

New York, March 16.—Silver, 58c; Mexican dollars, 46c. Copper, steady and unchanged.

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OUTRAGE ON JUSTICE PERPETRATED BY COLORADO ASSEMBLY IN SEATING OF PEABODY

ACTION YESTERDAY ON COMPROMISE AGREEMENT PLEDGE OF RESIGNATION IN LATTER BY PEABODY SAID HE WILL VIOLATE AND KEEP OFFICE

Denver, March 16.—James H. Peabody today won his contest for the office of governor, from which he retired on January 19, after serving a term of two years, but his victory was achieved only after he had given his pledge to resign and surrender the chair to Lieut. Gov. Jesse F. McDonald.

The vote in the joint convention of the general assembly by which Gov. Alva Adams was ousted and James H. Peabody installed was 55 to 41. Ten Republicans voted with the Democratic members for Adams. It was more in the nature of a party than a personal triumph, for both Peabody and McDonald are Republicans and Adams is a Democrat.

Although the Republican majority on joint ballot is 35, the membership of the legislature being 65 Republicans and 31 Democrats, it had been found impossible to gain for Peabody enough Republican votes to reelect him as governor for the remainder of the biennial term ending in January, 1907.

Twenty-two Republican members of the General Assembly, according to report, refused to be bound by any action in caucus on the contest, and entered into a compact not to vote for Peabody. The majority of them, however, were in favor of seating the lieutenant governor in the governor's chair, if means could be found to do so legally.

Finally the leaders of the opposing Republican faction arranged a compromise by which Peabody could be vindicated by being elected, and McDonald would be made governor. At a conference at which the bargain was made, pledges were given to the Independent Republicans by the heads of four large corporations which had been in support of Peabody that he would retire after being seated and permit the lieutenant governor to take the office of governor.

Gov. Peabody's resignation. It is said, was placed in the hands of W. S. Boynton, and will be filed by him with the Secretary of State tomorrow.

Gov. Adams, who had spent the day packing his effects, surrendered his

office to Governor Peabody shortly after 5 o'clock this afternoon. Scores of letters, telegrams and telephone messages had reached the executive chamber during the day urging Gov. Adams to hold his seat by force, but he decided to ignore this advice. In conversation he said he felt outraged at the action of the general assembly, and expressed surprise that Peabody should become a party to what he termed a conspiracy to secure the office of governor for a man who had no claim whatever on the place. Later Governor Adams will issue a formal statement to the public regarding the result of the contest.

Gov. Peabody was escorted before the joint assembly by a committee after adoption of the report, and the resolutions restoring him to office. He was greeted with cheers. The oath was administered him by Chief Justice Gabbert.

REPUBLICAN CHAIRMAN SAYS

PEABODY WILL NOT RESIGN.

Denver, March 16.—Standing on the portico of Gov. Peabody's residence tonight, while the band played and a chorus of voices shouted congratulations to the governor, D. B. Fairley, chairman of the Republican State Central Committee, engaged in conversation with a representative of the Associated Press.

"Will Peabody resign?" He was asked.

"I think not," was the reply.

"Has he signed a resignation?"

"A tentative one, yes."

"What will be done with it?"

"Nothing," said the Republican chairman.

"Was this part of the plan to seat him, Mr. Fairley?" the reporter asked.

"I believe so," responded Mr. Fairley.

The appearance at the door of Mr. Peabody interrupted the talk. Later the governor himself came out upon the portico and addressed the crowd. He thanked his friends for their loyalty, but made no reference to his intentions regarding the governorship.

DOMINICAN TREATY WILL PROBABLY DIE.

Washington, March 16.—Republican leaders of the Senate are all at sea respecting action advisable to take in regard to Santo Domingo treaty.

Recognizing that the Democrats control more than one-third of the votes, and that two-thirds are required to ratify the convention, the sentiment of Republican leaders is that the treaty should be withdrawn by the President.

On this subject the Senate and the President do not agree, and the idea prevails that after one or two days more of inconsequential discussion the special meeting will be allowed to adjourn without date, in which event the treaty will lapse. This plan, however, is not popular in the Senate, and a way to avoid it is being sought.

STRIKE DIFFICULTIES NOT OVER.

New York Transportation Companies Find It Necessary to Take Back Many of Old Men.

New York, March 16.—Traffic on the elevated roads and in the subway has not yet been regulated in a manner that gives adequate service during the rush hours. A number of old employees who have been reinstated have charge of the express trains, but the irregularity of locals run by strike breakers have rendered efforts to improve the service fruitless.

Over a thousand strikers have been given their old positions, and the company is considering the applications of many others. Several minor accidents have occurred in the last few days.

ATTEMPTED STABBING.

Mexican Unlimbers a Knife on Chihuahua Hill.

For attempting to stab a fellow Mexican on Chihuahua Hill yesterday, Juan Palos was sent to jail for fifteen days. The affray grew out of a drunken brawl. Officer White was summoned to arrest the knife-user by the man he attempted to stab. In court the evidence was of such a rambling kind, mixed with all the intricacies that the witnesses could summon, that the court at the conclusion of the hearing could not determine from what had been told whether there was an attempt at cutting or not. The man with the knife was, however, clearly shown to have been disorderly.

Y. M. C. A. OFFICIALS

Arrive at Douglas to Look After New Building.

Douglas, March 16.—G. D. McMill, who has general supervision of the buildings erected by the Y. M. C. A. in the United States, arrived in town yesterday. He was accompanied by P. P. Kelly, of Boston, an architect and superintendent, who will have charge of supervising the work on the Douglas Y. M. C. A. building. Mr. McMill expects to return to Chicago tonight but Mr. Kelly will remain here and give his entire time to supervising the construction of the new building.

Contractors Stewart and Crawford have the work well under way on the excavating and will commence laying the concrete some time next week.

BOARD OF PARDONS

For Second Time Saves Lives of Condemned Murderers.

Harrisburg, Pa., March 16.—The Pennsylvania Supreme Court, having decided yesterday to send the case of Samuel Greason, colored, under sentence of death in Reading for the murder of John Edwards in 1901, back to Baker County court, the Board of Pardons today granted continuance in his case and also in that of Mrs. Kate Edwards, white, who is also condemned to death for the same crime. The Board of Pardons has twice refused to commute her sentence.

PROMINENT CATTLEMAN

Of Southwest Dies Suddenly in New Mexico.

Santa Fe, N. M., March 16.—Gen. B. S. Benson, one of the best known cattlemen of the Southwest, and who held important positions in Iowa before coming to New Mexico, dropped dead today while sitting on the porch of his ranch house south of Carlsbad.

MEYER GUGGENHEIM DEAD IN FLORIDA

THE COPPER MAGNATE SUC- CUMBS TO AN ATTACK OF PNEUMONIA.

Was Nearing 80 Years of Age—Man Who Began Wonderfully Successful Career Peddling Stove Polish, Died Worth Millions.

New York, March 16.—A dispatch from Palm Beach, Fla., reports the death of Meyer Guggenheim, the copper capitalist. Death was caused by pneumonia. He was 78 years old.

Mr. Guggenheim was the head of the firm of M. Guggenheim & Sons, owners of mining and smelting enterprises in the United States and throughout Mexico.

He began his career as an itinerant vendor of stove polish. Accumulating some money, he invested it in Colorado mines, and later went into the smelting business at Denver. He also erected a large smelter at Pueblo, Colorado.

The fortune left by the deceased will amount high in the millions. He had given liberally to philanthropic enterprises, and his name was well known in municipal affairs and civic reform.

DRILL FOR THE TRANSVAAL.

Superintendent Neer Will Have Diamond for Sonora Property.

C. L. Neer, of the Transvaal, returned to the mine yesterday after spending several days here watching the operations of diamond drills. He was so well satisfied that he will recommend that one be installed at the Coble Rico mine to explore the already well developed ore body.

A new ore strike has been made in the shaft of the Transvaal mine No. 1 on the 400 foot level. Water in large volume has interfered with the developing of the new strike; but at the last report the water had been lowered to nearly one-fourth its original volume by the big pumps recently installed. Two cars of 60 per cent matte are awaiting transportation at the new smelter, and work on the big smelter at the Campas river is being carried on as rapidly as the arrival of material will permit. Twenty-six cars of smelter material are in transit.

BRITAIN STORM SWEEP

GREAT DAMAGE AND MUCH LOSS OF LIFE ON THE COASTS

of England and Ireland—North of Later Heavily Stricken in Early Morning—Ship Goes Down with 23 of Crew.

London, March 16.—A storm of hurricane force burst over the Irish and English coasts during the night and it is feared many disasters have occurred. Telegraph lines are broken at many points.

The British ship Khyber has been totally wrecked off the Korean coast. Twenty-three of her crew were drowned. Only three were saved. The Khyber sailed from Melbourne, October 20, for Queenstown.

The storm swept over the north of Ireland in the early morning and did great damage to property, fears are entertained for the safety of the fishing fleets. High winds have caused terrible havoc along the coasts of the United Kingdom.

Life boat stations are busy and ships everywhere are seeking shelter. A number of minor wrecks, accompanied by loss of life, have been reported. Terrific seas are running.

Had Stormy Passage—Miss Lola Gasper has returned from a three-months' visit in California. Miss Gasper was a passenger on the steamer Queen during passage south, in the worst storm on the coast in sixteen years. All of the state rooms on the seaward side of the steamer were flooded on the main deck at one time during the trip.

Coast Lines Crippled.—All the coast lines of railroad are reported severely crippled as the result of the recent storm. Between Los Angeles and San Francisco traffic is practically suspended. The Santa Fe is in little better shape entering San Francisco than is the S. P. The through trains of the latter have all been off of time on the main line at Benson for the last several days.

Harold Beecher, in advance of the "Hills of California Co.," which appears at the Opera House in this city Sunday evening, arrived in town yesterday from Phoenix. Mr. Beecher should have been here last Sunday, but was delayed three days at Phoenix by reason of railroads out of the town being closed.

Wm. Truax left this week for Los Angeles, where he expects to make his future headquarters. With his departure he disposed of his interest in the English Kitchen to L. A. Brown.

Judge Hale and wife, after a several weeks visit in the city from Duluth, left yesterday for a visit at Pasadena before returning to their home in the East.

BILL PASSED IN COUNCIL PROVIDES APPROPRIATIONS AFTER HARD FIGHT

COMPROMISE AFTER TUSNING BILL DOWN CIRCUIT COURT BILL LAST APPOINTMENT MADE CLOSING SESSION IN FLOOD SURROUNDED CAPITOL

Phoenix, March 16.—The governor today presented a list of appointments which was approved by the Council. They were as follows:

Public Administrator—W. C. Foster, Phoenix.

Live Stock Board—Hurst, Phoenix; Geo. Pusch, Tucson; M. A. Perkins, Yavapai.

Equalization Board—Same as Live Stock Board, with the addition of the name of J. Wood Winslow.

Regents of the University—Walter Talbot, Phoenix; M. Freeman, George Roskrue, Chas. Bayless, Tucson.

Dental Board—Sims, of Phoenix, and Rhone, of Douglas.

Webb's primary election law passed the Council. The bill redistricting the Arizona judiciary becomes a law. The governor vetoed the Scott White relief bill.

The Council passed the following House memorials: Petitioning Congress for \$75,000 to complete the capitol; to raise the governor's salary to \$6,000, for \$10,000 for purchase of Xavier Church, Tucson.

The live stock bill as amended by the Council, was concurred in by the House by a vote of 14 to 10.

A big fight in the Council over the general appropriation bill, on account of the Reform School appropriation, resulted in the defeat this afternoon of the entire bill by a vote of six to six. The Benson school adherents were Roemer, Bernard, Rice, Page, Rutz and Nugent.

A forty thousand dollar Yuma prison appropriation passed the House this afternoon.

Phoenix, March 16, 11:55 p. m.—The general appropriation bill was held up by the Council for three hours tonight on account of the reform school appropriation clause. Roemer, in secret caucus, after a bitter fight, secured an agreement for \$7,500 per annum for the institution. The House concurred.

The appropriation bill gives the Attorney General \$2,400.

The Circuit Court bill was killed in the House. The Yuma prison appropriation passed the Council unanimously.

Large crowds are in attendance at the last session. While it is in progress three feet of flood water from Cave Creek surrounds the capitol building.

EL TIGRE ANNUAL

Meeting Postponed a Month on Account of Eastern Interests.

The regular time for holding the annual meeting of the stockholders of El Tigre Mining company is on the 18th of March, next Saturday. President Graham states the annual meeting will not be held at that time as the directors and stockholders from Kansas City cannot then attend. The meeting will be called by President Graham and then postponed until it will be taken to April 26th, when the Eastern stockholders and directors will be on hand.

Regarding progress at El Tigre President Graham states that he is in receipt of most satisfactory reports, but that he was unable to reach the camp last week when he tried to do so. At the Yaqui river he intended to cross on the cable and ride horseback from there to the camp. In trying to swim the horse across the river the animal was drowned, so Mr. Graham returned. All the supplies for El Tigre camp are crossed the river in boxes swung on cables and then packed to camp. The continued heavy rains during the winter have made much trouble for the El Tigre and other mining camps in Sonora.

AGUA PRIETA FIGHT.

\$1 for the Round Trip Rate Announced by Railroad.

A rate of \$1 for the round trip will prevail on the E. P. & S. W. to Douglas and return Sunday on account of the Agua Prieta bull fight. No special train will be run, extra coaches being provided on the regular trains. At Agua Prieta the same bull fighters will appear who gave so much satisfaction at Naco last Sunday and the prospects are fair for a better attendance from Bisbee than an Agua Prieta engagement has drawn in a long time.

Mrs. Ed Hughes and Mrs. Manley left yesterday for Cananea.

WHITEMAN INDICTED.

New Mexican Adjutant General Fares Badly.

Santa Fe, N. M., March 16.—Gen. W. H. Whiteman was indicted by the grand jury today on a charge of obtaining public funds under false pretenses. He was at one time a justice of the New Mexico Supreme Court, and for the past seven years adjutant general of the territory, until removed a month ago by Governor Otero, against whom Whiteman filed voluminous charges, accusing that executive of misappropriating military equipment furnished by the United States.

Darlington, S. C., March 15.—Bob Smalls, convicted of killing Frank Scott, a negro, and Sam Marks, a negro, convicted murderer of Hillary Lanston, white, were sentenced to death today on the same gallows May 5.

Evansville, Ind., March 16.—The Ohio river is rising rapidly because of melting snows and late rains, reaching above the danger line today. Little damage has been done so far.

JAPS HAVE TIE PASS LEAVES MANCHURIA IN THEIR HANDS RUSSIANS ON RETREAT

ST. PETERSBURG, MARCH 16.—IT IS OFFICIALLY ANNOUNCED THAT GEN. KUROPATKIN WILL BE REPLACED BY GEN. LINEVITCH AS COMMANDER-IN-CHIEF OF MANCHURIAN ARMY.

St. Petersburg, March 16.—With the evacuation of Tie Pass Wednesday night the Russian army abandoned the last stronghold in Southern Manchuria, and definitely turned over that section to the Japanese for the campaign of 1905. No other strategy seems possible for Gen. Kuropatkin, in view of his scanty supplies of ammunition and stores, shattered condition of his army, and wide enveloping movements which the Japanese have continued almost without stop since the Russian defeat at Mukden.

Nothing has been heard of the part which Gen. Kawamura's army is taking in these operations, but Gens. Oku and Nogi, operating in the low hills of Tie Pass gorge were sufficient themselves to turn the shattered Russian army out of the fortifications which had been prepared with a view to being held by the army after it should have been withdrawn from Mukden.

The Japanese evidently are doing their utmost to accomplish envelopment of the Russian army, which all but succeeded at Mukden, but Gen. Kuropatkin, with the railroad for a line of retreat, probably will be able to keep ahead of his pursuers. A constant succession of delays by rear guard encounters may be expected.

Military men here have but the haziest ideas as to where the next stand will be made. Apparently there are no more fortified positions in readiness, and retirement probably will not stop short of Kirin or Kuanchentzy, on the railway line, and if the Japanese press pursuit the Russians may retire beyond and up the Sungari river, there to await new levies, the mobilization of which will begin immediately in Russia.

AMERICAN EMBASSY HAS

PALACE AT ST. PETERSBURG.

St. Petersburg, March 16.—George von L. Meyer has leased the famous Kleinmichel Palace for his residence during his term as American ambassador here. It is an imposing structure, located on the fashionable Sergeefskaja, near the French and other embassies. Its interior is one of the most gorgeous in St. Petersburg. The palace has been the scene in the past of many famous entertainments. The family of Kleinmichel was ennobled by Catherine the Great. Since the death of the late Count Kleinmichel his widow has leased the palace. It was occupied for several years by Prince Pio, the Spanish ambassador, but for some years has been unoccupied.

PEASANT RISINGS SERIOUS.

VALUABLE PROPERTY BURNED

St. Petersburg, March 16.—Events yesterday drew attention to the seriousness of the peasant risings, the latest of which is near Kieff. Here three sugar refineries were burned, including one belonging to Grand Duke Michael Alexandrovich and one belonging to the Baron Meyendorff. At Kouska the property of Prince Barlastinsky has been pillaged. At Tamboff also the peasants are rising.

JAPAN SEIZES BRITISH SHIP

BOUND FOR VLADIVOSTOCK.

Tokio, March 16.—The British steamer Saxon Prince, bound for Vladivostok with a cargo of steel rails, was seized March 9 by the Japanese in the Tsu Straits and taken to Sasebo for trial.

EXTENSIVE ARE FRAUDS UNEARTHED COMPROMISING CORPORATIONS IN UTAH

Salt Lake City, Utah, March 16.—Government officials investigating the sale of public lands in Utah have discovered that thousands of acres of covered lands, valued at millions of dollars, have been secured by questionable methods. Lands have been filed upon as coal lands and flings allowed to lapse, while patents as agricultural or grazing lands have been issued on the same tracts. Coal lands cost \$20 per acre, while agricultural or grazing lands may be bought for \$1.50 an acre.

Double filings were necessary to the scheme, and were made possible by the use of the two land offices in the state. The filings as coal lands were made in the government land office, thus keeping others off the property, while the filings as agricultural or grazing land were made with the state land board.

More than 2,000 questionable filings sixty were made by an employe

of the Utah Fuel Company, acting as agent for the entrymen. The Utah Fuel Company is a Gould-Rockefeller corporation, and, through traffic arrangements with the Rio Grande Railroad, controls the coal output of the state. Many innocent persons have been induced to allow their names to be used for filing purposes under the impression that they were exercising a right. They were paid an average price of \$25 each for the use of their names.

Upon receiving the report of the investigation it is expected President Roosevelt will immediately order a thorough examination into the Utah situation. The scheme is viewed here as an attempt to secure absolute control of all the coal deposits of the state. The territory affected involves parts of two counties in the eastern part of the state, much of it adjacent to coal mines now being operated by the Utah Fuel Company.