.

ONE KILLED AND FOURTEEN INJURED IN CAR ACCIDENT

Trolley Jumps the Track at a Curve, Overturning as It Crosses the Street.

ST. LOUIS, Nov. 28.—One man was killed outright and fourteen passengers were injured, some of them seriously, in a Belfontaine trolley car that jumped the track and overturned to-day. Charles J. Warner was thrown off the platform and struck head foremost on a pile of street car rails. He lived but a few moments. The accident occurred at a curve while the street car was running at full speed. Leaving the track, the car dashed across the street, hitting the curb and overturning and strewn the street with injured. The car was crowded with men, women and children on their way to work.

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JUDGE MORROW DECIDES IN FAVOR OF THE CORPORATIONS AND AGAINST COMMISSION

STATUS OF SHORT HAUL

The famous sugar rate case, which had been pending in the Federal courts for several years, was dismissed yesterday by United States Circuit Judge Morrow. In his opinion Judge Morrow exhaustively discusses the case and decides that the Interstate Commerce Commission is not vested with legislative powers to establish rates and that it had not been shown that the rate complained of on sugar from San Francisco to Kearney, Nebr., was unreasonable per se. The suit was entitled The Interstate Commerce Commission vs. the Southern Pacific Company, the Union Pacific Railway Company and S. H. Clark, Oliver W. Mink, E. Ellery Anderson, John W. Doane and Frederick R. Couderc, as receiver of the Union Pacific Railway Company, and the Union Pacific Railroad Company as successor of the Union Pacific Railway Company.

This was a suit in equity to restrain the defendants from collecting certain freight charges on sugar in violation of the order of the Interstate Commerce Commission. The facts of the case, as found by Judge Morrow, are as follows:

On December 9, 1890, A. J. Gustin, a resident of Kearney, Nebr., filed a petition with the Interstate Commerce Commission alleging that the Southern Pacific Company, Union Pacific Railway Company and its successor, the Union Pacific Railway Company, had violated the interstate commerce act, in that they had charged a rate of 77 cents per 100 pounds on sugar in carload lots from San Francisco over their joint through line to Kearney, Nebr., while at the same time charging 50 cents per 100 pounds on the same freight for the longer haul through Kearney to Omaha. On March 2, 1900, the commission found the charges complained of to be in violation of the act and ordered that the defendants desist from making them.

It is alleged in the present suit that the defendants willfully violated this order of the commission. The commission asked for a writ of injunction or other process restraining defendants from further disobedience to the order and requiring them to pay the costs and counsel fees. The defendant railway companies filed answers admitting that they had charged the rate mentioned, but denying that it was in violation of law, alleging that the lower rate to Omaha than to Kearney was forced upon them by competitive conditions beyond their control, namely, water and rail rates through the Dominion of Canada and water competition to and from the Atlantic and Gulf ports.

Judge Morrow said that while the commission had determined that Omaha was a competitive point in the transportation of sugar, and that the defendants were forced to make the rate of 50 cents per 100 pounds from San Francisco to that point, it did not determine that the rate of 77 cents per 100 pounds to Kearney was unreasonable per se. In other words, by comparing the rate of 77 cents per 100 pounds from San Francisco to Kearney, the shorter distance, with the rate of 50 cents per 100 pounds from San Francisco to Omaha, the longer distance, the commission reached the conclusion that the greater charge for the shorter distance was relatively unreasonable. The question had been submitted to the court whether this difference of 27 cents per 100 pounds between the rates to Kearney and Omaha was unreasonable.

Judge Morrow, after quoting the cases of Texas and Pacific Railway vs. Interstate Commerce Commission and East Tennessee Railway Company vs. Interstate Commerce Commission, says:

It follows that unless the greater charge for the shorter distance is shown to be unjust, and the lesser rate charged for the longer haul is voluntary, the prohibition of the third section of the act does not apply. It is true that in this case it is contended that the rate to Kearney is unreasonable per se, and in support of this contention it is urged that the unreasonableness of the Kearney rate appears from the fact that the average traffic between Kearney and Omaha is only one-third that between Omaha and Lincoln. The Kearney rate is made up of the rate for the haul through Kearney and 10 miles beyond to Omaha, a competitive point, plus the local rate of 27 cents per 100 pounds from Lincoln back to Kearney. The Kearney rate embraces the charges for two hauls aggregating 200 miles not in fact made. The attention of the court is called to a statement of the average eastbound rate per ton per mile maintained by the Union Pacific Railroad Company on its Pacific Coast business for a number of years from which it appears that the local rate of 27 cents per 100 pounds from Lincoln to Kearney is in excess of the rate for the haul from San Francisco to Kearney. It is in and of itself an unreasonable rate. The court in the proceedings before the commission in the case of Interstate Commerce vs. Louisville, etc., R. Co., 169 U. S. 273, where the Supreme Court pointed out that there was nothing in the proceeding to sustain the view that the higher rates for the shorter haul were in and of themselves unreasonable. The competitive conditions prevailing at a point on the longer haul where a lesser charge had been established by force of competitive conditions.

It is to be observed, further, that while there is no finding as to the reason why the order of the commission can be based, the evidence itself is not believed to be sufficient to support the order. The court, on the contrary, appears to be sufficient to support the order. The court, on the contrary, appears to be sufficient to support the order. The court, on the contrary, appears to be sufficient to support the order.

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LABOR UNIONS HOLD MASS-MEETING IN SACRAMENTO

Prominent Delegates to Federation Deliver Addresses, and P. H. McCarthy Presides.

SACRAMENTO, Nov. 28.—One of the largest and most enthusiastic meetings in this city in many years was held in the assembly chamber of the Capitol to-night under the auspices of the Central Labor bodies. Considerable disappointment was expressed at the failure of John Mitchell, president of the Western Mine Workers, and Samuel Gompers, president of the American Federation of Labor, to be present. They were unavoidably detained at San Francisco.

Addresses were made by a number of labor leaders who had been in attendance upon the labor convention at San Francisco, among them being James Wignall, organizer of the Dock Workers of London; T. M. Guerin, first vice president of the Carpenters and Joiners of New York; William Abraham, president of the Miners' Federation of Wales; Frank Duffy, general secretary of the United Brotherhood of Carpenters and Joiners of Indianapolis; W. H. Sherman of the International Electrical Workers of Washington, D. C.

P. H. McCarthy, president of the State Building Trades Council, presided over the meeting and made a short address, in which he declared the "open shop" had not been able to get a foothold in California.

COUNTERFEITERS' OUTFIT IS FOUND BY CONSTABLE

Officially Arrests Two Brothers, Recently Acquitted on a Charge of Horse-Stealing.

SAN LUIS OBISPO, Nov. 28.—John Fillmore, who was cleared in the Superior Court last Saturday of the charge of horse-stealing, had no sooner regained his liberty than he and his brother were arrested for counterfeiting. The two men drove to Guadalupe Sunday, where a constable and a deputy took them in charge and searched them, finding in their possession a complete outfit for making counterfeit quarter dollars. The prisoners had been playing the bogus quarters in the slot machines at Guadalupe.

As soon as an order can be obtained Deputy United States Marshal Frank Cook of this city will bring the men here to await a hearing before the United States court at Los Angeles.

THROWS AWAY TICKET THAT WON A CAPITAL PRIZE

Sacramento Man Finds His Haste in Reading Figures Cheated Him Out of Fortune.

SACRAMENTO, Nov. 28.—M. Morgan, a well-known merchant, left for San Francisco this afternoon to visit the agency of one of the large lotteries and make claim to a \$15,000 prize. It is believed he will have difficulty in establishing his claim, owing to the fact that he has no ticket.

Morgan was looking over what he supposed was the current drawing of the other night and, finding his ticket had won nothing, threw it in the waste basket, and it was afterward burned in a furnace. To-day he found the proper drawing and discovered that his ticket, the number of which he retained, had won \$15,000.

Pays Fine for Speeding Auto.

SACRAMENTO, Nov. 28.—Dr. P. J. Sargent of Stockton, reported to be a millionaire, who was arrested last Sunday evening for furiously driving his auto through K street, appeared in the Police Court this morning, pleaded guilty and was fined \$80, which he paid, and departed in his auto for his home in Stockton.

Basket-Maker Killed.

SAN JOSE, Nov. 28.—The man who was cut in two by a train near this city yesterday was James Young, a basket-maker. His parents reside in Georgia and are wealthy.

FREIGHT RATES TO BE CHANGED

Railroads Prepared to Make Final Move in Fight Commenced Several Years Ago

LOS ANGELES, Nov. 28.—After seeking for the past three years to come to some understanding with Southeastern lines in regard to an adjustment of freight rates the Transcontinental Freight Bureau lines have determined upon a final move, and to-day will notify shippers throughout California that beginning with December 15 they will cancel all rates now in effect in connection with Southeastern roads for traffic to, from or passing through Pacific Coast terminals, and to, from or passing through points east of the Mississippi. The exceptions to this ruling are the lines of the Illinois Central, the Mobile and Ohio and the Kansas City, Memphis and Birmingham railroads.

The States in the East affected by this ruling are: Kentucky, Tennessee, Virginia, West Virginia and Mississippi.

The Southeastern lines started the quarrel several years ago by demanding a larger amount of the freight receipts than the transcontinental lines believed they were entitled to. During the last two years three meetings have been called in the hope that the difficulties might be overcome and an agreement reached which would be satisfactory to all persons concerned.

The last meeting was held in Chicago September 23, but the representatives of the different roads failed to agree. The breaking off of connections comes as a result.

"The transcontinental lines have been drawn into this against their wishes," said an official of one of the big systems last night, "and they regret the action that has been taken as much as will the shippers. I think that they would be willing to arbitrate the question, but it does not seem possible. How long this is to last I do not know."

CANADIAN RAILROAD PLANS IMPROVEMENT OF HARBOR

Corporation Will Destroy Point of Land That Has Long Impeded Navigation.

VICTORIA, B. C., Nov. 28.—The Canadian Pacific Railway Company has just acquired by purchase Laurel Point, Victoria Harbor, a rocky promontory, the existence of which has restricted shipping in this harbor, and will blast it out at a cost, it is said, of \$100,000, thus greatly enlarging and improving the harbor on the site the company has chosen for its wharves.

The company will apply immediately to the Dominion Government for a substantial subsidy to aid it in this undertaking. Wharves to cost another \$100,000 are to be erected immediately.

POLITICIAN SENDS CITY FATHER TO A HOSPITAL

Councilman of Los Angeles Badly Hurt in Row With Political Opponent.

LOS ANGELES, Nov. 28.—Dr. A. D. Houghton, Councilman from the Sixth Ward of Los Angeles, was assaulted and seriously hurt by M. W. Conkling, an attorney and Democratic politician, on the street here this morning. Dr. Houghton was taken to the Emergency Hospital.

The fight, which grew out of political differences, commenced in the Mayor's office in the City Hall this morning and after the participants had been separated there was renewed later on the street. Conkling proceeded to the police station after the fight and gave himself up.

DARK SPOT GIVES THUGS A CHANCE TO OPERATE

Bakersfield Barber Is Held Up by Bold Highwaymen and Relieved of His Money.

BAKERSFIELD, Nov. 28.—About midnight last night, while on his way home, Fred Geiser, a barber, was held up by two masked men and robbed of all his money. Geiser was crossing the street at Twenty-third and K streets when a man suddenly stepped out from behind a tree and, covering him with a revolver, ordered him to hold up his hands. At the same time another man came up behind him and pressed the muzzle of a pistol against his neck.

This is the second hold-up within a year that has occurred at the same spot. At Twenty-third and K streets there are no lights and the large trees in the vicinity make the spot a particularly dangerous one at night.

LOVE OF WHISKY DRIVES HUSBAND TO SUICIDE

VANCOUVER, B. C., Nov. 28.—William Mortimer committed suicide by cutting his throat from ear to ear with a razor to-day. He leaves a widow and eight small children. Recently Mortimer was arrested on complaint of his wife for refusing to provide for his family. He was forced to turn all his money over to his wife and thereupon complained that as he had no money left to buy whisky he would soon commit suicide. To-day he carried out his threat.

ADVERTISEMENTS.

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