THE DESERET EVENING NEWS.

FIFTIETH YEAR.

TRUTH AND LIBERTY. FRIDAY, JANUARY 26, 1900, SALT LAKE CITY, UTAH.

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CONSTERNATION AT WAR OFFICE.

effect of the Announcement by General **Buller of British Abandonment** of Spion Kop.

scouraging Expressions on all Sides - People With Anxious Faces Crowd to See the Bulletins-General Buller Reports Day's Losses -- More Cavalry Ordered to South Africa-Country Urged to Face the Situation Bravely-No Explanation of the Spion Kop Move - Moral Effect of a Reverse -Position Too Hot to Hold -- Chagrin in Military Circles -Grave Fears for Ladysmith - General Warren is Criticized-Watching the Battle.

keenly felt.

Ladon, Jan. 26.-Gen. Buller reports | It appears to have been so entirely unexpected at the war office that Gen. t the British casualties January 24

Six officers, eighteen nonmoned officers and men. ended: Twelve officers and one nd and forty-two non-commisred officers and men, thirty-one men

les Buller's dispatch is dated Speart's Camp, January 26, 10:25 a, m. there has been no delay in the comtions passing between Gen. her and the war office. The killed inte Col. Buchanan Riddell, of the as royal rifles. He served in the war of 1881. It is not clear er the casualties include those at to Kop or only those resulting from fighting prior to the Spion Kop

notably as an immediate effect of receipt of the news of the abandonat of Spion Kop by the British force Gen. Sir Charles Warren orders re been sent to Aldershot to have the eth cavalry division in readiness to rk for South Africa early in Feb-

far as the general public is con-

spirits. The heavy artillery makes a most joyful sound. The Boer bombardment on Lady-SAYS BOARD ACTED smith has practically ceased, though the Bulwana gun sometimes fires. IN GOOD FAITH "The Telegraph hill Creusot fired a single shell this morning, which wob-bled remarkably. It is probable that our Howitzers have again damaged the gun. 'Recently the Boers began to shell Observation Hill, from Surprise Hill, with an eight inch mortar, throwing a round shot with old fashioned touch wood fuses. The British field artillery silenced this gun, killing twenty, it is Judge Cherry Hears Arguments in the Cox Mandamus Case. "Saturday afternoon there was some "Saturday afternoon there was some gunfire from the eastward. It came from Bulwana and Lowbardskop. This probably was a "put up job" to make us think the British reinforcements were advancing from the east. The fire may have possibly come from scouts belonging to some irregular forces to whom we understand Buller has given a roving commission. ANSWER OF SCHOOL BOARD. has given a roving commission. There was rifle fire in the same direc-tion but further south on Saturday night from 11 o'clock to midnight it was Big Array of Legal Talent - Will be Submitted This Evening-Early Decision Looked For. sharp and intermittent. BURNED TO DEATH. The affidavit and petition of John E. Fire at Gem, Idaho-Two Year Old Cox for a writ of mandamus to compel Child Incinerated. the board of education to admit to the Wallace, Ida., Jan. 26 .- A fire at Gem Hamilton school his daughter Florence today destroyed a restaurant adjoining the postoffice. The 2-year-old son of A. Magnuson, the proprietor of the re-taurant, was burned to death. E., who was denied admission Tuesday morning because she falled to present to her teacher satisfactory evidence of her vaccination, came up before Judge Indianapolis Next Year. Cherry today on a general demurrer Indianapolis, Ind., Jan. 26.-Indian-apolis gets the convention of United Mine Workers and the Interstate conto the defendant board's answer. The attorneys who appeared for the petitioner were Bennett, Harkness, ference of operators and miners next year. This was decided today by the Howat, Sutherland & Van Cott, Powers, miners' convention, Straup & Lippman, Daniel Harrington and R. B. Shepard. Richards & Va-Builer's dispatch caused something in the nature of consternation. The lob-bles were soon crowded and there was rian represented the defendant board. AMERICANS LOSE SIX MEN. The west half of the court room was evidence on all sides that the news was crowded with spectators, while within the enclosure sat President Wilson and a few members of the school board, and a number of well known ladies and The only official comment was appar-ently that "Gen. Warren found the po-sition too hot to hold." Business on the Four Mortally and Two Slightly Wounded by Filipinos. gentlemen. stock exchange became very flat today. Consols dropped five-eighths, leading to a general decline. THE BOARD'S ANSWER. ⁹ The answer of the board, filed this morning, alleges the existence of the State and municipal boards of health with powers conferred on them by law Nownete, in spite of the general de-pression, is there the least sign of nsurgents Breaking Up and Returning to Their Homes-Admiral abatement in the determination to carry the war to a successful issue. The cabinet met this afternoon under the presidency of Lord Sallsbury and doubtless the ministers fully canvassed Watson Reports. to make and enforce such regulations as may be deemed proper for the pre-vention of the spread of smallpox or Washington, Jan. 26 .- Gen. Otis' reany other contagious or infectious dis-ease. It is then set out that the board has no course than to obey the health the new situation though primarily port of yesterday's movement in the summoned to discuss the terms of the campaign in Luzon, is as follows: queen's speech. Under other circumstances the news authorities. It is further set out that there are large numbers of people in "Manila, Jan. 26 .- Hayes' cavalry rethere are large numbers of people in this city who are not only opposed to vaccination, but who are opposed to any kind of medical treatment of any disease. The Anti-Compulsory Vac-cination League is referred to and which, it is alleged, is doing its best to hinder and delay the board of health in the effort to stay the progress of smallpox. Defendant confrom Ladysmith showing greatly im-proved sanitary conditions, the plentiported at Santa Cruz, drove enemy out of Luzena, Tayabas and adjacent fulness of provisions and the strengthening of the fortifications, until the

towns; rescued twenty Spanish prisoners and five women. Other Spanish prisoners moved back in small detachments into mountains. Enemy dispersed and greater part believed to be seeking homes at Tayabas. Found record dated 15th inst., saying eleven American prisoners leave tomorrow,

Bulan, Albay and Legaspi, south-

where S00 insurgents, strongly

guns of the Nashville, which bom-

British Win a Victory,

has been entirely successful. Captain Harrington, with 100 sikhs, after two

days' fighting, January 8 and 9, against a thousand rebels, captured two forts

two villages, blew up the

magazine and killed or wounded 60 Tagas. The British had four men wounded. The remaining villages of the disturbed district submitted.

Fight Oatmeal Trust.

Akron, O., Jan. 26 .- A. F. Schumacher,

a son of the oatmeal king, is said to

refusing to surrender. Our

during the struggle Tuesday night, have counted for naught. Military circles made no effort to conknow not to what place. Hayes' casual

for the relator. The matter will be submitted before court adjourns this evening, and it is expected that Judge Cherry will announce his decision eith-er tomotrow or Monday.

Africe loop

REVERSED FOR FOURTH TIME. Supreme Court Decision in an Ex-

tremely Old Case. The Supreme court delivered an opinion today in the case of W. S. Mc-Cornick vs Henry Sadler, appellant, reversing the judgment of the court below, with directions to grant a new trial.

The action involves the sum of \$1,270.24, on which amoun. Mason & Co. had a lien. This makes the fourth time the case

has been decided by the Supreme court, on appeal. Each time the court below found for McCornick and the Supreme court for Sadler. The reversal this time was ordered on an erroneous The opinion was by District Judge McCarty and concurred in by Justices Miner and Baskin.

Suit to Quiet Title.

A suit to quiet title to 10x3 rods in lot 6, block 12, plat B, was filed in the Third district court today by Catherine Wilcken against Agnes Brown et al. The property in dispute is part of the estate of Charles Brown, deceased. The parties to the suit are Mr. Brown's heirs.

ARRESTED FOR CRAND LARCENY

William Wilson, a painter, and John Higgins, a machinist, were arrested today by Detective Sheets and Officer Sperry, on the charge of grand larceny, Last Wednesday night Brown & Co.'s

place of business at Bingham was broken into and robbed. The burglars secured a load of hides and pelts of the value of \$100 or more. As soon as the theft was discovered, the police department and sheriff's office were notified and instructed to look out for the burglars. Today Wilson and Higgins came in town with the stolen hides and pelts and sold them to Rowe, Morris & Summerhays for \$90. In the vernacular of the crooks, somebody gave Detective Sheets and Officer Sperry a pointer this morning, of the sale, and the officers at once proceeded to the place and nabbed their men.

They were escorted to police head-quarters, where they were booked for grand larceny. When searched, upwards of \$60 was

found on them. Higgins is regarded as a bad man and has been in trouble be-Some time ago he was arrested on the charge of burglary. He has a brother serving a term in the State made.

CONCRESSMEN ARE TIRED OUT NOW.

They Have Had So Much Polygamy Discussion This Session That They Want No More of It.

Effects of Mr. Roberts's Statement --- Various Measures Now Up Concerning Polygamy-Argument of Messrs. Littlefield and De Armond-Prospects of the Lacey Amendment--Irritation at the Course of the Speaker - Suggested the Exclusion Method - Fear That There Might Not Be Two-Thirds for Expulsion, But There Were Over Fifty Yotes to Spare-Mr. Roberts to Stay in Washington for the Present -Money Due Him-No Appeal to the Courts Intended.

[SPECIAL TO THE "NEWS."]

statement given out by Mr. Roberts last night, in which he announces that he will not stand for re-election as a vindication for himself, even if his people should ask it, and that he ask that his exclusion would from Congress be permitted to close, for the present, this incident in Utah's history, is regarded by every one as tactful, and it is under the present circumstances the most grateful assurance that could have been given. The House of Representatives is heartily tired of the subject, and he will be a bold man who will undertake to drag the question of polygamy into the House for some time to come.

The Senate has felt itself compelled to bow to public opinion to the extent of ordering an inquiry into the extent of polygamy in the United States, or in places where the United States have jurisdiction, and what steps, if any, should be taken to prevent polygamy, but it is gravely doubted if there is any serious intention to frame legislation as a result of this inquiry, after it is

a garded as certain to be adopted if put Washington, D. C., Jan. 26 .- The to the House. Mr. Roberts himself thought so. His allusion to the "whip and spur" is echoed by many of the men who voted against him.

The following statement in the Congressional Record will show the pre-text under which the speaker veiled his determination that the method of "exclusion," which was his own suggestion, and supported by him from the begin-ning, should be the only course adopted, and not the Laced amendment:

The proposition offered by the gentleman from Iowa adds to the proposi-tion recommended by the majority the idea of expulsion. The proposition as it stands will deny Mr. Roberts a seat, will not alow him to sit for an instant in this House. That is the proposition of the majority. The amendment offered by the gentleman from Iowa (Mr. Lacey) does not deny him a seat, but says with the majority that he must not have or hold a seat, but that he must also be excluded from his seat. The proposition of the majority, which denies Mr. Roberts a seat, can be car-ried through this House under the rules by a majority vote. With the amend-ment of the gentleman from Iowa (Lacey) added to that of expuision, it will require a two-thirds vote to carry the amended resolution. Does any contend that changing a resolution from a condition where a mere maresolution lution which will require a two-thirds vote to cary it through, that such an amendment is germane to the original proposition. (Applause.)' If there is a point of any value in the speaker's decision, it is his implied conession that there might not be a twothirds vote for expulsion. The result showed that there were fifty votes more than would have been needed to have expelled Mr. Roberts, so that Mr. Hen-derson's objection had little value. Mr. Roberts stated last evening that he did not intend to leave Washington immediately. There are about \$2,000 that would have been due him for salary since the beginning of the session, and for mileage and other allowances. He declared that he had sought some way to make a gift of this sum to the government. It is not probable that he will take any legal steps to show that the decision of the House might have been contrary to the Constitution. The overwhelming vote of the House will preclude him from that, lest the tunity to vote on the Lacey amendment, court might decide that it was in effect which was the popular measure, rea two-thirds vote.



ned now that the first flash of disatment is over it takes the news idly. When the newspapers bearing placards containing the words m Kop abandoned" appeared in he streets the people rushed to buy papers, and from cabmen on top som cabs to business men hurrycitywards, all could be seen scanin the news with dazed expressions. hesims of pleasure which were visieverywhere yesterday have now a place to a wave of depression. here have been no outward demonons or scenes. In the west end the mility with which the bad news travd was remarkable.

A few minutes before 11 o'clock this ming the dingy war office had a demel appearance, only a few reporters messengers being visible. A few lattes later, however, and almost aneously with the posting of Gen. alle's dispatch, carriages and cabs rolling up, people with anxious as hastening to the notice boards. Withe lobbles soon became congested. Faced back!" "Shelled out, I sup-"Great heaven he's had to go These and similar expressions leard on all sides, and with downmade their way back to the ed while their places were occupied lers.

afternoon newspapers only briefent on the situation, preferring wait fuller particulars.

SL James Gazette says: "We ily at the beginning. Westminster Gazette suggests the abandonment of Spion Kop hot mean more than that a mis-

was made regarding the of the Kop Pall Mall Gazette expects that Wabce will again continue as it with a series of rushes; "a kopje

half a mile gain there, and se shall have in short to fight our the rescue by hardly won Ladysmith nevertheless will be

Hobe says it is assured that the IF will face the situation "calmly ravely with the firm determinaobstacles. editorial the Westminster Ga-

id this afternoon: Associated Press said Warren's

was provisional Westminster Gazette's remark d out by George W. Smalley's the Times this morning saying: Associated Press takes care that

hall not over estimate Warren's suggesting that it is only proand that there is the usual disin of London to exaggerate the mance of the point scored." minster Gazette then pro-

defend its own course, pointing at it is not unpatriotic to decline over facts.

matter of fact Great Britain asthat the point gained was more we than it really was, hence the terulaion of feeling caused by

ler's announcement of the aent of Spion Kop. Considerat the Boers who held the position that the British casualties in reit during the subsequent atvalue of the point had still to be strated, there never was any ason for throwing up hats, and further particulars arrive it is is to estimate to what extent public disappointment is justified. the British suffered a reverse ment was dictated by strateasons. Obviously the ess unless guns could be plantt and discovering this was in-Warren may have decidas usenfe to attempt to hold the

any longer: or perhaps he is at a more profitable ascent elseer may be the explanation of mandormant of Spion Kop by the

Ty moral effect as a reverse.

est fears as to the ultimate fate Such authorities as Maadysmith. jor-General Sir Frederick Carrington, is under orders for South Africa, and Lord Gifford, who won the Victoria cross while scouling for Lord Wolseley during the Sulu war, would not be sur prised to hear of the capture of Gen. White's force within a week. Lord Gifford, who knows the country like a book, could not understand how in the vorld Gen. Warren ever got to the top of Spion Kop without ascertaining what positions command it. The poorness of the maps, it was pointed out, could hardly be an excuse for this, as there must be with Gen. Warren several scouts, to say nothing of officers who, one time or another, have served at Ladysmith, and whose mere hunting expeditions would have given them

place is regarded as impregnable, would

have inspired the nation, but these good tidings to the British are over-

shadowed by anxiety as to the situa-tion on the upper Tugela and the thought that the heavy losses suffered

heavy shell fire, he is severely criticized for occupying a position to which he could not bring up his artillery. At the life guards' barracks, Regent

inspected the first lot of geomanry who start for South Africa tomorrow. A number of well known people were present, including Lady Essex, Lord Rothschild and Lord and Lady Lons-dale. The Prince of Wales, who wore the undress uniform of a staff general, walked along the entire line with Lord Chesham, making the most minute inspection of every man, often taking a rifle in his hands and examining all parts of the equipment.

The men looked very business like in khaki and puttes, with cowboy hats turned up at the side, with a little bronze emblem representing the Prince of Wales feathers.

barded the fortifications at close range. The enemy's loss is over 50 kill

specting you before you start for ac-tive service. I also consider it a high compliment that I have been asked to be your honorary colonel. You may be sure I shall take the deepest interest in your welfare and watch all your proceedings. True, you will, like all the men who have volunteered for active service, do your duty to your sovereign and your country. I am sure that though you leave your homes and your country you all feel that a great duty devolves upon you to maintain the honor of the British flag, and that you will assist the regular forces of her mation against the rebellious Tagas, under Mat Salleh, in British North Borneo,

Lord Chesham called for cheers for

their rifles

the prince individually. Several of them were among his personal friends. Not-Phillip Percival, of the Royal ably Yacht squadron, who goes out as a captain. Among the troopers is the captain. Among the troopers is the husband of Mrs. Patrick Campbell the actress.

found dead in one trench,

Pretoria, Wednesday, Jan. 24 .- The federal forces have started a heavy bombardment of Kimberley. The garrison's new gun carried five miles, but collapsed after a few shots. A body of 200 lancers made a sortie

from Ladysmith under cover of a heavy cannon and rifle fire from the forts opposite the laager of the Pre-toria commando. The British retired with evident loss. One Boer was with wounded. A heavy cannonade started this morning and still continues.

Capetown, Jan. 26.-The British transport Lancaster Corporation has arrived here.

New York, Jan. 26.-A dispatch to the World from Ladysmith January 22, by runner from Frere Camp, January 24, Says: Our principal occupation

watching the bursting of shell fired by General Buller's men advancing from the west. "This observation tends to raise the

ties one killed, three mortally wounded, two slightly wounded. Admiral Watson has cabled the navy department an account of the part taken by the navy in the splendid campaign now being made in southern Luzon by Gen. Schwan. The admiral's dispatch refers to the engagement, or rather series of engagements, which took place along the eastern and south-ern shores of Lake Taal a week ago. There is no outlet from Lake Taal into the sea navigable for warships, but the Marietta took up a position close to the narrow neck of land which sep-arates the lake from the sea and threw shells across into the insurgents' defenses. The admiral's account of the affair is as follows:

knowledge of the country. While Gen. Warren is not blamed for retreating under what is supposed to have been ing, on the 19th co-operated with the army in the capture of Taal. Enflaced the yards.

gun. Park, this morning, the Prince of Wales the Forty-sixth under Major Johnston carried the bridge and town very gallantly, facing artillery and rifle fire." Gen. Otis cabled the war department today as follows: Manila, Jan. 26.-Kobbe's troops oc-cupy the hemp ports of Sorsogen, Duneastern Luzon; Virac Island, Catandu-anos; will probably occupy the points of Calbaya at Cathbalogan and Tactoban, on the islands of Samar and of Leyte, between now and tomorrow

evening. No opposition except at Legaspi. intrenched, under the Chinese general, Powah, made a stubborn resistance. Troops landed under the protection of

At the conclusion of the inspection the prince of Wales made a speech during which he said: "I am proud of the privilege of in-

mortally wounded; 28 killed at Bridge head at an almost hand-to-hand encounter, casualties are: Capt. Bradley Hancock. quartermaster volunteers, aide Kobbe, wounded in hand: six men. cluding one sailor on Nashville, slightly wounded. Those ports, contain great quantity of hemp ready "or ship-ment, and will be open on 30th inst." Londno, Jan. 26 .- The British 'expedi-

jesty and do credit to your corps. wish you now Godspeed and a safe return

the prince, which were enthusiastically given, the men hoisting their hats on

The officers were then presented to

Special dispatches from Durban say the Boer losses on the Upper Tugela during the fighting on Sunday last were very great. Gen. Warren's men cap-tured 160 prisoners and 130 Boers were

be at the head of a new company being formed here to fight the American Cereal Company. It is said Ferdinand Schumacher will be interested in the company. Raise Price of Rubber Tires.

Akron, O., Jan. 26 .- Official notice has been issued by the Diamond and the Goodbye Rubber Company of an agree-ment made with Theodore A. Dodge, of New York, owner of patents on single-tube bicycle tires. The agreement will result in an increase in the price of tires about 50 per cent.

Kiralfy Under Arrest.

Paris, Jan. 26.—As a result of charges brought by shareholders of the Colum-bia theater against Bolossy Kiralfy, the latter has been arrested and the books of the theater have been seized at his home. The shareholders allege that he falled to give a proper accounting.

Eulogies on the Vice President.

Washington, Jan. 26 .-- In the House today the time after 2 o'clock was de-today the time after 2 o'clock was de-voted to eulogies upon the life and pub-lic services of the late Vice President Hobart. The conference report upon the census bill was adopted without division. The Indian appropriation bill was reported.

Mr. Van Cott began his argument by reading from the Revised Statutes of OTIS." 1898 concerning the powers of the state and local boards of health; also the ac of the Legislature if 1899 in relation to health and quakintine regulations Counsel contended that nowhere in the statutes was there any power conferred upon the State board of health or any local board of health, to establish any rule or regulation debarring children from admission to the public schools by reason of not being vacci-Neither was there to be found nated in any of the statutes of the State any power conferred upon any specific close to board of health, State or local, to com pel any citizen to subject himself to inoculation of virus, or to be vaccinated. Mr. Van Cott argued that the es did not confer upon board of education powstatutes "The Marletta, with Gheen commandvaccination to compel 01

students, neither did the board have any right to pass a rule or regulation insurgent trenches at about 1,600 ds. Lieut. Price landed with Colt prohibiting unvaccinated children from attending the district schools. The stat-Gheen reports that a battalion of utes did not make it the duty of scho directors to enforce orders of boards of health. School boards had no health powers, neither had the health board peen invested with judicial powers. It was simply an administrative body. Counsel quoted numerous authorities and cited a number of decisions in support of his position. Referring to the case at bar Mr. Van Cott said the school board, acting under an order or resolution of the local board of health made an order applicable to all schools in the district, requiring that all pupils should be vaccinated before being admitted to any public school. Florence E. Cox had been refused to the Hamilton school because she had failed and refused to comply with the order, her father, the petitioner, not believing in vaccination.

When you exclude those suffering with any contagious or infectious dis-ease, whether acute or chronic," said said Mr. Van Cott, "that is the end of the local board of health's authority." Continuing counsel said it had not been shown that Florence Cox was suffering with disease, or that she was liable to convey a disease to others. The only reason offered for her exclusion was because she had not presented a cer-tificate showing successful vaccination. In conclusion Mr. Van Cott said the right or privilege of attending the pubols was given by law to every sch. child of proper age in the city and there was nowhere to be found any provision of law prescribing vaccination as condition precedent to the exercise of this right. As to whether the Legislature had the power to make such a requirement or not was not the ques-tion; it was sufficient to know that it had not done so.

MR. VARIAN'S ARGUMENT.

Mr. Varian, for the defendant, followed Mr. Van Cott, and presented an able argument in behalf of the vaccination proposition. An epidemic of smallpox existed in the State or one was, reasonably apprehended by the health authorities. The disease existed in twenty-four towns of the State and all these localities were connected with Salt Lake City by trains, etc.

Counsel then referred to the statute giving the health board authority to take the necessary steps and measures in protecting the health and lives of the people. The board of health had mandatorily instructed the board of education to exclude from the schools all unvaccinated children. The schoo board justified its act of excluding peschool titioner's child and other children on the ground that the board of health had adopted the rules concerning vaccination. The justification of the board of health was the existence of smallpox in the city. The school board, counsel contended, had the right to exclude from the public schools not only persons infected but those likely to be infected.

Some of the cases eited by Mr. Van Cott instead of being against the de-fendant counsel contended were in its favor. A few, it was further argued, were not authoritative as against the case at bar.

rison at the present time for burglary and the prospects are that John will soon keep him company; at least the officers think so.

TO THE PESTHOUSE.

Jake Miller Taken There from Parley's Canyon Today.

Jake Miller another man from Corey's camp was taken to the pest house today. Miller has a will developed case of smallpox.

NEW SMALLPOX CASES.

Fears that Disease Has Been Spread From Corry's Camp.

A man named Sampson, who has been stopping at Corey's camp on the Utah Central railroad, at a point known as Summit, has been taken to the small. pox hospital.

Sampson came here from Sumpter, Oregon, some days ago. The case is a pronounced one, and W. D. Stirling, a room mate of Sampson's, was also detained at the hospital as a suspect. He savs that several of the men stopping at this place have broken out with a rash during the past few days, and Dr. King is considerably worried over the state of affairs, as he believes all of these men have smallpox. As they have come to and from the camp all the time, stopping at cheap lodging houses in the city there is danger of their spreading the disease, but all the precautions pos-sible will be taken.

Good News for the Firemen

The firemen, who have practically been imprisoned at their quarters for SOTIN time past, have been informed that the quarantine at both stations will be be raised on Sunday next unless a case of smallpox develops, and the boys try not to "break out" in that way.

The Anti-Vaccinationists.

The anti-vaccinationists will hold The complete list of the dead is: public meeting at the Federated Tradee Frank McLaughlin, brakeman, aged hall on Saturday evening. 28, single.

Mercur's First Case.

Mercur, which so far has been entirely free from the disease, is said now to have one case of smallpox. The "sus-The "suspect" is a woman who recently went to the camp from Mammoth. Dr. Beatty is investigating li.

ACCEPT STAKE DIVISION.

At the meeting held last night in the Forest Dale ward meeting house for the purpose of voting on the organizaof the new Stake Apostles Lyman and Lund were there and addressed the Priesthood. On account of the Bishop-ric and members of the ward having sent a petition to the Apostles notify-ing them that whatever course they deided upon would be unanimously tained, there was no necessity for bal-loting, and being informed that those in charge of the matter had decided that the ward accept the new Stake, on motion of Geo. M. Cannon the action of the Apostles was unanimously sus-After remarks by Apostles Lund and Lyman upon the division work and duties of Bishops and members, the meeting was dismissed.

LATE LOCAL NEWS.

Frank McGinnis showed up in Judge Timmony's court today with a happy smile and acknowledged to being drunk yesterday. His portion was five days

George R. Sprague, appointed receiver for Jerome Hirschman, the bankrupt shoe dealer, has filed his bond in the sum of \$15,000. No arrangement has been made as yet for the sale of the stock.

Col. O. P. Posey, is on his way East from New Mexico and it is said that the contracts for the new smelter will likely be let by February 1st. Col. Heffror says an order for ore cars from Silver SUBMITTED THIS EVENING. Attorney Richards followed Mr. Var-ian, and Judge Howat will close will likely delay the smelter.

There will be in the House bills for amendments to the Constitution aimed at polygamy, but it can be predicted with reasonable safety that nothing will ever be done.

The powerful argument of Messrs.Littlefield and DeArmond, showing that there is nothing in the Consditution that rendered Mr. Roberts ineligible to his seat simply because of the charge of polygamy made against him, may induce either of those gentlemen to offer an amendment to the Constitution, making polygamy an additional disqualification to holding office under this government. But the members of the House want a rest from the matter. It cannot be denied that there is considerable irritation today over the refusal of the speaker to afford an oppor-

30 BOXES OF DYNAMITE.

Terrific Explosion Caused by a Runaway

Freight Train.

Five Persons Killed and Eight In-

jured-Six Locomotives and Sev-

enty Cars Injured.

Wikesbarre, Pa., Jan. 26 .-- Five men

killed and eight badly injured is the

result of a runaway train and the ex-

plosion of dynamite that followed on

the Central railroad of New Jersey at

Michael Bird, brakeman, aged 22.

Peter Frey, engine wiper, aged 16.

Unknown tramp. Haney went to the engine house to

idle time away, instead of going to

The injured are: John Roschig, engl-

neer, of March Chunk; John Bovin,

Jersey City: Henry Geissler, engineer,

of Ashley: Thomas Rowe, brakeman, of

Charles Haney, aged 15.

Ashley last night.

single.

night school.

a sense of relief. The resolutions adopted by the armed visitors in front of the capitol yesterday, will be offered to both houses of the legislature today.

At the opening of the house session Van Meter-Berry contest from Jefferson county being a special order for this morning, a resolution was offered by Representative Gridler of Bowling Green, providing that when the majority and minority reports were presented by contest committees forty minutes should be allowed each side for debate and that all the evidence in the case should be read. Mr. Fink of Simpson county, moved to lay the motion on the table. As the Republicans are avowedly for delay in the contest ases and the Democrats for quick action, the vote was the first test of strength on the contest cases. The motion to lay on the table was lost by a vote of 43 to 47.

A compromise between the Democratic and Republican leaders resulted in the adoption of a resolution that the house should hear the majority and minority reports as a committee of the whole, not less than twenty and not ntore than fifty minutes being allowed for discussion and arguments.

Minister Phelps Very Low.

New Haven, Conn., Jan. 26 .- The con-lition of E. J. Phelps, ex-minister to ingland, who is ill from pneumonia. was unchanged this morning. He thought to be weaker, however, and is very low,

New Mexican Minister.

City of Mexico, Jan. 26 .- General Bernardo Reyes has been sworn in as minister of war to succeed the late General Felipe Berriozabal. General Reyes has been governor of the state of Nuevo Leon for some time.

POSTPONED UNTIL MONDAY.

Attorney Warner Will Have His Hear ing on That Date.

Provo, Utah, Jan. 26 .- The preliminary examination of Attorney M. M. Warner, charged with adultery, which was to be held at Heber City today, was postponed until Monday next.

A VERDICT TODAY.

Damage Suit of Mrs. Yeargin vs the Southern Pacific Goes to the Jury.

The big damage suit of Mrs. Kate Yeargen, administratrix, vs the South-ern Pacific, to recover \$50,300 for the death of her husband, who was killed in a collision on the defendant's road last year, was argued this morning, and went to the jury on Judge Marshall's charge this afternoon.

CONNECTED BY TELEPHONE.

Frankfort, Ky., Jan. 26.—The political situation was quiet this morning and the people of the capital awoke with The number is 310.

Wilkesbarre; Michael Cole, flagman. Ashley: John Ruchf, engineer, of Ash-ley; Edward Hugh, fireman, Leighton; liam Brown, foreman roundhouse Ashley. Some of the injured were taken their homes, others to the hospital in Wilkesbarre. It is thought all will recover. Bovin is a tramp and was steal ing a ride. Many houses in Ashley in the vicinity were badly damaged and the in-mates were injured, none of them seriousix Many thrilling escapes are chroni-John Thomas, an invalid, was thrown

out of bed onto a hot stove. He was rescued by other members of the fam-The freight car containing the dy namite was crushed into splinters and a large bole torn under the roadway. Six locomotives and seventy freight cars were wrecked. Conductor Law and Edward Meehan, a brakeman, and Robert Carroll, were in the caboose of the freight train and had narrow escapes. The accident was due to a long train of freight cars running away and crashing into a locomotive near the roundhouse. The shock exploded thirty boxes of dynamite in one of the cars

QUIET IN KENTUCKY.

Vote in Legislature Close on Question of Delay.

