

'NOT GUILTY,' IS JURY'S VERDICT IN MURDER CASE OF ELIEGO BACA

Slayer of Celestino Otero Acquitted in El Paso Court; Plea of Self-defense Is Sustained on Hearing.

WIFE OF DEAD MAN REPEATS HER STORY

Much of Evidence Introduced in Conspiracy Case at Santa Fe Recently Is Reproduced at Later Trial.

(SPECIAL DISPATCH TO MORNING JOURNAL)

El Paso, Tex., Jan. 25.—Eliego Baca, former district attorney of Socorro county, New Mexico, was acquitted by a jury here tonight, on a plea of having murdered Celestino Otero, in El Paso, January 31, 1914. Baca claimed self-defense.

Otero was killed in front of a saloon at the corner of seventh and Santa Fe streets in this city, after keeping an appointment previously made with Baca. Baca went to the place of meeting in an automobile driven by Dr. Romero, and immediately after alighting from the car he drew a pistol and shot Otero dead.

Baca was attorney for Jose Ynez Salazar, the Mexican general, recently acquitted on a charge of perjury in connection with a habeas corpus proceeding resulting from Salazar's crossing into the United States.

Baca, with several other prominent men of New Mexico, was acquitted several weeks ago at Santa Fe, N. M., on a charge of having aided Salazar in his escape from jail at Albuquerque, where he was held pending trial on the perjury charge.

Mrs. Otero's Evidence.

The prosecution closed its case in chief this morning. Mrs. Otero had testified that she and her husband had come to El Paso to collect money from Eliego Baca, who had been charged with the murder of her husband. They had been in the city for several years, and she knew Baca by sight, and that she had seen him and her husband in conversation on a number of times. She was with her husband when Manuel Vigil gave Otero \$40 to go to El Paso and meet Baca. She knew General Salazar and was living on the Vigil ranch when he was hiding there after his escape from the Albuquerque jail. All testimony in reference to Salazar was objected to and the objections were sustained by the court.

The testimony of several witnesses for the prosecution was to the effect that they heard shots, some one, others as high as three or four. One did not know who was firing, but saw a pistol in the direction of the body of the man on the ground; others saw near the body what seemed to be a knife; none seemed to know who fired any of the shots. Luz Alvarez testified that as she was coming from her work she saw a man killed. "I heard the first shot," she said, "but I did not know who did the shooting. I heard three shots. I never saw Baca until he stood up in court here."

Picked Up Pistol.

Jim Briggs testified that he picked up a pistol close to the body of the dead man, Otero. He phoned the police after putting the weapon in his pocket. Later he took it out and it discharged while in his hand. It was the seventh cartridge that discharged and there were six others in the magazine. While he did not see who fired the shot he heard, he saw a smoking pistol in Baca's hand.

Ira E. Taylor, a Santa Fe conductor, who was on a switch engine in the vicinity of the tragedy, said he saw Mr. Baca standing near an automobile and he saw him throw a pistol away, set into the car and go up the street. The witness phoned the police and then went over where the man was lying. He did not see a pistol. He saw blood on Otero but had no idea of how many shots were fired, or how many times the man was hit.

I. A. McCoy, a switchman, testified: "What attracted my attention was the automobile coming from the south. I heard some shots and immediately turned my head, but I do not know who fired the shots, although I understand Mr. Baca fired some of them. I know there were two men in the car which turned right on the Santa Fe track, but cannot tell whether or not there were any more. I did not see Otero shot. I saw him right after. He was staggering, kinda falling. I saw his hands, and he did not have a pistol that I saw. There was a weap-

THE WEATHER

WEATHER FORECAST.
Denver, Jan. 25.—New Mexico: Wednesday and Thursday, occasional snow north, and rain south portions.

LOCAL WEATHER REPORT.
For twenty-four hours, ending at 6 p. m. yesterday:
Maximum temperature, 61 degrees; minimum, 24 degrees; range, 37 degrees; temperature at 6 p. m., 46 degrees; southwest wind; clear.

CITY BANK CLEARINGS.

Yesterday \$39,240.07.

on lying some ten or twelve feet from him after he fell. Baca was standing beside the automobile, and my recollection is that both Dr. Romero and Mr. Baca got out of the car and stood on the ground.

Otero's Testimony.

Jesus Erias heard the shots, but did not know who fired the first one. He heard three or four shots, but could not tell who did the shooting. He saw Otero fall and "the men" get into the car and drive away.

The testimony of W. D. White was read to the jury, it being the same as was given by the witness at the habeas corpus proceedings just after the arrest of the defendant. It was to the effect that he saw an automobile drive up and turn around near the Santa Fe Fuel company's plant and a man going in the same direction; he later saw a man jump into the machine and drive off. He went to where Otero was lying, and he saw a pistol on the ground, near where the car had been. He saw a knife, closed, was in Otero's hand.

J. B. McFadden's testimony was also read, he having been a witness at the habeas corpus hearing. He thought three shots were fired, possibly four. He saw a pistol near Otero, to whose body he went after the shooting, but saw what he took to be the handle of a knife in the dead man's hand.

Dr. Romero testified he took Baca to the saloon mentioned by Otero in his car, but not finding Otero there, they started toward the city, when, close to the Santa Fe tracks, he saw Otero approaching them. He stopped at a sign from Otero. Baca jumped out of the car and asked Otero what he wanted, and immediately requested Otero to tell him what he had in his right hand pocket. Otero took several steps backward, cursing Baca. He pulled a revolver from his pocket and shot at Baca. Baca then drew and shot Otero twice. Baca turned and said "I'm sorry," but soon discovered the bullet had only passed through his coat. The pistol picked up by some one after Otero's death, was, according to Romero's testimony, Baca's, and he immediately requested Otero to tell him what had happened and gave himself up.

Saw Baca in Saloon.

Trinidad Zamora, a porter in the saloon where Baca was to meet Otero, and a former inmate of the penitentiary, testified, according to the statement of the defense, testified that he had seen both Baca and Otero at the saloon on various occasions and had seen Baca there the day prior to the killing. On the day of the shooting he was in the vicinity of the saloon and on his way toward the city. He saw the automobile containing Baca and Dr. Romero come up to the tracks, which were some distance past the saloon. The car started to turn and he saw Baca get out. He saw a man who was approaching the machine hold up his hand. The car stopped. The man was Otero. Two or three shots were fired and the machine moved away. He did not go to the scene of the shooting.

Manuel U. Vigil is present as a witness for the defense and Judges E. W. Parker and E. L. Medler and W. H. H. Lewellyn are here as character witnesses for the defendant.

The jurors trying the case are William Meisel, T. M. White, S. Y. Reum, B. P. Klerner, William Alberta, J. A. Chippis, Albert Cochrill, H. Vandrugan, C. N. Bassett, M. H. Lemen, Samuel Hill and Colonel Lewis.

PAJCHO VILLA, WITH 1,000 MEN, BELIEVED TO BE AT SANTA CLARA

Carranza Officials Admit Probability of Whereabouts of Bandit Chief but Deny Strength of His Following.

STOLEN BULLION IS RETURNED TO OWNERS

Bars of Silver and Gold Valued at \$25,000, Taken From Train in 1913, Turned Back to Officials of Mine.

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Twenty-five bars of silver and gold bullion valued at approximately \$25,000, stolen by Villa April 9, 1913, at Santa Ysabel, the scene of the recent massacre of Carranza forces, were returned today by Carranza officials to Charles Qualey, representative of the Batopilas Mining company and the Yaqui Development company of the Mianca district, in western Chihuahua.

The bullion recovered was part of a shipment of 133 bars taken from a train by Villa. Ninety-two bars were recovered from Villa personally shortly after they had been taken, but Villa insisted the remaining thirty-one bars had been buried and their location lost.

Bullion Found in Chihuahua.

The officials of the government found the twenty-five bars stored in Chihuahua City by Miss Marie Corral, sister-in-law of General Villa. They were brought to Juarez by Enrique Bliss, recently identified as the man who turned over and shipped to this city today.

By an agreement between General Pershing, commanding the Eighth United States infantry brigade at Fort Bliss, and Gen. Gabriel Davila, commandant at Juarez, all guards at both ends of the international bridges were removed today as the result of the shooting of a Mexicana by an American post guard recently.

The customs officials at the international bridges today requested that the American guards be restored to their regular positions. General Pershing took their request under consideration.

Manuel M. Medina-Villa, formerly chief of staff of General Villa, was also in the city today. He was in the United States today by a special board of inquiry of the immigration authorities here after three days' hearing in connection with his alleged responsibility for the killing of Peter Keane, an employee of the mine ranch at Babruca, western Chihuahua.

TEUTONIC PRISONERS DYING OF STARVATION

(BY MORNING JOURNAL SPECIAL LEASED WIRE)
San Francisco, Jan. 25.—Thousands of German and Austrian prisoners of war in Russian concentration camps in Siberia were described "as starving and dying from exposure in the bitter cold of the Siberian winter," by F. W. Wakefield, a San Francisco business man who arrived today from the front on the steamer Shinyo Maru. He traveled through Siberia with his wife in Honolulu, T. H. last summer to the former Mrs. John D. Spreckles, Jr. of San Francisco.

"When I was in Tschita, Siberia," said Mr. Wakefield, "last November, 100 prisoners in a camp there already had died from exposure and want of sufficient nourishment. Their condition was pitiable and the Russian government, I was told, could do nothing. There were about 30,000 prisoners there, shivering about with their German and Austrian uniforms in tatters. Some shielded themselves with animal skins. In all of Siberia there were hundreds of thousands of prisoners. They must be given aid or thousands will die."

NEW YORK POLITICIAN RELEASED ON PAROLE

Comstock, N. Y., Jan. 25.—Joseph Casady, formerly prominent in New York City politics, who was convicted of harboring for the nomination of ex-Congressman William Willet as a supreme court justice, was released from Great Meadow prison by the parole board today and left on a noon train for New York. Willet's case was considered but final action was deferred.

COMMITTEES DISCUSS FOREIGN POLICY OF GOVERNMENT

Resolution Condemning Administration's Course in Regard to Mexico Almost Sure to Bring on Hot Fight.

Washington, Jan. 25.—Agriculture for greater contractual activity on the administration legislative program received new impetus today when President Wilson asked Majority Leader Kitchin to "speed up" work in the house side of the capitol and made arrangements for discussing the subject with other leaders of both houses tomorrow. The president is anxious that congress finish its work and adjourn in June before the presidential conventions.

Representative Kitchin gave assurances that there was no disposition on the part of the house to delay legislation pointing out that within the next few weeks action would be taken on several important appropriation and other bills. The president has been told, however, that there is danger of long delays in the senate in debate over national shipping, tariff and revenue bills.

Features of Program.

The outstanding features of the legislative program for the next few months, Mr. Kitchin foresees them, are:

- A tariff commission bill will be reported by the ways and means committee.
- No revenue measure is likely to be reported until after the military and naval committees bring in their bills. This may be weeks or months.
- No new waterways, projects, and no new public building bills will be considered.
- An anti-dumping clause for the tariff law may be reported later.
- In addition to these measures the shipping bill and the Philippine bill are expected by other congressional leaders to attract the most attention.

Studying Revenue Problem.

As the result of the decision of the supreme court upholding the income tax law, the president is studying anew the problem of raising revenue for the government, particularly for the preparedness program.

Senate committee contributed to the speeding-up program today reporting favorably on the water power leasing and postal saving deposit income measures. Senate Commerce majority leader, said tonight that conservation measures would be taken up as soon as the Philippine bill was passed.

The president virtually has completed his plans for leaving Washington at midnight for New York where he will speak Thursday afternoon and night. The program of addresses as well as legislative plans were discussed with the cabinet during the day. He said that all the speeches in the middle west would be extremely important although he has carefully thought out the general tenor of his remarks.

PREPAREDNESS CAMPAIGN TO BEGIN THURSDAY

New York, Jan. 25.—President Wilson, it was announced tonight, has consented to begin his campaign of speaking for national defense here at noon Thursday, by addressing the clerical conference of the New York Federation of Churches.

The president will be presented with an address signed by thirty-five hundred clergymen in appreciation of his efforts for peace. The Rev. Edward Young, pastor of the Bedford Presbyterian church of Brooklyn, will preside.

Dr. Young said tonight that an invitation had been extended to Cardinal Farley to open the meeting with prayer in the morning. The president, he said, would be presented by a Congregational clergyman, a vote of thanks to the president will be moved and seconded by a rabbi, and a universalist minister, respectively, and the benediction will be pronounced by a church of England clergyman.

REFRIGERATOR CAR CLASSIFICATION WRONG

(BY MORNING JOURNAL SPECIAL LEASED WIRE)
Chicago, Jan. 25.—H. L. Osman, vice president of the Interstate Commerce Commission, testified today at a hearing into private car lines, said a refrigerator car should not be classified as a special car because it is used in the transport of freight. He said that approved railroad companies furnishing refrigerator cars if the cars were kept in proper condition and supplied to users in sufficient quantity.

Flight of Nicholas Confirmed.

Berlin, Jan. 25.—(via Wireless to Szeged.)—An official statement issued by the Austro-Hungarian headquarters staff under date of January 25, 1916, stated:

"All foreign reports stating that the flight has been resumed in Montenegro, are unfounded. The report that King Nicholas had left his country and his army is confirmed."

Explosion in German Factory.

London, Jan. 25.—(3:37 p. m.)—A Berlin dispatch forwarded from Amsterdam by the Central News says that a fatal bombing was done by an explosion in a paint factory at Offenbach, Germany. It is said a number of persons were killed.

WILSON INSISTS THAT CONGRESS GET A MOVE ON IN LEGISLATION

Majority Leaders in Both House and Senate Urged to Speed Up Machine and Get Action on Pending Bills.

ADJOURNMENT BY JUNE IS PRESIDENT'S AIM

Chief Executive to Speak in New York Tomorrow and Then Start on First of Trips to Explain Defense Program

JAPANESE DEPART GERMAN MISSIONARIES

Yokohama, Japan, Dec. 25.—The Japanese mail transport Kahoshima Maru, which arrived yesterday from the South Pacific, brought ten deported German missionaries, five men and five women, from the Caroline Islands, which are now occupied by a Japanese garrison. The missionaries were deported for acts alleged to be contrary to the interests of the Japanese administration.

Upon arrival here they were handed over to the American consul general through the local government authorities. It is expected that they will leave for Germany by way of the United States.

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NO-SUSPENSION POLICY GIVEN STRONG SUPPORT

(BY MORNING JOURNAL SPECIAL LEASED WIRE)
Indianapolis, Ind., Jan. 25.—The policy of a non-suspension of mining in any field after present agreements have expired so long as there is hope of negotiating new contracts was given strong support in the convention of the United Mine Workers of America today.

All the leading officials of the union favored the non-suspension policy and it was predicted that the convention will endorse it when final action comes up tomorrow.

Employers of non-union miners stood ready to jump in and take the miners away from the employers of union labor in the event a suspension takes place.

President White, in advocating the non-suspension policy, said he could not see why men should not work, pending negotiations, declaring there was ample time to strike when there is no hope of getting an agreement.

Among others who favored non-suspension were Martin J. Flyzik, Seattle, president of the Washington miners; A. G. Morgan, Sheridan, Wyo., president of the Wyoming coal miners; John Gay, Abita, La., secretary of the Iowa miners, and R. D. Oliver, of Rock Springs, Wyo.

Vice President Hayes said that suspensions in the past had not been profitable to the union, and that the non-suspension policy would confound the union's enemies.

The committee on officers' reports beside endorsing President White's non-suspension policy, also commended his attitude on preparedness and recommendations made in his reports. These subjects will come before the convention before the non-suspension policy is disposed of.

The scale committee of the convention held its first general meeting last night and will make a report in a few days.

BRITISH FORCES SUFFER ANOTHER SEVERE REVERSE IN MESOPOTAMIA

Reports From Turkish Sources Coming Through Berlin Tell of Disaster to Troops Trying to Reach Kut-el-Amara.

MOSLEM LOSSES SLIGHT IN KILLED AND WOUNDED

(BY MORNING JOURNAL SPECIAL LEASED WIRE)
If reports from Turkish headquarters coming by way of Berlin are exact, the British forces in Mesopotamia suffered another severe reverse in their endeavor to reach the besieged town of Kut-el-Amara on the Tigris river. Some twenty miles east of Kut-el-Amara, the Turks in counter-attacks on the British, drove their several regiments and the British left on the field about 3,000 dead. The Turkish losses are declared to have been comparatively slight.

It was after this fight, which lasted six hours, that General Aymer is declared to have requested and obtained a truce of one day in order that the dead might be buried.

The British advancing from Muthetk on the Shatt-el-Hai river, south of Kut-el-Amara, toward Korna, were also compelled to retreat before a Turkish attack, says the report, leaving 100 men dead. The British reverse at the hands of the Turks, however, is somewhat offset by the Turkish losses in battles with the British in a neighborhood of Rezorum, a news agency dispatch from Petrograd asserts that apart from the casualties in actual battle, the Turks lost fifty officers and four thousand men taken prisoner, and also scores of machine guns and quantities of ammunition captured.

Aside from the usual bombardments mining operations and aeroplane raid little fighting is going on in any of the other theaters of war. Vienna asserts that there has been no resumption of hostilities in Montenegro. The king of the Montenegrins, with his family, has arrived at Lyons, France. The disarming of the Montenegrin army according to Austrian dispatches, is progressing without interruption and without resistance.

Allied airmen have again dropped bombs on Monastir and Givjessell and a hundred persons are estimated to have been killed or wounded in the latter town. The Germans, on their part, have dropped explosives from air craft on Dunkirk, where five persons were killed, and on the aerodrome at Nancy and factories in Baccarat.

While no battles of importance have been reported from the Russian front, Vienna says the Russians have shelled several sections of their line and that they are actively reconnoitering. "Official advices from Petrograd says the recent successes of the Russians have brought them to within less than three miles of the town of Pinsk in Volhynia.

The British military service bill is making fast progress in the house of lords, after its passage by the house of commons. The upper house passed the second reading of the measure without division.

AMERICAN ARMY OFFICERS LEARN MUCH FROM WAR

Representative of War Department on Every Battlefield in Europe, According to Evidence of General Treat

Washington, Jan. 25.—Some idea of what American army officers are learning on the battle fields of Europe, was given the senate military committee today by Col. Charles G. Treat, of the army war college. Much of what the colonel said was treated as confidential, but it is known that he told the committee there was an American observer with the armies of each belligerent nation and that their reports to the war college had been of great value in the preparation of new army plans.

Brigadier General Crozier, chief of ordinance, discussed in detail before the house committee the war department's plans for big guns.

Colonel Treat disclosed that the war department has definite information as to the famous 42-centimeter howitzers which the Germans used to crush their way through French frontier forts. The guns can be fired without mounting them on concrete emplacements, he said, and made ready for use in less than an hour and a half after they reach a given point. Both he and General Crozier hold plans for similar guns now being prepared in the war department. Primarily they will be used in coast defense work.

No Trench Warfare Here.

There is no reason to expect that trench warfare conditions will have to be met in this country, Colonel Treat stated, and therefore the proportion of high explosive shells and shrapnel for field guns will not be altered as radically for the American army as the French and British have found necessary.

The American 3-inch field artillery, the colonel explained, duplicated the French 75 in every respect but rapidly of fire and experiments are in progress which, he believes, will give the guns all the advantages of the French weapon.

General Crozier's examination by members of the house committee indicated that efforts would be made to bring in on the army bill definite plans for utilizing private munitions factories in time of war.

The only other witness heard was Adjutant General McCain, who reported before the senate committee his belief that the United States could not recruit for the regular army more than 50,000 men a year under any circumstances. Asked what the chief difficulties in the way of getting more were, he said:

"Well, they just don't enlist."

DISARMAMENT OF MONTENEGGINS UNDER WAY

Vienna, Jan. 24 (via London, Jan. 25, 1:05 p. m.)—The disarmament of the Montenegrins, it is reported here, is progressing favorably. Lack of communication, the nature of the country and unfavorable weather rendered it difficult for the Montenegrin government to reach the outlying districts. It was necessary that notice of the government's intention to capitulate should reach every house, because every Montenegrin was armed, and this task, in the absence of rapid communication was found more difficult than at first supposed.

The Austro-Hungarian military authorities, it is announced, are showing much consideration for the conquered people and have permitted the members of public safety organizations to retain their arms, although Austro-Hungarian troops have already assumed police duty.

Measures have been taken to feed the population, which is greatly in need of the necessities of life. Fifteen hundred Serbian soldiers who had taken refuge in Montenegro were taken prisoners by the Austrians.

Trustworthy reports from northern Albania say that many Albanians are joining the Austro-Hungarians and that the supporters of Essad Pasha, the provisional president of Albania, who has been appointed to Austria, are dwindling steadily.

Nothing is known by the public here of the terms of peace between Austria and Montenegro. This has not even been the subject of speculation by the press, which treats this as a matter of secondary interest until there are indications, however, that the government is not inclined to be severe with Montenegro. Through the occupation of Antivari and Dubrovnik Austria has established an effective control over the major part of the eastern Adriatic coast.

WAR WILL LEAVE AMERICA SAFE, IS STONE'S OPINION

Missouri Senator Favors Reasonable Preparedness but Does Not Think There Is Occasion for Alarm.

(BY MORNING JOURNAL SPECIAL LEASED WIRE)
Washington, Jan. 25.—America will be safer from attack from abroad at the close of the war in Europe than at any time in the last fifty years in the opinion of Senator Stone of Missouri, chairman of the foreign relations committee. He voiced this belief in the senate today while discussing the pending Philippine self-government bill, debate on which turned into a general airing of views on foreign relations and military preparedness.

"The close of the war," said Senator Stone, "will bring greater likelihood for lasting peace with the European nations than has existed at any time in the last half century. I do not intend to understand that I am opposed to a reasonable preparedness, but I think there is much less occasion for alarm now than before the war."

Slipped Apprehensive.

Senator Sheppard asserted that the failure to prepare for any eventualities would be to court humiliation and defeat. "The Monroe doctrine arouses increasing antagonism and opposition in Europe," he said, "some state land have brought us to the verge of war with Japan. Our Mexican border is in a turmoil. Last fall it was generally recognized we did not have a force strong enough to cope with the situation on our southern border. Our economic existence demands that we insist upon fair treatment on seas and in the ports of the world.

In view of these facts, it is folly to say we are immune from war and not to put our land and sea forces on a strong basis."

PAJCHO VILLA, WITH 1,000 MEN, BELIEVED TO BE AT SANTA CLARA

Carranza Officials Admit Probability of Whereabouts of Bandit Chief but Deny Strength of His Following.

STOLEN BULLION IS RETURNED TO OWNERS

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The Day in Congress

SENATE.

Public lands committee reported water power bill recognizing jurisdiction of both state and federal governments over water power sites.

Postoffice committee recommended deposits of postal savings funds in federal reserve banks.

Military and naval committees continuing hearings.

Adjourned at 4:23 p. m. to noon Wednesday.

HOUSE.

Military and naval committees continuing hearings.

Rivers and harbors committee heard Representative Sumners on "Trinity River project."

Republican Leader Mann made speech advocating preparedness.

Representative Bennett, New York, defended German-Americans in a speech.

Passed the Shackelford \$25,000,000 good roads bill, 291 to 81, three members voting "present."

Adjourned at 5 p. m. to noon Wednesday.

1916