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VIOLATIONS URGED AGAINST RUSSIA

RULES OF WARFARE ALLEGED DISOBEYED

British Cabinet Will Consider Seizure of Steamer—Report of Fighting at Taitchekiao.

St. Petersburg, July 25.—It is reported that Japan has officially protested to the Russian government against violations of the rules of warfare on eleven counts, namely:

Several Russian battalions hoisting the white flag at the battle of Vafangou and inducing the Japanese to cease firing, abuse of the Red Cross flag, stabbing and mutilating the wounded, etc., as contained in General Oku's report already published. The protest was presented by the United States, which, however, made it clear that the United States did not share in the protest, but acted only as the mediator for transmission, and as such would agree to forward any reply Russia care to make.

There is considerable opinion in many circles over the failure of the vessels of the volunteer fleet to keep in touch with St. Petersburg by cable. Several days ago, as announced by the St. Petersburg and Smolensk, instructing them to abstain from the further stoppage of vessels. These orders were subsequently rendered more imperative, and it is not too much to say that they took the form of a recall of both steamers.

There is some anxiety lest the St. Petersburg and the Smolensk may precipitate reprisals by British warships now in the Red Sea.

SINKING OF SHIP CAUSES LITTLE EXCITEMENT.

London, July 25.—It is being shipping circles at Liverpool in view of Russia's contention that railroad material is contraband of war, the presence of bridge work for Japan among her steamer Knight Commander. Her crew numbered 68, including natives. She was insured against war risks.

There is practically no excitement in the sinking of the Knight Commander, the action having been taken by a regular warship and within the zone of hostilities. The bitter criticism accorded over the action of the Russian volunteer fleet and the passage of the Dardanelles is more or less dismissed.

SEIZED LINER SAILED FROM PORTLAND, ORE.

Portland, Ore., July 25.—The Portland and Asiatic liner Aramo, seized by the Russian volunteer fleet, sailed from this port for the Orient on July 25, carrying about 5,000 tons of freight valued at \$187,000. Her cargo included 33,070 barrels of flour, most of which was consigned to Hongkong merchants with smaller shipments to Kobe and Nagasaki. Next to the shipments of flour, the most important item in the steamer's manifest was a large shipment of material used in the construction of railway cars consigned to Kobe and Yokohama. The vessel was protected from warships in the Portland and Asiatic Company is in reality a branch of the business of the Oregon Railway & Navigation Company, which is controlled by the Harriman railroad interests.

TAITCHERKIAO WAS RENDERED UNTENABLE.

London, July 26.—Cabling under date of July 24th, the Daily Mail's Newchwang correspondent describes a 14 hours' desperate battle, with heavy losses on both sides, and which resulted in the Russian position at Taitchekiao being rendered untenable, by reason of which the Russians will be compelled to retreat toward Hsiehcheng.

"The battle began at 6 o'clock in the morning," the correspondent says, "the Russians resuming the attack on the Japanese position on the heights east of Taitchekiao."

"After a few hours the Japanese left bank, from Taping mountain, captured the village of Tangshidien, compelling the Russians to retire on Taitchekiao, six miles from their base."

"The Russians, now reinforced, maintained the positions until 5 o'clock in the afternoon, when the Japanese right flank made a sudden appearance on the hills south of Taitchekiao, and, by a tremendous fire, forced the Russians to retreat."

"The Japanese firing line extended fifteen miles. After two more hours of incessant storm of shell they swept the hills and the plain clear of Russians."

All reports indicate that the Russians have suffered a serious check over Taitchekiao. The Daily Telegraph's Liao Yang correspondent, telegraphing Sunday reports that Taitchekiao was definitely evacuated after a severe engagement which was intended

to retard a Japanese flank movement on Liao Yang.

The correspondent at Tientsin of the Standard reports incessant fighting since Thursday between the Russian and Kaichow, in which the Japanese were steadily forcing the Russians back. It seems that some 30,000 Russians were engaged and the battle was an artillery duel.

CABINET WILL CONSIDER SINKING OF STEAMER.

London, July 26.—The British cabinet will meet again to-day to consider the case of the steamer Knight Commander and the general situation arising from the action of the Russian warships.

The report of the captain of the Malacca was presented at the foreign office yesterday and the demand of the P. O. Steamship Company for compensation will probably be considered.

The London newspapers this morning consider that Premier Balfour's statement in the House of Commons proves that the situation is still exceedingly grave and they insist that the government shall act promptly in demanding explanations of the Knight Commander incident, which is characterized by the Daily Graphic as an "outrage of the most gratuitous and barbarous kind."

The Morning Post, in an ironical item, asked to what purpose Great Britain maintains a large navy if such acts are to be permitted.

REFRAIN FROM COMMENT UNTIL INSPECTION.

London, July 26.—7:10 p. m.—The foreign office has received news of the sinking of the British steamer Knight Commander, and has instructed the British consul at Yokohama to make a full investigation of the case and report to the foreign office.

Until this report is received no press dispatches, however, are sent out, regrets the incident as coming at an unfortunate time in connection with public opinion here, but the officials refrain from all comment pending receipt of details.

STEAMER ARDOVA WILL BE RELEASED TO-DAY.

Suez, July 25.—The British steamer Ardova, seized by the Russian volunteer fleet vessel Smolensk, will be released to-day. The Russian consul has sent of a lighter to bring the Russian officers and prize crew ashore.

PREMIER BALFOUR ON THE SITUATION.

London, July 25.—Answering half-dozen questions, based on the seizure of the Peninsular & Oriental Company's steamer Malacca and other ships by the Russian volunteer fleet of steamers, Premier Balfour in the House of Commons to-day, after referring to the diverse answers of the questions, went on to say: "The difficulties, I may say great difficulties, I do not wish to minimize them, arising from these captures, deal with a problem which is giving, and is still giving, the government great anxiety, but which I may say the signs portend a favorable issue. More than that I think it would be impolite to say."

With reference to the question whether Great Britain was bound, under the Suez canal convention, to allow a British vessel taken as a prize to pass through the canal against the will of the owners, the Premier said: "No act of war, so far as I am aware, has been committed in the Suez canal, and the convention expressly provides that a prize shall be treated as a man-of-war and man-of-war, and are to have a free right of passage. Therefore I do not think any particular difficulty attaches to that branch of the question, which is a difficult subject for controversy between the two powers. I think there can be no doubt that we are bound to allow a prize of war to traverse the canal."

"The Suez canal is under international management, and it is not for an individual power to say what the rule binding the Egyptian government ought to be, but in the British government view, that a legitimate prize may traverse the Suez canal without breach of the international arrangement."

Dealing with other features of the question, Mr. Balfour said he did not believe that the removal of a portion of the cargo on the seized ships at the discretion of the captain of a visiting warship, without the adjustment of a prize court, was sanctioned by international law.

Touching upon the question of the status of the vessels of the Russian volunteer fleet, Mr. Balfour said he must regard this for the present as forbidden grounds.

"It gives rise," said the Premier, "to a controversy which will better be settled if the House will for the moment be content with what I have said."

DETERMINED ATTACK ON GEN. KOUROPATKIN.

St. Petersburg, July 26.—The Japanese advance against Gen. Kouropatkin's army seems at last to have begun in earnest. They are moving up strongly from the south and have captured Kan Pass, on the road to Hsiehcheng. A northern movement is also reported, but the objective of the Japanese at present seems to be Hsiehcheng. Official news received here shows the fighting at Taitchekiao and to the southwest to have been progressing for some time. However, according to the latest reports received this morning, the Russians had been evacuated from Taitchekiao, but were falling back on their prize, fighting a continuous rear-guard action.

The Japanese had advanced in strong

force Sunday morning against the Russian position at Datchapu, 12 miles north of Kichang. In view of the great superiority of the Japanese, Gen. Stakelberg, as forecasted in these dispatches, did not offer any serious resistance.

The Russian losses are not ascertained, but it is admitted they amounted to several hundred men.

Gen. Kouropatkin reports a continuation of the advance of a Japanese column along the Saimatsza road, already announced in the Associated Press dispatches.

Liverpool, July 26.—The owners of the British steamer Calchas, bound from Puget Sound to Japan, have received a telegram from Hongkong, reporting that the Calchas has been seized by the Vladivostok squadron.

The Calchas was under the command of Capt. Hanna. On her way out she called at this port, July 10th, and took on lumber. The steamer was to have taken on board the Japanese women who were deported under the Provincial Immigration Act, but had no accommodation for them, necessitating their staying over until the Shamout sailed.

The Calchas had a considerable quantity of flour consigned to Japanese firms taken on at Tacoma.

RUSSIAN REPORT OF THE LAST ENGAGEMENT.

St. Petersburg, July 26.—The Official Messenger this morning prints a dispatch from Liao Yang, dated July 25th, announcing that the Japanese maintained a terrific bombardment of Taitchekiao throughout the day, but that toward evening several of their batteries had been silenced by the Russian guns, and they retired. No estimate of the losses on each side is furnished, but judging from the nature and extent of the fire the engagement was a serious one.

The dispatch says: "Throughout the night of July 24th the Japanese were busily engaged in placing batteries on the crests and slopes of the neighboring mountains, and at 10 o'clock in the morning opened a terrific fire on the Russian position at Taitchekiao from their front, which was nine miles long. The firing continued throughout the day, but slackened toward evening, and the Japanese retired to the mountains."

"The Russian artillery answered the Japanese shelling all day long. According to the reports of eye-witnesses, the Russians silenced three of the Japanese batteries, after which the Japanese fire ceased."

MONDAY'S BATTLE MAINLY ARTILLERY DUEL.

Mukden, July 25.—(Delayed)—The Empress hospital train passed through Mukden to-day bearing 314 men who were wounded in yesterday's fight at Taitchekiao.

The fight, which was mainly an artillery duel, according to the statements of the men on the train, commenced at 9 o'clock in the morning, and was still going on at 11 o'clock at night when the train left. The Russians were then maintaining their positions about seven miles south of Taitchekiao. It is understood that the battle will be continued today. The result of the fighting thus far is not known here.

Small bodies of Japanese are reported to be moving in the direction of Benliu, forty miles east of Yan Tai station, and toward Sin Pao Tin. If this is true, it indicates the intention of the Japanese to try and turn the Russian position at Liao Yang from the direction of Mukden.

RUSSIANS RETIRED IN THE HEIGHTS.

Mukden, July 26.—The latest reports received here are to the effect that the Russians with about one hundred guns in action in the Taitchekiao engagement inflicted serious losses on the Japanese, and destroyed many of their guns. The Japanese attack on the centre of the Russian position was repulsed, but the Russians were ordered to retire yesterday and occupy the heights five miles north of Taitchekiao. This movement was carried out in good order.

THE RUSSIANS ARE NOW FALLING BACK.

St. Petersburg, July 26.—(5:05 p. m.)—Dispatches just received by the war office announce that the Russians have retreated to Hsiehcheng.

JAPANESE ENTERING INTO NEOWHWANG.

Tientsin, July 26.—4:06 a. m.—Lloyd's agent at Newchwang wires that fifty Japanese cavalrymen have entered Newchwang. The French flag is flying from all the Russian buildings. The town is quiet.

INSTRUCTIONS TO RUSSIAN WARSHIPS.

St. Petersburg, July 26.—(3:28 p. m.)—Neither the American nor the British governments up to this hour had made representations here regarding the sinking of the British steamer Knight Commander or the capture of neutral ships by the Vladivostok squadron.

The admiralty's instructions to the commanders of Russian warships in re-

gard to prizes authorize them in certain urgent contingencies recognized by international law to sink prizes. These are in substance when the prize is unseaworthy, in danger of re-capture by the enemy or in the case of difficulty in getting the prize back to port which might include inability to spare a prize crew. But in such cases the commander must take of the ship's papers, crew and passengers before sinking the prize.

When these instructions first came to the notice of the British ambassador some days ago he formally protested against them because they were not specifically limited and because they did not restrict the permission to sink a prize to the relief of the vessel.

It is realized here that no matter what the circumstances were which moved the Russian commander to sink the Knight Commander, unless she was really Japanese owned, as was claimed in the case of the steamer Cheltenham, although not formally transferred, he has made his government liable for full damages for the cost of the vessel.

STEAMER CALCHAS MAY BE TAKEN BY RUSSIANS.

Tacoma, Wash., July 26.—The steamer Calchas, flying the British flag, is believed to be within the zone of danger of Russian capture. The Calchas, belonging to the Alfred Holt fleet, of Liverpool, sailed from Tacoma, July 9th, and is due at Yokohama Wednesday or Thursday. As the Vladivostok fleet is reported to be off the Japanese coast, it is thought possible that the Calchas may be taken as a prize. The Calchas carries a considerable quantity of flour consigned to Japanese firms.

The steamer Shamout, flying the American flag, and belonging to the Boston Steamship Co., left Tacoma about a week later than the Calchas, and being a faster craft, is not expected to reach Yokohama for ten days or more.

BRITAIN INSISTED UPON TERMS OF TREATY.

London, July 26.—While the negotiations between Great Britain and Russia respecting the Red Sea seizures have been carried on in the most conciliatory manner, the Associated Press learns that in the representations to the St. Petersburg government, Foreign Secretary Lansdowne demanded that Great Britain could not, in view of her treaty alliance with Japan, allow any interpretation to be placed on treaties relating to the Dardanelles which would prevent the passage of vessels of the Russian volunteer fleet from the Black Sea to the Mediterranean with the view of their prospective employment for war purposes.

It has not been generally known that Lord Lansdowne went so far as to call a private interview with the Russian ambassador, and that the British government's suggestions have been published in the British and Japanese papers that the action of the Smolensk and the St. Petersburg in traversing the Dardanelles was a violation of the position of giving assistance to Russia, and that this made it Great Britain's duty to come to the relief of her ally as required by the terms of the treaty.

It is understood that the Russian authorities gave careful consideration to this feature of the British representations, and that the Russian government's contentions to be unjustifiable, determined in the interest of general peace and in order to settle the question, to waive their war privileges claimed for the two volunteer fleet steamers, and not to authorize further operations of ships of that character.

It is pointed out that as the places of the St. Petersburg and the Smolensk will be taken by regularly accredited war ships, Russia feels she will lose nothing, and at the same time avoid involving her in a controversy which she desires to remain on good terms.

CABINET DISCUSSED SINKING OF STEAMER.

London, July 26.—The sinking of the British steamer Knight Commander by Russian cruisers off Japan, was discussed by the members of the cabinet to-day held at the foreign office.

Before the meeting, Count Benckendorff, the Russian ambassador, was closeted with Russian Secretary Lansdowne and discussed in detail the position of the Russian shipping in connection with the neutral shipping, but as the Russian embassy had not been officially informed by the Russian government of the destruction of the Knight Commander, the ambassador was unable to make any statement to the foreign secretary.

The Knight Commander incident is attracting close official and public interest.

PREMIER NOT READY TO MAKE STATEMENT.

London, July 26.—Premier Balfour, replying to a question in the House of Commons to-day in regard to the sinking of the British steamer Knight Commander by the Russians off the coast of Japan, said inquiries were being made on the subject, but he was not yet in a position to make a statement.

Replying to another question, the Premier said the government was not providing any convention concluded in 1901 between Great Britain and Russia, providing special conditions for the passing of the Dardanelles by Russian ships.

Mr. Balfour, while disclaiming that he was giving an authoritative decision, said that he believed the declaration of Paris in 1866 contemplated the abolition of privateering, and that a neutral flag covers any act of merchandise, except when contraband of war. Dealing with

the question of whether the Russian volunteer vessels being private ships commissioned by the state were different materially from privateers, the Premier said that the whole question of the status of the volunteer ships was now under discussion between Great Britain and Russia, and that it would not be desirable to discuss the point in the House of Commons at present.

BRITISH GOVERNMENT IS PREPARING CASE.

London, July 26.—British officials contend that it is one thing to seize a ship that has contraband on board and another to sink her without proper legal inquiry to establish whether she is a good prize. The British authorities in Japan have instituted an inquiry and are obtaining testimony which will enable the British government to make up its case.

It is said in a reliable quarter that Great Britain will make earnest representations to Russia with the view of securing reparations and preventing interference with neutral commerce. Great Britain holds that it is time that all neutrals should take some steps to protect neutral vessels and neutral goods.

Exchanges of communication have not yet borne fruit.

The United States has made inquiries concerning the Knight Commander, so far as the British government is concerned no action has yet been taken by the state department at Washington.

A Russian diplomat said to a representative of the Associated Press to-day that it would be unwise for the people of the United States or Great Britain to jump to the conclusion that an act of Russian destruction had been committed by the commander of the Vladivostok squadron.

He could not spare the time to separate contraband from neutral goods and dump the former overboard. Circumstances compelled him to sink the ship in order to prevent her from carrying supplies to the Japanese government. If the Knight Commander had not been on board their owners would certainly be compensated.

Count Benckendorff, Russian ambassador to Great Britain, has made it clear to the British foreign secretary, Lord Lansdowne, that in this or any other incident of a like character, if wrong has been done by Russian ships toward the development of the war, the Russian government will make due reparation.

FRENCH OPINION ON MALACCA INCIDENT.

Paris, July 26.—There is a general belief in high official quarters that the Russian Malacca incident between Great Britain and Russia is being treated as settled, and that the question of the passing of the Russian volunteer fleet through the Dardanelles will be allowed to drop.

ANOTHER STEAMER CAPTURED IN RED SEA.

Suez, July 26.—The Peninsular & Oriental Steamship Company's steamer Formosa has just arrived flying the Russian flag, and with a prize crew on board. She was captured in the Red Sea by one of the Russian volunteer fleet.

ADDITIONAL TROOPS FOR ARMY IN FIELD.

Mukden, July 26.—Twenty troop-laden transports, escorted by the Russian squadron, are en route for the entrance of the Liao river.

FOREIGN OFFICE HAS NOT HEARD OF SEIZURE.

London, July 26.—6:50 p. m.—The foreign office had not heard of the seizure of the Formosa this afternoon, and, expressing regret, it says the only possible explanation consists in the fact that the Russian government orders to cease interfering with neutral shipping have not yet reached the commanders of the volunteer fleet steamers, as the Russian government has given the most explicit pledge that there shall be no more Red Sea seizures.

SQUADRON HAS NOT BEEN SIGHTED TO-DAY.

Tokio, July 26.—10 p. m.—The Russian Vladivostok squadron has not been reported to-day.

MOVEMENTS OF THE INVADING ARMY.

Tientsin, July 26.—The Japanese occupied Newchwang at 5 o'clock yesterday evening. The Russian army has not yet reached the commanders of the volunteer fleet steamers, as the Russian government has given the most explicit pledge that there shall be no more Red Sea seizures.

FURTHER DETAILS OF LATEST FIGHT.

St. Petersburg, July 26.—The following dispatch from General Kouropatkin, dated July 25th, has been received by the Emperor: "Reconnaissance carried out daily of late between Kaichow and the heights north of Kaichow to be strongly occupied and fortified. At 7 in the morning of July 23rd the enemy, two divisions strong, assaulted the offensive, the enemy developed a division of infantry, concentrating the main body towards Datchapu. The enemy was on our left flank near the railroad. His

advance was affected slowly and at intervals was accompanied by a heavy fire from 30 guns, which our rear guard battery successfully answered. The Japanese fire at first was directed at the heights, which were generally evacuated by our outposts. Our sharpshooters with the rear guard opened fire upon the advancing Japanese infantry, and, at a favorable moment, drew our rear guard to a better position, and our batteries, which had several times changed their positions, continued to duel with the enemy's artillery, also firing into the infantry columns.

"At about 9:30 in the morning the Japanese began a forward movement, at first with three battalions, from the Tsinakle valley. In this direction our forces occupied a more advanced position. Towards 8 o'clock in the afternoon the enemy had upward of a division of infantry, and at the same moment columns of considerable strength, amounting to a brigade of infantry, appeared west of the railroad. At about 10 o'clock the enemy ceased to advance and extended his main body. Towards the evening of the 23rd our troops, having left detachments to hold the fortified positions, bivouacked in the various positions assigned to them, with the view of a possible rear guard engagement.

Our losses have not been definitely ascertained, but according to the advices at hand they were not considerable. Owing to the extreme heat there was a number of cases of sunstroke among our men."

GEN. KOUROPATKIN OMMITS DETAILS.

St. Petersburg, July 27.—Gen. Kouropatkin's telegram regarding the withdrawal of the southern army from Taitchekiao to Hsiehcheng fails to give details of the continuous rear guard action preceding the retreat, but the general thinks the losses were several hundred, which would indicate severe fighting.

The preceding determined attack on Taitchekiao, the enemy ceased to advance, probably rendered the evacuation of the place imperative. In anticipation of a retreat from Taitchekiao orders were sent July 25th to the Russian garrison at Yinkow to withdraw.

Considerable nervousness is manifested here by those not in the secrets of the Russian command. The Russian pedantically as Gen. Kouropatkin himself points out the danger threatening his line of communications to the north, owing to the development of the war. These advances from Saimatsza toward Mukden. If this column be pushed home and the Japanese cordon should at the same time be tightened from the south and east, Gen. Kouropatkin's danger would be easily conceivable, and consequently there is already talk of his preparing for the danger by withdrawing to Mukden, and there awaiting further reinforcements.

In this connection a report from Vladivostok to-night that Viceroy Aleksei is going there is particularly interesting. It is also stated that the Vladivostok squadron is now eastward of the island of Formosa. This report is confirmed by a Russian correspondent who is peculiarly well situated to have definite information regarding the doings of the squadron, but it will be remembered that just previous to the last sortie of the Russian cruisers from Vladivostok this correspondent wired the statement that they would be detained for a long time for repairs, which was palpably a blind to cover the real movements of the cruisers. Some similar reason may be back of the present statement as to the whereabouts of the squadron.

The Russians decided to withdraw from Taitchekiao Sunday evening. Gen. Zaroboroff, commanding the fourth army corps, who is Gen. Stakelberg's senior, resolved to take this step as the Japanese were turning the flank.

The Japanese forces are believed to include the whole armies of Generals Oku and Nodzu. More than 70,000 of the Japanese are engaged. The rear guard action between Datchapu and Taitchekiao, which was the last of the sort, when the Japanese were within sight of the Russian entrenchments. The Russians withdrew in perfect order, favored by moonlight.

General Kouropatkin reports that the Japanese column in the vicinity of Saimatsza, which is believed to be two divisions strong, is marching along the valley of the Taitze, with the obvious aim of cutting the railroad above Liao Yang.

The evacuation of Taitchekiao was prepared for long ago by the Russians. The retirement is not regarded as materially altering the situation. The Russians had strongly fortified Hsiehcheng in view of this contingency.

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bers of the cabinet are in accord regarding the principle of the inviolability of innocent neutral shipping as well as upon the principle that a neutral ship cannot be destroyed even if carrying contraband.

The demands which will be made upon the Russian government will include compensation to the owners of the ship and to the owners the goods on board the Knight Commander, an apology for the action of the Russian cruisers and an agreement that instructions be given which will prevent a repetition of such action.

British ship owners are up in arms over the danger which shipping is now running and are bombarding the government with representations looking to the thorough protection of their interests.

The Gazette on March 2nd published a statement communicated to the British by the Russian government, setting forth regulations on the subject of captured vessels, and indicating various exceptional cases under which a commander of a Russian vessel was permitted to burn or sink a captured vessel after taking off the crew, passengers and papers.