

FIFTIETH YEAR.

GOV. GOEBEL'S HOLDING HIS OWN.

Meanwhile Gov. Taylor Holds the Capitol—Executive Building Guarded by Troops—Civilians Excluded.

President McKinley Will Not Interfere—Says There is No Objection for Federal Action—Military Guard at Taylor's Office—Meeting of the Legislature at London—Significant Statement—Taylor Refuses to be Interviewed—Democratic Legislators Petition the Circuit Court—Strong Statement of Their Position—Declaration That Governor Taylor is Acting Without Authority of Law—Ask an Injunction Against Him—Notice of Hearing is Served.

Frankfort, Ky., Feb. 2.—Gov. Goebel held the whole of a comfortable night and was in a better condition this morning. His reputation has been damaged and his health is suffering. Dr. Welch said at 7:15: "I wish to hold out no hopes of his recovery, but the man is at least holding his own."

At 1:15 p.m. Gov. Goebel's condition was considered by the physicians attending him. There was a slight improvement in pulse due to turning the wounded man partly on his side for the purpose of relieving his muscles, but he was resting easily at that hour.

"Taking this time and his condition yesterday," said Dr. Hume, "the governor shows some improvement, but he is a very sick man."

PRESIDENT WILL KEEP OUT.

Washington, Feb. 2.—After the cabinet meeting the following statement was made:

"The President and cabinet decided that no case has as yet arisen to justify the intervention of the national government in Kentucky and has so far declined the governor."

Some significance may attach to the use of the word "governor" in this statement inasmuch as the reply was made to Taylor.

GOV. TAYLOR'S ATTITUDE.

Frankfort, Ky., Feb. 2.—Gov. Taylor this morning ordered that nobody should be admitted to the grounds of the capitol under any circumstances. He passes which heretofore have entered holders to go through lines were now up when presented. The object of the new orders is to prevent any person from serving any legal papers on him. It is the intention to the governor to secure an injunction restraining Gov. Taylor from interfering in any way with the meetings of the legislature, and enjoining him and his staff, Gov. Marshall from exercising the functions of state officers.

There is no chance whatever that Taylor will be served on Gov. Taylor. The executive building is encircled by soldiers and an entire company is posted night and day in the ante-room outside his office. Every civilian who could possibly be a bearer of legal documents will be turned back by the soldiers.

No attempt has been made to enforce the pardon of Douglas Hayes. Gov. Taylor, by his refusal to recognize the pardon, has placed himself in such a position that he cannot make legal proceedings against the warden. The one who is left for him to do is to liberate Hayes by force, and he has evinced no intention as yet to employ this means.

The Democratic plan is to make a formal demand for admission to the capitol hall in the State house every day as on yesterday they will be admitted with the militia, all of which, with the exception of two companies from Barboursville, will remain here. These two companies have been ordered to London for the meeting of the legislature there next Tuesday.

Gov. Taylor gives no intimation of delegating his proclamation calling for the legislature to assemble at London. He is making all arrangements for the meeting of the legislature at London.

"It is probable a quorum will not be present at the opening session to be held at London," said Representative Yarbrough, "but there will be before Tuesday night of that you can rest assured."

He spoke with great confidence and made the impression that appears to be that the Republicans have decided to reserve. Every effort to force the Republicans to propose to go to London either by the restriction placed around them in authority to leave or reliance on their part.

An effort to reach Gov. Taylor this morning was met by the statement that Gov. Taylor refused to be interviewed, and that he was engaged in giving attention to other matters that affected the state of Kentucky; that he had given out no statements for publication, and would not now and did not know when he would.

PETITION FROM LEGISLATORS.

The following petition was filed in the circuit court today, all the Democratic members of the legislature being signers.

Franklin Circuit Court: The plaintiffs state that they are members of the general assembly of the commonwealth of Kentucky, duly elected at the November election, 1899, and were duly sworn in on the second day of January, 1900, that the said election held on the 7th day of November, 1899, was the regular election at which members of the general assembly were to be elected, and that each of the plaintiffs at said election for the office of senator and representative of the commonwealth of Kentucky and each of said plaintiffs received from the county

purpose of discharging their duty. They further state that with a view to transacting public business of necessity to the public interest and welfare of this commonwealth, they then adjourned from the State building where they had heretofore assembled to the city hall in Frankfort, and when assembling there in the discharge of their duty they were again met by soldiers and prevented from entering the city hall.

"They then attempted to assemble at the court house in said city, and were again met by the military under the control of the defendant and the adjutant-general and forbidden to enter that building for any purpose whatever. They further say the seat of government had not become dangerous from an enemy or from any contagion, nor had it become dangerous from any cause whatever, save and except from the lawlessness engendered and brought about by the defendant's own unlawful and wrongful acts, and but for the said unlawful and wrongful acts, of the defendant, perfect peace and quiet would have reigned and prevailed at Frankfort, the seat of government of this commonwealth. But they say that even if these allegations in reference to the danger at the seat of the government were not true, still these plaintiffs have not disagreed and the two houses of the general assembly have not disagreed with reference to the time of adjournment as to the place of meeting of the general assembly.

"They further say that it is given out in speeches by those in military command under the said Taylor that no meeting of the general assembly at any place within the State of Kentucky shall be held for the purpose of discharging their legislative duties except at London, Laurel county, Ky. That the regular session of the legislature began on the first Tuesday after the first Monday in January, 1900, and under the laws and constitution of the State ends within 60 judicial days, and such has been the exercise of this unwarranted and tyrannical power on the part of the defendant that it is impossible for those plaintiffs or any of them to discharge their official duties.

"They further say that the defendant is threatening to continue their unlawful acts and to prevent the assembly of the legislature of Kentucky for the transaction of public business, and unless they are restrained and enjoined by this honorable court they will prevent the assembling of the legislature and the transaction of the public business for the commonwealth.

"That if the defendant is permitted to continue in the exercise of these unlawful acts, they allege and state great and irreparable injury will result not only to the State, but to the plaintiffs. That his acts and doings are in plain violation of the constitution of the rights of each and all of these plaintiffs, and destructive of that department of the government that is entrusted with the sole power of passing and enacting such laws as may be deemed best for the public interest. They therefore ask an immediate injunction enjoining and restraining the defendant and all others from preventing or attempting to remove this legislative body to the city of London or elsewhere than the capitol of Frankfort, and furthermore that the defendant and all others be enjoined and restrained from preventing by a force, military or otherwise, the plaintiffs from entering into the public building known as the State house in order that they may discharge their official duties in the said capitol, and to the State.

"They further state that no previous injunction has been asked for granted or refused by any judge or court, or any one else authorized to grant an injunction.

"They assert that under the facts of this case they are entitled to immediate relief restraining the commission of the continuance of these usurped powers by the defendant and those who claim to be his agents.

"Wherefore, they pray for an immediate injunction against the said Taylor and Collier and for all other proper and equitable relief.

"South Trimble being duly sworn, says he is one of the plaintiffs above named, that he has read the foregoing petition and the statements contained therein are true.

(Signed.) SOUTH TRIMBLE.

TAYLOR IS SERVED.

Gov. Taylor has been served with notice of the suit for an injunction to restrain him from interfering with the action of the legislature and to prevent him from holding a session of the legislature at London. Service was secured, despite the most stringent orders to the sentries to allow nobody to pass in or out of the capitol grounds. Orders to this effect were given early in the morning, but were revoked later, and those having passes were allowed free access to all parts of the capitol square.

As soon as word was brought to Gov. Taylor that the petition for the injunction had been filed, the orders were given to the sentries to allow nobody to pass in or out of the capitol grounds.

The plaintiffs now state that they had not in any manner disagreed as to the adjournment of either house, nor had they in any respect been guilty of any dereliction of duty, nor had they failed or refused to faithfully perform the duties pertaining to the general assembly and their respective offices. But they say notwithstanding that fact, the defendants are now threatening by force of arms and other violent methods, to force the legislature to meet as assembled at London in Laurel county, Ky., and still refuse and threaten to prevent a meeting of the general assembly in the capitol, and in a section of the State capitol, or anywhere in the city of Frankfort, the seat of the government of this commonwealth, and unless restrained and enjoined by the orders of this honorable court, they will prevent the meeting of the general assembly at the place designated by the constitution and laws of the commonwealth, and will force them to meet in London, Laurel county, Ky., as before stated.

They further state that said Laurel county is in a lawless portion of the State, without any sufficient police force or civil authority to protect the members of the general assembly in the discharge of their duties and in a section of the State where many lawless disturbances and factional fights have heretofore occurred, often resulting in the adjournment of the courts of the State, making it frequently necessary for the State militia to be called out to protect the courts in the discharge of their official duties.

And notwithstanding troops have been repeatedly called to said section and then co-operated in conjunction with the civil authorities, they have been totally unable to suppress the fights and lawlessness and factional strife in said sections and the same is now completely terrorized and dominated by lawless bands of men engaged in fence and other violations of the law. The plaintiffs further aver that, denying the right of the defendants to make the adjournment of the general assembly without their consent, they, the plaintiffs, have repeatedly to-wit: on the first day of January, 1900, and on the last day of February, 1900, and on other occasions made an effort to enter the hall of the house of representatives and the senate chamber at regular hours for transacting their business and have been met with a large military force, acting under the order of the defendant, W. S. Taylor, and his adjutant general, and prohibited from entering into their house for the

BODY SHIPPED LAST EVENING.

Remains of Private Hartvickson of Troop E, Fourth U. S. Cavalry.

SENT TO FATHER AT SANDY

Gov. Wells Receives Message from Depot Quartermaster—Dead Hero's Family Are Notified.

Governor Wells received a telegram today from Depot Quartermaster Long at San Francisco, stating that the remains of Private Albert W. Hartvickson of troop E, Fourth U. S. Cavalry, had been shipped by Wells-Fargo express to Emil Hartvickson, father of the deceased, who resides in Sandy. The body left San Francisco at six o'clock last evening, and will reach Sandy tomorrow morning.

The name of Hartvickson was not included in the list sent Governor Wells by Major Young. This seeming omission is accounted for from the fact that the deceased belonged to the regular United States army, and not to either of the Utah batteries. The father made application for the body last summer. Immediately upon receipt of the message, Governor Wells sent word to Mr. Hartvickson, informing him that his son's body was on the way and when he could expect it to reach Sandy.

REPORT PUBLIC BUILDING BILL.

Senator Rawlins' Measure Makes the Increase For Salt Lake to \$500,000—Bill Will Undoubtedly Pass the Senate.

[SPECIAL TO THE "NEWS."] Washington, D. C., Feb. 2.—Senator Rawlins has reported from the committee on public buildings, the committee which has in charge his bill increasing the limit of appropriation for the Salt Lake public building from \$300,000 to \$500,000.

ACCUSED OF BATTERY.

White Woman Talks About a Colored Woman—Assault and Arrest.

Mrs. O. J. Goodman, who resides on the corner of Fourth South and Thirtieth East, appeared before Judge Timmony today and swore to a complaint charging Jennie Rice, a colored woman, with assault and battery. The trouble is the direct result of the labor of Dame Gossip. It seems that somebody told somebody else that Mrs. Goodman had been talking about the colored lady. Today the colored lady heard it and she proceeded to Mrs. Goodman's residence and demanded an explanation. Just what happened then is not clearly related, but Mrs. Goodman alleges that Miss Rice struck her. Miss Rice admits there was a fight. "I'll tell you right now," she said, "I didn't have no nine coons in my house."

This afternoon Officer Ed. Davies served the warrant on the Rice woman, who put up \$10 for her appearance in court tomorrow afternoon.

ENGLISH-BOER DEBATE.

Interesting Discussion at the L. D. S. College This Afternoon.

The members of the L. D. S. College, held a most interesting meeting in the assembly room this afternoon. The feature of the program was a discussion of the question:

"Resolved, That England is justified in the stand she takes against the Transvaal."

The speakers were David Smith and J. L. Mabey for the affirmative, and the negative side was championed very ably by Wm. Waddoups and Wm. Wetzel.

Mr. Smith opened the debate, and produced an array of statistics tending to show that the Boers had grabbed the land in the Transvaal and that during the periods when the Boers were in trouble they called on England for help and ceded the land to England as payment for the help that nation had given them. The speaker essayed to show that the uitlanders pay fourteen-fifteenths of the taxes, and yet have no voice in the government; and yet they are not protected in any of their rights.

Mr. Waddoups followed for the negative. He treated the question from a sentimental standpoint, and with somewhat of an eloquent strain, drew the comparison of the American colonies struggling for their liberty, and the Boers striving for their rights. He demonstrated that the Boers were not in open revolt because they were free from any country, and they had a right to fight for the maintenance of their freedom.

J. L. Mabey arose for the affirmative and contended that the Transvaal rightly belonged to the English by right of purchase, alleging that the English had bought the country from the natives. He dwelt on the same points brought forth by his colleague, viz: that the English paid nearly all of the taxes. The speakers held that the Boers would be a more contented and peaceable people under English rule.

Wm. Wetzel, the second speaker for the negative, produced historical data showing that after the Boers had left Holland in the seventeenth century and settled in South Africa, they were followed by the English and driven out of the country, and after settling again, were again followed by the English and driven across the Vaal river, to the mercy of the savages. Subsequently the English entered the Transvaal country, and seized the government, but later relinquished the reins of authority, and left the Boers free again. Succeeding scenes of alleged English rapine and plunder were vividly depicted by the speaker, and the Jameson raid de-

nounced as a crowning instance of England's perfidy.

The two champions on both sides had five minutes each in which to recapitulate. They closed by urging their points most strenuously.

The negative side was declared victorious by a decision of two to one. Miss Horne rendered a vocal solo very sweetly, which was followed by a very clever sketch of Newcastle-on-Tyne, by V. R. Pugmire, which concluded the program.

TWO BIG FIRES.

St. Louis and Youngstown Have One Each—Dynamite Explosion.

Youngstown, Feb. 2.—Late last night fire broke out in the McElroy furniture store and extended to J. M. Ewuer and Sons' store of dry goods and to the adjoining block occupied by G. M. Kelvey & Co. The total loss will aggregate between \$400,000 and \$500,000.

The individual losses are: McElroy and Ewuer, \$200,000; Scott & Jones, piano dealers, \$40,000; McKelvey & Co., \$20,000.

The loss is covered by 80 per cent of insurance.

The origin of the fire is unknown. During the progress of the fire, John Mills, a spectator, dropped dead from heart disease, and C. A. Patterson was struck on the head by a piece of brick which fell from one of the buildings. The firemen suffered severely from the cold weather, the mercury being five degrees below zero.

St. Louis, Feb. 2.—A special to the Post Dispatch from Little Rock, Ark., says that a loss of \$150,000 was caused today by a fire that destroyed the store of the Dickinson Arms Co., and the Arkansas Paper and Book Co., and half a dozen others.

A quantity of dynamite in the building occupied by the Dickinson Arms company, exploded, breaking at least \$150,000 worth of window glass throughout the city.

Oregon Murderer Hanged.

Dallas, Ore., Feb. 2.—W. H. Magers was hanged here today for the murder of Ray Sink.

W. H. Magers murdered his friend

and former employer, Ray Sink, in cold blood, for the purpose of robbery, some time in September, 1898. Sink was a well known farmer of Wasco, Sherman county, and Magers had been in his employ on a large farm four miles from Wasco during the summer of 1898. Sink's body, badly mutilated, was found in the Willamette river near Salem on September 20, 1898. The murderer tied the hands and feet and weighted the body down with iron. Magers and Sink were seen together in Salem on September 13, and the murdered man was never seen alive again. Magers served a term in the penitentiary for the larceny of a horse in Polk county in 1896. He is 25 years of age.

CLARK BRIBERY CASE.

Prosecution Still Has a Few Witnesses on Hand.

Washington, Feb. 2.—When the Senate committee on privileges and elections met today Mr. Campbell, representing the memorialists in the prosecution of the charges against Senator Clark of Montana in connection with his election to the United States Senate, announced that he had three more witnesses to examine, thus deferring the beginning of the presentation of the defense.

The first witness was Frank E. Wright, cashier of a bank at Lewiston, Mont. Mr. Wright was questioned concerning the accounts of State Representative Hobson, the latter being president of his bank. He said that prior to the meeting of the legislative body, Long had owed the bank \$400, and Hobson had owed it \$200. Long had paid his note in April and Hobson paid his in May last, both with checks.

The witness brought with him a transcript of the account of Hobson & Long, but failed to bring the deposit slips in either case.

The account transcripts were placed in evidence. The one in Hobson's case showed that in April last a letter was received from the Continental National Bank of Chicago, advising the Fergus county bank of a credit of \$25,000 in Hobson's behalf. Hobson was then in London, but the witness did not think he had gone to London with Senator Clark. Hobson had never told him where he had obtained the \$25,000. On cross-examination Wright said that Hobson was considered a wealthy man—worth about \$300,000 or \$400,000. He knew that he had sold some mines in London, but did not know whether the \$25,000 was derived from this source.

Halsey M. Watson, of the Fergus county Argus, testified to a conversation with Representative Long after his return to Lewiston from his attendance at the legislature. Long had exhibited a big roll of bills. The representative had objected to some criticisms of his course in voting for Clark. The witness had said to Long:

"Well, Charley, I suppose it was simply a matter of dollars and cents with you?" to which he said the reply was: "Well, I hope you don't consider I was a cheap guy anyway."

W. W. Beasley, Republican member of the Montana legislature, from West Grass county, denied that he had during his campaign that he would never vote for a Democrat. He had not talked with any one seriously of voting for the legislature. Long had exhibited a big roll of bills. The representative had objected to some criticisms of his course in voting for Clark. The witness had said to Long:

"Well, Charley, I suppose it was simply a matter of dollars and cents with you?" to which he said the reply was: "Well, I hope you don't consider I was a cheap guy anyway."

Beasley said he was induced to vote for Clark because in a statement furnished him Clark had given assurance that he would vote for protection on Montana raw material. Beasley was then excused to go to his hotel to get Clark's pledge, and the committee took a recess.

Another Chicago Fire.

Chicago, Feb. 2.—At 10:30 o'clock today fire broke out in the third story of Sprague, Warner & Co., big wholesale grocery building, at Michigan avenue and Randolph streets, spreading rapidly. Two firemen were seriously injured by falling.

GEN. ROBERTS WANTS 90,000 MORE MEN.

Militia Ballot Law, Calling All Unmarried Men Between 18 and 30, to be Brought in Force February 14.

Sensational Rumors Current in London—Gen. Buller's Movements

—Reconnaissance by Lord Dundonald—Public Anxiety About the Upper Tugela—Reported Surrender of 800 Boers—More Troops for Lord Roberts Include 50,000 Militia and 40,000 Reserves—Statement that Volunteers Will be Mobilized Forthwith—Report of Mafeking—Rebellion Against Britain in the Sudan—Alleged Breach of Egyptian Neutrality—Gen. Buller Has Advanced.

London, Feb. 2, 2:37 p. m.—There is no official news from Gen. Buller's headquarters and the only information which has reached London in any way supporting the reports that he has recrossed the Tugela river, is found in the Associated Press dispatches announcing Lord Dundonald's reconnaissance, which is taken to indicate a prelude to renewed activity. As the dispatch is three days old and Lord Dundonald found no difficulty in crossing the river, it is not impossible Gen. Buller may have moved in the interim and public anxiety is again concentrated on the upper Tugela.

Dispatches from elsewhere in South Africa merely tell of desultory shell fire and the movements of patrols though Capetown mentions a rumor that Gen. French has captured eight hundred Boers, where and how not being announced.

Sensational rumors are current that the militia ballot act will be put in force February 14th, and that Gen. Lord Roberts, commander-in-chief of the British forces in South Africa, has called for 90,000 additional men, which, it is added, the government has promised to give him, sending 50,000 militia and volunteers and 40,000 militia reserves.

It is also said that the volunteers will be mobilized forthwith. It is even asserted today that the cabinet has especially dealt with these matters. The militia ballot act makes every unmarried man between 18 and 30 years of age liable to serve for five years.

This morning at the life guards barracks, Regents Park, the prince of Wales inspected another contingent of yeomanry and honorable artillery company volunteers prior to their departure from London to embark for South Africa. The spectators included Lord Mayor Newton, a number of city dignitaries, army officers and many ladies.

The prince of Wales made a speech to the men in the same vein as his address to the first contingent of yeomanry at their departure from London Friday last.

Lorenzo Marques, Thursday, Feb. 1.—A dispatch from Gaborone dated January 23, describing a reconnaissance of some of Col. Plumer's forces around the Boer laager southward, seems to dispose of the story that Mafeking has been relieved. On that date the Rhodesians captured two Transvaal flags and drove off the Boer outpost before returning to Gaborone.

REBELLION AT KHARTOUM.

Paris, Feb. 2.—A dispatch to the Havas News agency from Cairo confirms the report that a rebellion had occurred among the Sudanese troops in Khartoum.

It says: "There is much anxiety here. There have been a number of grave incidents, notably the growing discontent in the Egyptian army, which has attained to a mutiny in two Sudanese battalions. The government has sent Col. Wingate to parley with them. The army complains of bad treatment and the secret dispatch of Egyptian troops to South Africa. It appears certain that ten Maxims and a large assignment of saddles have gone to Durban, and a number of English officers and civil functionaries have obtained an unlimited furlough to go to South Africa."

As is notorious withal of any knowledge of politics, the government is tremblingly aware of the news of some little victory to ward off temporarily just criticism, the situation is too humiliating for words.

"One by one, public belief in the representative leaders on the unionist side is disappearing. The marquis of Lansdowne was discredited at the outbreak of the war. Mr. Balfour fell at Manchester. Lord Salisbury's pitiful exhibition under the lash of Lord Rosebery on Tuesday damaged another ideal. Mr. Chamberlain has so far made no declaration of vigorous policy suited to our pressing needs."

"Some weeks ago many of the best friends of the government were urging its reconstruction. It is almost too late now for that policy. People now are looking for some strong man to lead them."

Rosebery's name has been on every tongue during the last few days, but to turn to him before Mr. Chamberlain has been tried appears to us to be unwise and unfair from many points of view. It would be well to watch Mr. Chamberlain's attitude during the next few days."

CONGRESSMAN LANDIS VERY WILD

Has "Open and Notorious" Rabies—Makes Charges Against Officials of the Agricultural College at Logan, Utah.

[SPECIAL TO THE "NEWS."] Washington, D. C., Feb. 2.—Representative Landis of Indiana, announced today that he had been notified of the resignation of Dr. Tanner, the president of the Logan College, Utah. Dr. Tanner is one of the gentlemen to whom Mr. Landis referred in his speech against Mr. Roberts. He was replying to some statements made by Senator Rawlins, claiming that the appointment of some postmasters who were now charged with being polygamists did not prove that President McKinley endorsed polygamy. "Mr. Rawlins," he added, "might as well have charged the House of Representatives with endorsing polygamy because it had ap-

propriated \$40,000 for the Agricultural College at Logan. The president of that college—I make this charge on my honor as a representative"—said Mr. Landis, "is a polygamist, living in open and notorious polygamy with three wives. One of the leading professors is a polygamist, living in open and notorious polygamy with two wives, a trustee who guides and directs the business interests is a polygamist, living in open and notorious polygamy with seven wives, and they have blessed him with thirty-nine children." It is stated that if the Logan College expects any further appropriation from Congress every polygamist connected with it must first resign.