

DE LACEY COMPELS
CLEMENT TO RETIREBritish Suffer Heavy Reverse—Mounted
Infantry Ordered to South Africa—Eng-
lish Troops Standing to Arms.

London, Dec. 14.—Lord Kitchener reports that after severe fighting at Nottledacht Gen. Clement's forces were compelled to retire by Commandant De Lacey with a force of 2,500 men. Five British officers were killed. The other casualties were not reported.

Lord Kitchener's official dispatch to the war office is as follows:

"Pretoria, Dec. 12.—Clement's force at Nottledacht on the Magaliesburg, was attacked at dawn today by De Lacey, reinforced by Beyer's command from Warmbath, making a force estimated at 2,500. Though the first attack was repulsed the Boers managed to get to the Magaliesburg which was held by four companies of the Northumberland fusiliers and were thus able to command Clement's camp. He retired on Heikpoort and took up a position on a hill in the center of the valley.

"The casualties have not been completely reported but the fighting was very severe and I deeply regret that Col. Legge, of the Twentieth Hussars, and Capt. McLean, Murdoch and Atkinson were killed. Reinforcements have been sent.

Lord Kitchener also reports that the Boers made an attack and were repulsed at Lichtenburg, and that Gen. Lemmer was killed. Attacks upon Bethlehem and Vrede were also repulsed. The Boers losing ten killed and fourteen wounded. Very heavy sniping continued December 11th. Sniping continued when the message was dispatched.

The scenes at the war office today recall those witnessed in the early stages of the war. A constant stream

of excited people filled the lobbies, all anxious to get details of the disaster. The absence of a number of any of the officers of the Northumberland fusiliers in Gen. Kitchener's dispatches leads to the foreboding that the four companies of the fusiliers mentioned are in the hands of the Boers.

The war office officials evidently expect a heavy casualty list but they are hopeful from the fact that the dispatch does not mention the capture of the Northumberland men that such a great catastrophe has been averted.

Orders were issued at Aldershot, Malta and other military centers to dispatch all the available mounted infantry to South Africa.

It is reported that Gen. Knox, co-operating with the British column at Pederburg, has stopped Gen. Devel and that a battle is proceeding.

The report adds that many of Gen. Dewet's followers have been captured.

The scene of the fight is ominously close to Pretoria. Nottledacht is only 22 miles northwest of Pretoria.

BOTH A NEAR STANDSTILL.

Stenterton, Transvaal, Thursday, Dec. 13.—Gen. Louis Botha is reported to be twenty miles from here with 1,500 men and one gun. He has called a meeting of the burghers for Saturday.

BRITISH STAND TO ARMS.

Lourenco Marques, Dec. 14.—The British troops at Komatipoort are standing to arms in the expectation of an attack by a Boer force of 1,500 which is believed to be on the march. It is believed to be the intention of this force to make a dash on the town. The situation is regarded as serious.

A force of 150 infantry, a squadron of cavalry and two guns were dispatched to the frontier today.

executive session on the Hay-Pauncefote treaty.

IN THE HOUSE.

Washington, Dec. 14.—When the House met today Mr. Barney (Wis.), from the committee on appropriations, reported the pension appropriation bill. The House then resumed the consideration of the war revenue reduction bill.

Kruger to Dine With Wilhelm.

The Hague, Dec. 14.—Queen Wilhelmina has invited Mr. Kruger and Dr. Leyds to dinner tonight.

The Great Six Days Race.

New York, Dec. 14.—Although many miles behind the record, the riders in the six-day bicycle race at Madison Square Garden are still plodding along at a fair pace. Aaronson and Turville, both of whom are at the New York hospital, are reported in good shape again. There is a possibility of their completing the race on the last day and finishing the race.

Plkes and McFarland, and Pierce and McEachern, 2,082.7; Sinar and Gonzalez, 2,082.6; Waller and Stinson, 2,082.1; Fisher and Frederick, 2,082.1; Kaiser and Peters, 2,082.1; Barker and Anderson, 1,487.4; Turville and Gimm, 1,487.5.

ANDREWS' TESTAMENT.

His Brother Defers Opening It for Twelve Months.

Copenhagen, Dec. 13.—The brother of Prof. Andrews, the missing Arctic explorer, who attempted to reach the North Pole in a balloon, resides at Gothenburg, from which place it is announced that, hoping for Andrew's return from the Polar regions, has deferred opening the latter's testament for twelve months.

JESSIE MORRISON JURY.

It Could Not Agree So Judge Shinn Discharges It.

Kansas City, Mo., Dec. 14.—A special to the Star from Eldorado, Kansas, says: The jury in the Jessie Morrison murder case reported at noon today that they were unable to agree on a verdict, and Judge Shinn discharged them. They stood nine for acquittal and three for conviction. The jury had been out since Tuesday morning. The case will now go over to the spring term of court.

Alexander Hewitt the foreman, said that on the next ballot, before any discussion had taken place, the vote stood nine for acquittal, two for conviction, one not voting. The second ballot resulted nine for acquittal and three for conviction. On the third ballot there were eight for acquittal and four for conviction.

The next ballot again resulted nine for acquittal and three for conviction, and from that time the vote did not change.

CLOUD BURST IN SAN FRANCISCO

It Is Said to Have Resulted in Great Loss of Life and Property.

Los Angeles, Cal., Dec. 14.—It is reported here that a cloud-burst occurred in San Francisco, resulting in great loss of life and much damage. San Francisco is entirely cut off from communication with all points outside.

ARRESTED FOR BURGLARY.

George L. Davis Is Again in Trouble—An Ex-Convict.

George L. Davis is again in custody of the police on the charge of stealing carpenter tools. He seems to have a penchant for such things.

The police say that the case they have against him is a "snitch." It is alleged that on Monday night, last, Davis broke into the carpenter shop of C. A. Larson, 188 C street, and carried off a bit of tools valued at \$30.

Last evening Chief Hilton, Detectives Sheets and Janney and Sergeant Brown secured evidence in the case and proceeded to work on it. In about half an hour the missing tools were located. Chief Hilton found Davis on East Temple street and took him over to the hall. Davis declined to talk about the matter, neither admitting nor denying the charge.

Davis was pardoned from the State prison on the ground that he had no money, and could not possibly live over a few months. He was sent up for a year for housebreaking. On that

NOTICE.

The Christmas issue of the "News," ready December 15th, consists of 68 pages, including the cover; purchasers should see that they obtain all the parts.

Readers will find that it will add to their convenience to arrange the pages in consecutive order before perusing.

A limited number of the issue will be bound in magazine form. Sold at 25 cents per copy.

The postage on the Christmas "News" is 6 cents domestic, 12 cents foreign. We will mail it to any domestic address on receipt of 15 cents, or to any foreign address for 25 cents. In magazine form 10 cents extra.

occasion he stole a set of carpenter tools valued at about \$75.

The police laugh at the "consumption" idea and declare that Davis is not at all sick. Furthermore, they say, he is a big man to be at large for it seems impossible for him to keep his hands off other people's property.

A SPLENDID PROGRAM.

Choice Selections to be Played at Organ Recital Tomorrow.

The following is the excellent program that will be rendered by Prof. McCellan at the organ recital tomorrow at 1 p. m. sharp:

1. "War March of the Priests" Mendelssohn
2. "Shepherd's Chorus" Weyl
3. "Elsa's Dream" from "Lohengrin" Wagner
4. "List Movement from E-flat Sonata" Beethoven
5. "My Old Kentucky Home" Gounod
6. "Faust Selection" Schumann
7. "Spring Song" Schumann
8. "Lullaby" Schubert
9. "The Lost Chord" (request) Sullivan
10. "Prelude to 'Lohengrin'" Wagner
11. "Prelude to 'Lohengrin'" Wagner

AMUSEMENTS.

Mr. Frawley laid at least \$1,000 upon the altar of chivalry when he decided to open his Salt Lake engagement with "Madam Sans Gene" in order to give Miss Van Buren a suitable introduction to the Salt Lake public.

While the introduction was made and the young lady scored all the success anticipated, yet had "Secret Service" been the opening bill, it would have started the engagement off with a boom that would have brought a great deal more money into both box offices than is likely to be realized now.

The house last night was big, handsome and seething with enthusiasm, and the general verdict was that in many respects, the rendition of Gillette's famous play, was as strong as ever, and Mr. Shaw as Jonas, and Mr. Chase as young Varney, were also good in their parts.

All the minor roles of the men were excellently rendered. Miss Van Buren played the role of Edith with combined sweetness, force and good taste. Miss Landers was the ideal of the "little Southern girl" whom Gillette knows so well how to draw, and Phoebe McAllister played the part of the mother with dignity. The Martha of Christine Hill was one of the character hits of the night. The play was excellently staged and the mechanical effects were finely handled.

An enormous audience is looked for tomorrow afternoon when "Secret Service" will be given. The last time "Secret Service" will be the bill and a rare treat is expected. Miss Van Buren will have the role of the hypnotized girl. Mr. Frawley will be the Svangail, and Mr. Reynolds should shine as Taffy.

There was a fair turnout at the Grand last night to welcome back to Salt Lake the play which, when last seen here at the Theater four years ago, left a very deep impression. Tennessee's Pardon, a scene blessed with endless longevity. Mr. Arthur Alston, the man who first managed Ned Royle, was convinced that "Tennessee's Pardon" had in it the elements of long life and he was not wrong.

How well his judgment has been vindicated is shown by the results. The play has been before the public ever since, barring a brief rest last season, and it seems likely to run in it for some time.

The exciting story of western life, very reminiscent of Bret Harte's mountain tales, and it is excellently portrayed by the people whom Mr. Alston has brought together. Many of them are the originals of the cast. Jane Corvan gave a vivid and forceful rendition of the maiden "Tennessee." Estha Williams showed herself a strong actress of heavy roles, while Annie Mortimer and Mr. Plunkett made any amount of amusement as the two Hays. Harry Mainhall's part of Caleb Swan, fell to Mr. Brophy, an actor of force and dignity, allied to quiet methods, which made him a favorite at once. Mr. Rider and the Lindbergs, who were also good, and the remaining part of the cast was in capable hands.

The applause was hearty throughout, and the play will undoubtedly draw well the remaining two nights and matinee for which it is booked.

The sale for B. B. Young's song recital at the Theater Monday night is now going on at the box office.

The sale for the "Bells of New York" commences at the Theater tomorrow morning. This is the regular New York London company, and a big rush is looked for.

Nat. M. Brigham's first lecture takes place at the Assembly Hall on Tuesday evening next. The meeting here between him and B. B. Young will be a pleasant one. They are old friends and fellow singers, and their joint appearance here years ago in the opera, "Mr. Samson of Omaha," long before Mr. Brigham had any dreams of becoming U. S. marshal for Utah, is still pleasantly remembered.

Arthur Candland, one of Mt. Pleasant's prominent young men, is visiting with friends in the city.

The Christmas edition of the "News," which will be issued tomorrow, Dec. 15, will have a full description of the great operations of the Utah Light and Power company.

President Thomas C. Ricks of Birmingham State Idaho, was in town today, and renorts everything moving along nicely in the Snake River Valley.

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TO BE FURTHER
AMENDED.Hay-Pauncefote Treaty to Super-
cede Clayton Bulwer Pact.

MR. FORAKER'S SUGGESTION

President and Secy. Hay Consulted
About Advantages of Additional
Amendments—Senate Lectured.

Washington, Dec. 14.—The Senate committee on foreign relations today held a special meeting and decided to recommend further amendments of the Hay-Pauncefote treaty. The committee adopted an amendment suggested by Senator Foraker, which declares that the Hay-Pauncefote treaty supercedes agreement article 2, which permits the submission of the Hay-Pauncefote treaty to other powers and invites their acceptance of it.

The action of the committee on foreign relations took place after a prolonged conference of senators especially interested in the Hay-Pauncefote treaty. The conference was not called together until 11:45 o'clock, fifteen minutes before the time for the convening of the Senate. There was, therefore, no time for a discussion of the amendment adopted, and others suggested. The Republican members announced that they were prepared to amend the treaty on the basis of the Foraker suggestion, but they considered this amendment comprehensive enough to meet all demands and that they would do no more. The Foraker amendment was accordingly agreed to and the committee adjourned in time to permit the members to be in the Senate chamber when the Senate was called to order.

The meeting of senatorial friends of the treaty occurred in Senator Aldrich's committee room, many of those present being members of the Republican committee on order of business. Their meeting today was a continuance of the conference which was begun yesterday immediately after the adjournment of the Senate. The importance of the treaty relative to pending legislation was considered and a decision was arrived at to amend the agreement to vote if possible. It was also decided that it would be difficult to get it through without still further amendment and the Foraker amendment was suggested as meeting all objections.

The President and Secretary Hay were also consulted with reference to the advisability of further amending the treaty by Senators Lodge and Foraker, who called upon them before coming to the capital today.

"JINGO" SENATE LECTURED.

London, Dec. 14.—There is a notice-

able absence of comment in the afternoon papers today on the action taken by the United States Senate regarding the Nicaragua canal.

The St. James Gazette takes the occasion to lecture the "Jingo Senate," which, it says, "has again roughly rebuffed the President and affronted the generosity of Great Britain."

The St. James Gazette further declares that the action of the Senate in ordaining that one party shall keep its advantages but that the other shall not be safeguarded, is imprudent, and if it persists in its ignorantly selfish course Great Britain must fall back on her rights under the Clayton-Bulwer treaty whereby she is entitled to refuse permission to the United States to build the canal.

The Pall Mall Gazette says: "British consent to the amendment is impossible. Everything for nothing is not a working principle."

QUESTION IN THE COMMONS.

London, Dec. 14.—In the house of commons today the attempt of Henry St. John, Liberal member for South Wiltshire, to draw out the government on the subject of the Nicaragua canal failed. Lord Cranborne, parliamentary secretary for the foreign office, contenting himself with saying that no communication had been received from Great Britain and the other European governments with the view of effecting whether it would agree to regard as neutral a canal occupied and fortified by the United States.

By usual purpose, Lord Cranborne added, could be served at the present moment by replying to the other paragraphs of the question of Mr. Norman. These asked if Nicaragua accepted the United States Senate committee's view that the relationship of the United States and Nicaragua was analogous to that of Turkey and Egypt at the time of the construction of the Suez canal, namely, the relationship of suzerain and vassal, and if the United States associated itself with the protocol signed at the London conference of March 13, 1871, to the effect that no power could interfere with the canal and France's interests are too small to induce the government to interfere in any way in the matter.

It is thought, however, that while it is natural the United States should close the canal in case of war in which she herself is concerned, the canal might reasonably be expected to be left open in the event of a war between other powers. This, however, is only an expression of opinion.

IN THE FEDERAL COURT.

Alma S. Kendall, a veterinary surgeon of this city, has filed a petition in voluntary bankruptcy in the United States court. His debts are scheduled at \$1,232.30, of which amount \$176.67 is secured. His assets amount to \$397.53, of which \$250 is claimed to be exempt. The latter consists of household goods, professional books and instruments, furniture and some small accounts for professional services.

ANNUAL REPORT OF "WESTERN."

Was a Great Year for the Utah Railroad—Carried 1,631,676 Tons

of Freight and 440,198 Passengers—Earnings in

Freight Alone Was \$3,394,672.56.

The annual report of the Rio Grande Western Railway company to its stockholders arrived this morning at the auditor's office. A glance at the book at once confirms the suggestion that the Western has enjoyed essentially the banner year of its existence during the twelve months embraced in the fiscal year ending June 30.

Before entering into statistics in regard to the progress of this road, which has every mile of its track within the State limits of Utah, it is interesting to examine the map of the system, which forms the frontispiece of the report. On this map are set forth the railroads which have been made with the idea in view of extending the trackage in the future. Commencing at the eastern end of the main line the branch line to Moab and the gold and copper district of the La Sal mining region, which was mentioned in the "News" some weeks ago as being among the possibilities of next season, is set forth. The next survey depicted is a cut-off between Farmham, east of Price, and Salt Lake county. This projected line would tap one of the most prolific coal beds in the State besides making connection with the road on to Los Angeles that is surveyed south of Marysville. This survey strikes almost due south to Orion and then cuts off through the coal and iron districts below Parowan, thence southwest through the southern portion of Nevada to strike the Santa Fe at Barstow. This survey, which would essentially make the shortest line through from the Atlantic to the shores of the Pacific in southern California.

Three other surveys of minor importance are also set forth in the form of extensions from Charleston on the Heber branch to Fort Duchesne, the completion of the Sevier Circle between Park City and Heber and the extension of the Eureka branch from Mammoth to Fish Springs.

SUMMARY OF REPORT

A summary of the annual report shows that it is the best year in the history of the road in the amount of gross receipts from operation, exceeding those of last year by \$1,357,215, or 24 1/2 per cent, and the net earnings by \$26,151, or 41 1/2 per cent against an increase of mileage operated of only six per cent. The gross receipts were \$4,510,662.

The operating expenses (which were 62.1 per cent of the receipts), show, as might be expected from the gain of nearly 50 per cent in the tonnage handled, and of over 25 1/2 per cent in the number of passengers carried, a large increase in all the departments, the average increase being a little over 30 per cent.

The report continues: "Four hundred and forty thousand passengers were carried during the year, of whom one was but slightly injured, and none were killed. Credit is due to the general superintendent and his assistants for the energy and skill with which, under such unfavorable conditions, the heavy expansion of business has been promptly handled."

During the fiscal year the freight tonnage was 1,631,676 tons, an increase

of over 49 per cent. This was carried at the average rate of 1.132 cents per ton per mile, as against 1.275 cents last year, and 1.222 cents on the previous year.

The local business (passenger and freight) shows a gain of \$12,207 over the previous year, or 25 1/2 per cent. The local tonnage gained over 60 per cent, and constituted 64.5 per cent of the total tonnage. For all business and the whole line, including branches, the receipts per mile averaged \$7.25, as against \$5.72 for the year before. The net earnings per mile, after deducting taxes and insurance, were \$2.85, as against \$1.95.

During the fiscal year there was expended for new cars the sum of \$405,144, and for betterments, \$158,532; total, \$563,676. These additions to the property include, besides over five miles of new side-tracks, extensions and spurs, further important additions to the Salt Lake shops, new depots, and other buildings; changes of line and reduction of gradients and curvature; additions to the right of way and deepening of tracks; new sugar works, smelters, quarries, mines, canals, factories, sawmills, culverts, new water reservoirs and the substitution of heavier for lighter rails.

In brief, the freight revenue for the year was \$3,394,673 against that of \$2,495,259 of the previous year; the passengers carried amounted exactly to 440,198, representing a revenue of \$62,630.57.

COMMODITIES CARRIED.

Commodities	Tonnage
Bituminous coal	792,115
Orchard	25,639
Merchandise	206,813
Fruits and vegetables	72,486
Lumber and wood	69,325
Coke and charcoal	6,151
Livestock	42,971
Stone, sand and clay	37,250
Sugar	24,678
Bar and sheet metals	23,326
Castings and machinery not otherwise specified	29,435
Sugar beets	18,604
Canned goods	18,278
Ballion	17,195
Packing house products not otherwise specified	15,713
Wines, liquors and beer	12,128
Cement, brick and lime	12,349
Grain	11,944
Wool	10,729
Anthracite coal	10,450
Powder, salt, etc.	10,242
United States government supplies	8,419
Petroleum and other oils	7,825
Household goods and furniture	7,631
Agricultural implements	6,409
Wagons, carriages and tools	6,250
Hay	5,890
Asphalt	5,815
Iron and steel rails	5,320
Hides and pelts	5,023
Mill products not otherwise specified	2,006
Flour	1,421
Dressed meats	856
Rolling stock	36

Totals

Reckoned from the value of \$100.

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UTAH LAKE CASE
CAME UP TODAYTrial of the Suit Over Storing Water for
Jordan River Canals—Height
of the Lake.

[SPECIAL TO THE "NEWS"]

Provo, Utah, Dec. 14.—This morning the case of Geo. T. Peay et al. vs. Salt Lake City and the Salt Lake County Canal companies came up before Judge Booth. This is the case which involves the right of the canal companies to store water in Utah lake.

The hearing today came up on a motion to dissolve the injunction granted by Judge Booth restraining the defendants from placing planks at the dam in the Jordan river, for the purpose of obstructing the flow and storing up the water for the future use of the canal companies. M. M. Warner and J. B. Miller appeared for the plaintiffs, Utah county farmers, and P. S. Richards, E. L. Wedgwood and John M. Cannon for the defendants, the canal companies.

The first witness was Walter Scott, of Provo, one of the Utah lake commissioners. He was called by the defendants, and stated that last winter he and D. W. Thomas of Lehi were elected members of the Utah lake commission, in behalf of the Utah county farmers, and had acted on the commission. The other members of the commission were H. W. Brown and H. T. Spencer of Salt

Lake county, and Hugh S. Gowan of Goodhue county. He had measured the level of the lake several times last summer. On Oct. 1, 1900, he found the water 37 inches below compromise point. On Dec. 1, it was 35 inches below, and on Dec. 7, it was 34 1/2 inches below. He said that between Oct. 1 and Dec. 3 of this year the lake had not been higher than 34 1/2 inches below compromise point. At the last meeting of the Utah lake commission, on Nov. 19, because of the low water, the commission ordered that the canal companies be permitted to maintain additional boards at the dam in the Jordan river all Dec. 20.

H. W. Brown, another commissioner, gave similar testimony.

F. C. Kelsey, city engineer of Salt Lake City, said the lowest elevation of water in Utah lake this year was between Oct. 1 and 15. It was then 30 1/2 inches below compromise point. On Dec. 8, the water level was 31 1/2 inches below. Mr. Kelsey said that between the dates first named the plank obstructions were not in the river, but that the water was flowing freely out of the lake.

This afternoon other witnesses were called, their testimony being as to measurements corroborating the foregoing.

REFUSES TO OBEY STATE BOARD.

Board of Education at Provo Says that Schools Cannot be Closed
Legally Against Healthy Unvaccinated Pupils
or Teachers, as Ordered.

[SPECIAL TO THE "NEWS"]

Provo, Dec. 14.—The board of education met here this morning in special session in order to consider the legality of closing all the schools in this city to all healthy unvaccinated persons on and after Jan. 1, in accordance with the order received here to that effect from the State board of health. After the matter had been canvassed in all its aspects, and the law upon the matter

devised into, the members of the board decided that under the law they had no authority to exclude any pupils or teachers on the grounds of non-vaccination, providing that they were otherwise in a healthy condition.

The board further placed themselves on record as being neutral in the matter, and if the schools must be closed against all healthy unvaccinated persons after January 1, that action in the matter must be taken by the health officer of the city, and not by the board of education.

According to the officer, Duff was employed as bookkeeper for the B. M. Gunn Real Estate company and received an unusually good salary for such a position. His employees had implicit confidence in him and he was allowed to handle large sums of money. There was not even a suspicion of wrong doing against him until last August, when, one day Mr. Gunn was looking over Duff's books and discovered that he was wrong.

He called Duff's attention to it and ordered him to straighten the matter up. Duff complained of being sick but promised to make the matter right the next day.

Thus was the last seen of the bookkeeper in San Francisco. He disappeared completely and all efforts to locate him were unavailing. Mr. Gunn made an examination of the books and found that Duff was \$1,000 behind in his accounts. The matter was placed in the hands of the Mosses Detective agency of San Francisco,