

## ADAMS GETS MORE TIME TO ANSWER IN

But the Colorado Legislature Decided to Proceed With the Taking of Testimony.

### COMMITTEE OF FIVE APPOINTED

Three Republicans, Two Democrats—Will Draft Rules to Govern Order of Contest.

Denver, Jan. 17.—At a joint session of the two houses of the general assembly this afternoon, to take action on the contest filed by James H. Peabody for the office of governor, the request of the attorneys for Gov. Adams for an extension until 2:30 o'clock Saturday afternoon of the time in which to submit an answer to the charges made in the contest papers was granted by a vote of 61 to 24.

By the same vote the legislature decided to proceed at once with the taking of testimony in the contest. Upon motion of Senator Parks, a committee of five was appointed by Lieut.-Gov. McDonald, who presided over the joint session, to draft a set of rules and regulations which shall govern the order of the contest. The committee is composed of three Republicans and two Democrats.

An adjournment was taken by the joint session for one hour to wait the committee's report, but upon reconvening it was announced that a minority report would be submitted and adjournment was thereupon taken until 3:30 tonight to give the Democratic members of the committee additional time to prepare its report.

When the joint session convened it was announced that the contest, Mr. Peabody, would be represented by John M. Waldron, James H. Brown, John H. Hersey and Thomas Ward, Jr. Gov. Adams, in person, named Judge J. B. Hessel, Milton Smith, Henry C. Vidal, Samuel W. Belford and Judge James A. Orr as his representatives.

Following the announcement of Gov. Adams, Judge Hessel arose to address the joint session. He stated that the session as a "quasi court, politically divided," and one before which he had no quarrel. He disclaimed any intention as the part of his client to have the contest delayed or to obstruct the proceedings. He stated that he was ready and willing within a reasonable time to proceed.

Judge Hessel declared that neither himself nor the attorneys would be hindered by the contest. He stated that he had sufficient time to consider the legal order of the contest proceedings in the two days and a half permitted by the legislature, and contended that defendants, in a case of the kind could not be dragged into any common court in less than ten days. In conclusion he moved an adjournment until Saturday afternoon at which time, he said, counsel would like to speak on their own behalf and to the joint session.

At the conclusion of Atty. Waldron's remarks, Senator Hill, Democrat, moved that the request of counsel for Gov. Adams be granted. Representative Griffith interposed with an objection, but on the advice of Senator Owen offered an amendment to Hill's motion that the request be granted and that the joint session at once proceed with the contest itself.

At this point Gov. Adams expressed his disapproval of the proposition to proceed with the contest pending his answer. Both Gov. Adams and his attorneys protested vigorously against immediate action by the legislature, asserting that the proceedings would necessitate a preliminary hearing, a preliminary and thorough investigation of the charges against him and a satisfactory answer thereto.

Mr. Adams forcibly expressed his disapproval of the charge of being a usurper, which had been filed against him, and asked for sufficient time for his attorneys to answer categorically as far as possible, every charge made against him.

Majority and minority reports were submitted by the committee appointed to prescribe rules. The majority report was adopted, 59 to 32, two Republicans, Hoyt and DeLong, voting against it. They explained their votes by saying that the rules did not provide for the taking of testimony according to the state constitution and the statutes.

The majority report, as adopted, provides that the contest shall be presented before a committee, which shall have power to subpoena for the purpose of taking testimony. Peabody is given fifteen days in which to introduce his evidence; Adams fifteen days to reply; and Peabody five days to offer rebuttal testimony.

The rules require that the final report of the committee not later than March 2, and that the report shall contain recommendations to the joint assembly as to its action on the contest. The committee is also required to furnish printed reports of the testimony of the members of the legislature each day.

The hearing of testimony under the rules shall be open to the public. The main feature of the minority report was that the contest should be heard in open joint assembly. The majority members of the committee who preceded the adoption of tonight's report, but remained to the minority to have the entire time allocated to the debate. The minority members made a strong plea for a representation of thirteen Democrats and fourteen Republicans on the committee.

### MISTCHENKO'S OPERATIONS.

United States Has Not Lodged a Protest Against Them.

St. Petersburg, Jan. 17.—The government of the United States has not lodged a protest with Russia against Gen. Mistchenko's operations west of the Liao river, as currently reported.

The foreign office points out that the sphere of hostilities as specifically defined by Russia at the opening of the



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But your doctor will tell you it is your liver. A sluggish liver means a poor circulation, a congested brain, a disordered stomach, constipated bowels.

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was extended from the line of the Mongolian frontier to the point where it intersected the Liao river, a tributary of the Liao river, along the Liao river and along the Liao river to the point where it crossed the Yinkow-Shanhaiwan railroad, thence along the railroad to the Liao river, thence to the left bank and to the mouth only of the latter.

A small section of the right bank is beyond the sphere, and there is no question of Gen. Mistchenko having entered neutral territory. Both Russian and Chinese stations at Newchwang are within the sphere.

### WOULD MAKE CAMPAIGN CONTRIBUTIONS PUBLIC.

Washington, Jan. 17.—The house committee on elections of president, vice president and representatives in Congress gave a hearing today on bills introduced by Representative Bourke Cockran of New York. One provides for publicity of contributions to campaign funds in the appointment of a special commission to inquire into and ascertain the amounts of money received by both political parties at all presidential elections from 1892 to 1904.

Mr. Cockran said this bill for a commission was not for the purpose of exposure, but to secure facts which would be of value in framing remedial legislation. Mr. Cockran said we have heard of stupendous funds in 1896 and 1892, and added that corruption may have begun in 1892.

He said he did not care if Mr. Rockefeller put up \$2,000,000 for the 1900 election, but he did want the fact known, and objected to contributions secretly made. A party, he said, should be judged by those who contribute funds.

Mr. Cockran said that the amount of a speech of his own. The party rejected it, he said, because it was too democratic for Democratic digestion.

Replying to Chairman Gurnea of West Virginia, Mr. Cockran said it would be necessary to limit the privileges to two parties, otherwise the plan would fail. Speaking of the franking privilege, Mr. Cockran said he had circulated 10,000 copies of a speech of his own.

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Chadwick in the federal court, and United States Dist. Atty. Sullivan asked that bail be fixed at \$25,000. Mr. Dawley suggested \$15,000. Judge Wing compromised the matter by placing bail at \$20,000, and Atty. Dawley said this amount would be furnished.

There are three other indictments against her in the Cuyahoga county courts. Mr. Dawley said that he would at once ask the state courts to fix the amount of bail, and that bail would be furnished as soon as the sum is fixed. He expects her release from jail about Thursday. Mr. Dawley said he thought Mrs. Chadwick would go to the Chadwick home on Euclid avenue, where Dr. Chadwick has been living since his release on bail several weeks ago.

Two Women Asphyxiated. San Francisco, Jan. 17.—The dead bodies of Miss Mary Conway and Mrs. McMurray were discovered today in a house on Lynch street. The women had been asphyxiated by gas and evidently had been dead for several days. The police believe that the deaths were accidental.

Reprieve for Murderer. Richmond, Va., Jan. 17.—The governor tonight granted a reprieve to J. Samuel McCreary, who was to have been hanged at Charlottesville Friday for wife murder, until Feb. 10, to give time to the supreme court of the state to consider his case.

German Coal Miners' Strike. Essen, Germany, Jan. 17.—According to reports received at the official mine office, 12,012 men from 18 coal mines are out on strike today. The leaders of the strike had a meeting with the government commissioners this afternoon and explained the grounds for the strike. The expectation still continues that the dispute may be ended soon, owing to the government's strong desire to settle the controversy.

Russian Cavalry Not Cut Off. St. Petersburg, Jan. 17.—Gen. Kuropatkin, telegraphing yesterday to Emperor Nicholas, reported an attempt of a strong detachment of infantry, cavalry and artillery to cut off the column of Gen. Mistchenko's cavalry Jan. 14, as the latter was about to retire northward. The Japanese under cover of a mist, outflanked the Russian line, inflicting heavy losses on the Japanese at short range, and then retiring. The Russian losses were five officers and 40 men killed or wounded.

Gen. Kuropatkin also reported the return of a Russian patrol after blowing up the railroad and destroying a mile of telegraph two miles north of Tatche, Kiao.

Want Burton to Resign. Topeka, Kan., Jan. 16.—A resolution asking Senator Burton to resign was introduced in the Kansas House and senate this afternoon. Cyrus Leland, leader of the deposed Republican faction in Kansas, and a member of the house, is author of the resolution. The matter will come up for consideration tomorrow. An effort will be made to table it on the ground that the case of Senator Burton is yet before the courts, and therefore not a subject for legislative action.

The Leland resolution recites that the decision of the United States supreme court today in the Burton case necessarily deprives Mr. Burton of his usefulness as a representative of the state of Kansas in the United States senate.

It is by no means certain that the resolution will pass tomorrow, but a great effort will be made by Burton's enemies to push it through.

MOUNT WHITNEY. An Effort to be Made to Establish Its Exact Height.

Sacramento, Cal., Jan. 18.—R. A. Farner of the United States geological survey, left this city last evening upon a mission that may establish, in accordance with scientific requirements, the exact height of Mount Whitney and also the lowest point in the United States.

According to mercurial tests, which are deemed unsatisfactory and liable to error, Mount Whitney is anywhere from 15,000 to 15,500 feet in height. Mr. Farner, who is to take charge of a corps of government employees at Mojave, and who will direct the running of a line of levels to Owens lake, across the Mojave desert, hopes to use the acquired information as a basis for a calculation mathematically and scientifically correct.

The same investigation will show the greatest natural depression in the earth's crust. The surface of Death valley, popularly supposed to be the lowest in the country, has been estimated at from one to 300 feet below the level of the sea. The expedition will be a hazardous one, as the survey party will be obliged to follow the lines established by spirit levels and without regard to settlements and watering places.

## WARM DEBATE ON SWAYNE CASE.

In House Over Letter of Judge Pardee Who Says Politics is At Bottom of It.

### BOURKE COCKRAN SCORES HIM.

Describes a Spectacle Which Indicates in a Marked Degree a Decay of Our Constitutional System.

Washington, Jan. 17.—With an agreement reached to vote on the Swayne impeachment articles tomorrow at 3:30 o'clock the debate today was carried on at high pressure for more than five hours. Mr. Grosvenor furnished the text for a vigorous speech by Bourke Cockran by the reading of a letter from Judge Pardee of New Orleans, declaring that politics was at the bottom of the impeachment proceedings. The fact of a judge transmitting such a letter, Mr. Cockran declared dramatically, was "a monstrous spectacle."

Mr. Grosvenor (O.), began his speech in behalf of Judge Swayne with the statement that he had never been so shocked as to the status of the law profession as he had been at some of the expressions of bad temper and bad feeling that had been made in the debate. "Gentlemen who have argued for the 'prosecution' have given out in advance that there was nothing to consider that was not contained in the report in the case. Yet I submit that nine-tenths of the argument has not been on lines contained in the report."

Mr. Grosvenor had read a letter from Judge Pardee dated at New Orleans, March 24, 1904, addressed to Mr. Grosvenor, and marked "personal and confidential."

In it Judge Pardee expresses surprise that the house committee on the judiciary had voted "six Democrats and two Republicans" to present impeachment against Judge Swayne. He reviews the circumstances of Judge Swayne's appointment in the early part of the Harrison administration and following the election in Florida, and it was generally believed that gross frauds had been perpetrated against the Republican party.

Judge Swayne had told him that it was the desire of the administration that those guilty of these frauds should be proceeded against. This litigation had engendered an intense feeling against Judge Swayne.

It was then regarded as hazardous for Judge Swayne to travel about the district, and from that time on Judge Swayne was persona non grata to the Democrats in Florida.

Following this "unpopularity," the letter continued, "Judge Swayne's district was changed, largely for the purpose of punishing him. The change of the district resulted in his being, as it were, ousted out of his district."

Mr. Cockran (N. Y.) lamented that the proceedings might not have proceeded along non-partisan lines. "Strange as it may seem," he continued, "the first partisan argument comes from outside the house. It comes from the bench itself."

This, he said, was reason for extending the operation of the house scrutiny. There was, he said, a vast difference between an impeachment and an indictment, a fact which the house seemingly had forgotten. No law of evidence binds an impeachment proceeding, as is the case with an indictment. Mr. Cockran took issue with the majority report of the committee on the expense account charge. That was a matter too high or too low to warrant such emphasis.

"It is hardly necessary to inquire whether he eats corn beef and cabbage at 50 cents a plate, or leg of lamb at 60. How is the statute to be interpreted? Is he required to spend the whole \$10 each day, or may he husband his resources and spend \$7 one day when he may be suffering with dyspepsia, and \$3 the next in gluttony? If this be so, he still has time, with the pleasure of heaven, to eat himself even with the government. He could, by consuming terrapin, canvasback duck and other delicacies, bring himself up."

Mr. Cockran, referring to the letter of Judge Pardee, said: "I did not believe it conceivable that a judge would undertake to control the action of an independent body on a proceeding itself judicial. Now, think of it, the monstrous spectacle of a judge, himself a member of a department which we are now scrutinizing, stepping into this house with an attempt to control our action. I deem a spectacle which ought to make us pause; which indicates in a marked degree a decay of our constitutional system."

"Supposing that when the case of Senator Burton was pending before the supreme court of the United States, the senate had passed a resolution declaring that Senator Burton was a model of virtue and senatorial courtesy, and that his prosecution was an act of indefensible hostility on the part of some government department. Would not a thrill of horror have run through the entire country? Yet how would such action by the senate differ from this action of this judge attempting to control this, the grand inquest of the nation, in dealing with a member of that judiciary?"

"I do not call attention to the character of the letter, but to the character of the transaction itself. A Republican legislature should not impeach a Republican! What a tribute he pays to the gentlemen on the other side! Are we to be diverted from a conscientious discharge of our duty by a man who, clothed in the ermine of a judge, turns that robe into a costume of Harlequin and, dancing across this floor, invites us to perjure ourselves and violate the Constitution?"

Mr. Crumpacker (Ind.), in defense of Judge Swayne, charged that the whole proceeding was political in its nature, and Mr. Laman (Fla.) repelled the charge contained in the Pardee letter that the state of Florida had a political grievance against Judge Swayne. The Pardee letter injected the political issue into the case. Outside of this, he knew the state of Florida had a good cause against Judge Swayne.

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Do not take chances on a cold wearing away or experiment with some unknown preparation that costs you the same as

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Kodol DYSPEPSIA CURE

Digests What You Eat

I have been a dyspeptic all my life, have tried all kinds of Dyspepsia remedies, but continued to get worse. Could eat but little and suffered greatly. I was reduced in weight and run down to nothing in strength. After using a few bottles of Kodol Dyspepsia Cure I began to improve and am now fully restored in weight, health and strength. I am now able to do my own work and can eat whatever I like.

MRS. MARY S. CRICK, White Plains, Ky.

This is only one of many such testimonials on file in our office.

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Kodol DYSPEPSIA CURE

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If, after using two-thirds of the contents of a dollar bottle of Kodol Dyspepsia Cure you are not satisfied with it or can honestly say that it has not benefited you, take the bottle back to the dealer from whom you bought it and we will refund your money. All we ask is that you be honest with us. Sign this guarantee coupon, and leave it with your dealer, who must mail it to us with the outside wrapper from around the bottle.

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