

ROBERTS CASE UP AGAIN TODAY.

Attorney Schroeder Makes False Charges Against the Mormon People and Sen- ator Rawlins Calls Him Down.

Telegrams from Utah On Each Side are Banned Out—Ex-Speaker Carlisle Not Present, but Ready to Submit Arguments—Roberts Objects to Informal Testimony—Taylor Responds by Excluding Telegram Discrediting Witness McDaniel—Schroeder Makes the Anti-Roberts Argument—Says Roberts is a Polygamist and His Citizenship Impaired—Asserts that He Can Relieve Himself Only by an Affirmative Act—Talks of the House Right to Exclude Utah's Representative.

[SPECIAL TO THE "NEWS"]

Washington, Jan. 4.—The Roberts committee resumed its sitting this morning. It was expected that ex-Secretary Carlisle would be over from New York for the purpose of questioning the eligibility of Roberts's naturalization papers. Mr. Carlisle, however, was detained by illness, and Attorney A. T. Schroeder presented the committee the case in general against Roberts, which has all been published.

Senator Rawlins then followed and took exception to several statements made by Schroeder. Among the statements made by Schroeder was that the "Mormons" had not kept their promise to stop practicing polygamy, and that they violated their compact with the United States. He referred to the investigating committee sent by Congress just previous to admission of Utah as a State and claimed this was sufficient proof of the matter. Senator Rawlins denied that the Church had not kept faith with the agreement made at that time, and claimed that the proof offered by Schroeder was far from the facts.

It is probable that the report of the committee will not be presented to the House before the middle of the month.

Washington, Jan. 4.—The Roberts investigating committee resumed its sessions today for the purpose of hearing arguments and bringing the inquiry to an early conclusion.

It was expected ex-Secretary John G. Carlisle would be present to sum up the case against Roberts and that Mr. Roberts personally would make the argument in his own behalf.

Word came from Mr. Carlisle, however, that he had not understood his personal presence was desired, but he was ready to submit written arguments on any of the questions involved.

Chairman Taylor (O.) stated that the statement of a witness absent in Utah had been received but as Mr. Roberts declined to admit it in an informal manner, the matter would have to be taken up later.

Mr. Roberts said he wished to present matter tending to show the untrustworthiness of witnesses appearing against him. In included a published

card signed by Thomas J. Brandon disclaiming having given out certain information relative to Roberts; also court records, in which Roy Brandon was a party.

Mr. Roberts also offered a telegram from the proprietors of the Salt Lake Herald concerning the testimony of Mr. McDaniel. Taylor excluded the telegram, however, saying there was no color of right or propriety in receiving a telegram as testimony in view of Mr. Roberts' refusal to admit the statement of the absent Utah witnesses.

Mr. Schroeder, head of the Gentile delegation here to oppose Roberts, then opened the argument against Roberts. The argument was largely technical and was divided under three general heads, viz.: First, whether or not the member-elect has the constitutional qualifications, including citizenship; second, whether or not the constitutional provision as to citizenship includes one who has impaired his citizenship by crime or unlawful status, and whether Mr. Roberts has so impaired his citizenship; third, whether a member-elect has the statutory qualifications and whether the House has the power to establish qualifications beyond those in the Constitution.

Mr. Schroeder read from many law books concerning these propositions. "The evidence clearly shows," proceeded Mr. Schroeder, "that since 1890, Mr. Roberts has been in the status of a polygamist, and the question is as to the effect of this status."

He said that while Utah was a Territory, the question as to Roberts' citizenship was still impaired. He stated that the House has the power to exclude a member-elect from its ranks without an affirmative act. As to the right of the House to exclude, Mr. Schroeder said:

"Suppose a raving maniac should present himself at the bar of the House and ask admission on proper credentials, could not the House in self-protection deny him admission? Suppose a man afflicted with leprosy presented himself at the bar of the House, could not the House have power to keep him out?"

Mr. Schroeder said Roberts had admitted his relationship with his plural wives. He had publicly said he would give up his plural wives if he would give up his public morals as against the law, and Mr. Roberts should be excluded from a seat.

At this point a recess was taken until 2 o'clock.

of the secretary of the State board of health. Many people were vaccinated and some of the mining companies have arranged for the vaccination of all of their employees.

Dr. Beatty's Opinion.

Dr. T. B. Beatty returned today from Eureka. He is very positive that the cases quarantined are smallpox, and thinks the situation there is truly serious, owing to the large number of people who have probably been exposed.

IN EMERY COUNTY.

Facts in the Case of Dr. Shepard, a Smallpox Victim.

Special Correspondence.
Huntington, Emery county, Jan. 2.—The facts in the case of Dr. J. Shepard are as follows: He had been exposed to smallpox at Emery at the same time Dr. Ray was. He went to Castle Dale and was placed in an isolated house south of the town on the night of December 18. The eruptions appeared on Monday night, December 18, and Dr. Shepard stated that his was a case of genuine smallpox, and that his body was covered with characteristic pustules. He showed his arms where the subsidiary skin lesions were distended. The scars on the head showed very plainly, but he claimed he had been compelled to take to his bed or miss a meal during the quarantine period.

He was released on Thursday morning, December 23, just eleven days from the time he was removed to quarantine quarters, and just ten days from the time the local symptoms appeared. The patient came to Castle Dale and went to the public barber shop, where he had his hair cut and his face shaven. He appeared in the street and wore the same outer clothing that he had been wearing when he came from the infested district.

Our quarantine officer gave the man, in the above described condition, a certificate of health to carry with him in his travel from here to San Francisco, his destination. Because the Huntington people were unwilling to have Dr. Shepard stop here, the quarantine officer intimated that the doctor had money to pay his way, and families that sometimes entertained the traveling public should be compelled to keep Dr. Shepard, or should be sued for damages if they refused.

Notwithstanding the quarantine physician is a practicing physician, the public feels that the case is an outrage on the community. We know that in smallpox, the period of contagion is from three to four weeks, as demonstrated during the quarantine at Eureka and the Northwest in 1888. We think our quarantine regulations are not adopted for the convenience of the quarantined alone but for the protection of the public as well. It was stated that the case of Dr. Shepard was a hardship on the county. Our answer is that the public should not be exposed to save the county a few paltry cents. This loss would truly be a great thing compared with the spread of the dread disease in our homes, to say nothing of the bills to physicians, undertakers and sextons.

We understand that there are a number of cases at the town of Eureka. About three weeks ago they moved to Emery county and stopped with a family where there was chicken pox. Two weeks ago members of this visiting family came down and we understand members of the same family are still attending public gatherings. They have not yet been visited by quarantine officers, or the cases investigated. We think our local health officers are guilty of continual neglect and doubt if they are familiar with the requirements of the State law, if not ignorant of the existence of the statutes.

It now seems likely that the county will be overrun with smallpox, although we trust it may not be the case.

Gov. Taylor Looking to Oregon.
Portland, Ore., Jan. 4.—A special to the Evening Telegraph from Salem, Ore., says:

Governor Taylor of Kentucky is seeking in Oregon a law for authority to support his claim to office. Governor Gees has received a letter from Taylor asking for information regarding gubernatorial contests in Oregon, especially whether the contests for governor and other offices are tried before the same tribunal and whether the parties may object to the tribunal because of prejudice or the incompetency of its members and whether an appeal may be taken.

Sympathy for South African Republics.
Washington, Jan. 4.—Representative Quaries of Virginia has introduced the following House resolution:

"Resolved, That the Senate tender to two sister republics in Africa, the Transvaal and the Orange Free State, our deepest sympathy in the noble, brave and patriotic struggle they are now making to preserve their governments from destruction by the hands of monarchy."

French Demand on San Domingo.
Santo Domingo, Jan. 4, via Haytian cable.—The French consul has refused to accept the government offer to pay the amount of the Boisnere-Cacavelli claim of 239,000 francs in three installments every fortnight, and insists on immediate settlement. They are raising funds by public subscriptions and the patriotic feeling is very strong. The town is quiet and no disturbances are feared. Three days have been granted for the payment of the claim.

Indictments in Election Frauds.
Philadelphia, Jan. 4.—The grand jury today returned true bills of indictment in the election fraud cases in the thirteenth division of the seventh ward during the recent election for State treasurer when Lieut. Col. Barnett, of the Tenth Pennsylvania volunteers, was elected. There are nine defendants as follows: Samuel Salter, deputy coroner, Philadelphia; Jos. D. Rogers, lieutenant of capital police, Washington; William Cook, Harry McCabe, Clarence Meyer, James T. Sheehan, also of Washington; John Silberman, John Scullen and John Hanna, of this city.

Missionary Murdered in China.
Peking, Jan. 4.—The Rev. Mr. Brooks of the Church Missionary Society stationed at Ping Yin, in the province of Shan Tung, was captured in the vicinity and murdered December 3rd by members of a seditious society called "Boxers," who have been active lately destroying many villages and killing native Christians. The governor of the province had dispatched a force of cavalry to the scene of the disturbance, but the soldiers arrived too late to save Mr. Brooks.

This Settles the Business.
Washington, Jan. 4.—Italy has returned a favorable response to the recent note of the state department respecting the open-door in China. Italy was the last of the great powers remaining to be heard from.

DECLARATION AS TO PHILIPPINES.

Resolution Announcing Intention to Maintain American Sovereignty.

FINANCIAL QUESTION UP.

Sulzer Resolution Modified—Warning of Panic Was Given—Consider- ing Financial Bill.

Washington, Jan. 4.—At the opening of today's session of the Senate, Mr. Beveridge, (Ind.), presented the following resolution:

"That as the Philippine Islands are territory belonging to the United States, it is the intention of the United States to retain it as such and to establish and maintain such governmental control throughout the archipelago as the situation may demand."

Mr. Beveridge asked that the resolution lay upon the table until next Tuesday, when he will speak upon it.

Mr. Cullom from the committee on resolutions, then reported the bill providing a government for the Hawaiian Islands, with amendments.

A message from the President was read transmitting the testimony taken by the commission appointed to investigate the conduct of the war by the war department.

A resolution was presented by Mr. Pettigrew calling upon the secretary of the navy for the report of Admiral Cervera of April 13, 1898, in which the admiral said he could take Manila at any time. He asked immediate consideration, but Mr. Spooner objected and the resolution went over.

Mr. Hoar offered a resolution which was adopted, reducing the mileage fees to be paid witnesses in cases before the Senate to \$3 per day, while in attendance, and actual traveling expenses. This will reduce the amount for witnesses in the Clark case about one-half.

Mr. Allen's resolution calling for correspondence between the treasury department and the National City bank and the Hanover National bank of New York was agreed to with modifications.

The consideration of Mr. Pettigrew's resolution concerning the advances reported to have been made by Aguinaldo through Gen. Torres to Gen. Oda after the beginning of hostilities in the Philippines was postponed until Monday.

A brief explanation of his attitude upon the contest of Mr. Quay for a seat in the Senate was made by Mr. Hoar. He said he had received numerous letters urging him not to vote for the appointment of the governor of Pennsylvania on the ground of charges against the personal character of Mr. Quay.

Mr. Hoar referred to the fact that he had frequently investigated the subject of the right of a governor to fill a vacancy and to numerous speeches and reports he had made in support of the theory. It was not to be expected that senators sitting in the Senate could change their convictions upon such appeals.

Such requests he considered in the nature of appeals to him to stuff a ballot box and make false returns simply because the petitioners think some one else should be appointed. Mr. Hoar's explanation would be a sufficient reply to the writers of the letters.

The financial bill was taken up in the Senate today. The Senate substitute was read.

Mr. Aldrich made the opening speech, taking up the various sections of the bill in order and explaining their provisions.

Mr. Pettigrew called up the bill providing for a settlement of the accounts of the national treasury with the public lands under the law granting five per cent of the proceeds of the sales of public lands to the States and extending this provision so as to make it cover the lands embraced in Indian reservations.

Mr. Pettigrew stated that the passage of the bill would require the payment of about \$12,000,000 by the national government. Mr. Berry antagonized the measure, charging that its passage would involve the national treasury in a loss which would be unfair and unjust to the States in which there were no reservations.

On motion of Mr. Berry the bill was amended, 42 to 40, so as not to apply to the States in which there were no reservations, and the bill was then committed to the committee on public lands.

HOUSE.
Washington, Jan. 4.—In the House today Mr. Payne, chairman of the House ways and means committee, presented the Sulzer resolution as modified by the committee for immediate consideration. The resolution as modified is as follows:

"Resolved, That the secretary of the treasury be and he is hereby requested to cause the House of Representatives the following information to be furnished: First—Copies of all letters, agreements, papers or documents between the treasury department of the United States or any person connected therewith and the National City bank and the Hanover National Bank, of the city of New York, or any person acting for them, or either of them, since the fourth day of March 1897, relating to the depositing of public funds, bonds or revenues in said bank or banks or by the committee for immediate consideration. The resolution as modified is as follows:

"Second—The amount of public money, stocks or revenues deposited with said bank or either of them, or with any national bank, by the government, upon what security, for what length of time and the reasons thereof and whether said banks, or any of them have paid the government any interest on said deposits, and if so how much, and all other information concerning the same or in any way relating thereto."

Third—And also the date of the sale of the currency notes of the property of the United States in New York City to said National City bank, the date of the execution of the deed thereto, the date and manner of payment of the purchase money therefor, the disposition of the proceeds of the said sale, and whether or not the government has paid any rents for the said property or any portion thereof, for any purpose, since the day of sale, and if so, to whom, and all facts relating to the transaction."

Mr. Sulzer arose after the presentation of the resolution and said he would accept the amendments.

Mr. Richardson, the minority leader, asked for five minutes which he desired to yield to Mr. Levy (Dem., N. Y.) The request was complied with, and Mr. Levy offered an amendment to the resolution, which included a request for the secretary's reasons for delaying the deposits in national banks until the panic had occurred.

Mr. Levy said he warned the secretary of the treasury in September that the panic would be caused in the secretary's reasons for delaying the deposits in national banks until the panic had occurred.

The House then at 12:20 p. m. adjourned until Monday.

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ANOTHER GERMAN SHIP IS SEIZED.

Imperial Mail Steamer General Occupied by British Troops, who Compel the Dis- charge of Cargo to Search.

Act that May Produce Trouble — Britain's Reply on the Bundesrath Seizure Regarded in Berlin as Unsatisfactory and Procrastinating—Boers Defeat Kaffirs—British Lyddite Fire Ineffective—Boer Scouts Penetrate British Lines—General Joubert Preaches—Confectionery Shells Fired Into Ladysmith—Another Check to Gen. Buller is Reported—Colonel Pilcher Returns from Douglass—Gen. French Gets Reinforcements—Battle at Colesberg—Boers Hold Their Own.

General have been dispatched to Gen. French from De Aar.

London, Jan. 4.—There is great satisfaction here at the news that De Aar has been able to send Gen. French reinforcements of guns and infantry, of which he appears to be so much in need. The fighting in the hills is incessant. The latest telegrams say Gen. French has almost surrounded Colesberg, but the Boers are still defending all their positions close to the town, preventing the British from capturing it.

A dispatch from Rensburg this morning says the heavy artillery duel recommenced at daybreak. Further details of the fighting between Gen. Gatacre and the Boers at Cyphergat today show that 2,000 Boers with artillery attacked a British outpost between Cyphergat and Moltene. Gen. Gatacre, with mounted troops and field artillery, moved out in front of Sterkstroom, and found the Boers strongly posted at Copersberg, whence they were quickly dislodged, the Boers fleeing in the direction of Stormberg.

The Boers used the British guns captured December 10 and shot well, but the British kept under cover and there were no casualties on their side. The war office has received a report from Capetown dated Wednesday, January 3, reporting the situation in Gen. Gatacre's district. It says that Gen. Dreucht is now evacuated by Montmorency, who occupies Bird's Slaing on the Indwe line.

Moltene is being attacked today by the enemy, who more or less surround the police station but who, according to reports, are being forced back. Reinforcements of mounted infantry and field artillery have been sent by Gen. Gatacre. The result is not known. "A company of mounted infantry under Alderson, has reconnoitered to Prieksha, and exchanged shots with the rebel force on the north bank."

"No movement of Generals Methuen or French is reported."

Although dispatches under yesterday evening's date are arriving from both Gen. Buller and Gen. Methuen's headquarters, they contain little of importance. Shells continue to be exchanged and the patrols are busy. Otherwise there is little to enlighten the general situation. Gen. Cronje was reported to have been considerably disturbed at the first reports of the success of Col. Pilcher's expedition and sent 400 burghers to help Douglas. The British at Modder river hope to capture this force.

An interesting fact is that Pilcher's wife is a sister of Maud Gonne, the so-called "Irish Joan or Arc."

The famous tennis player, W. V. Bayes, and the old Oxford athlete, C. B. Fry, are joining the British forces in South Africa.

The departure of the seventh division of the British army for South Africa commenced this morning.

The American hospital ship Maine arrived at Las Palmas, Canary Islands, yesterday and reported all well on board.

A report comes from Berlin that Great Britain's reply to Germany's representations on the subject of the Bundesrath is regarded as unsatisfactory and procrastinating.

The traction engines have arrived at Frere and have been successfully tested. They pulled trucks over the roughest and most sandy ground without difficulty.

The enrollment of the second contingent of London Imperial volunteers today was the occasion for a scene of popular interest and enthusiasm. Approaches to the Guild Hall were thronged with representatives of all classes, everybody cheering and the bands playing lively music. The scene at the Guild Hall was highly picturesque and impressive.

It opened with a civic procession with the lord mayor, sheriffs and aldermen in their robes of office headed by the sword and mace bearers. The contingents comprised the honorable artillery company, and detachments from the other volunteers. After making a speech Lord Mayor Newton read the following extract from a letter written by the queen's private secretary, Sir Arthur Bigger:

"I have to assure you how much the queen values the corps which has been so patriotically raised by the city of London for service in South Africa."

Each detachment was sworn in separately, every man "kissing the book," and receiving the queen's shilling from the hands of the lord mayor.

Rensburg, Jan. 4.—The casualties to Gen. French's force up to the afternoon of Jan. 3, were five men killed and twenty-four wounded.

A detachment of twenty-five New Zealanders had a heroic escape. While advancing on Colesberg, they were directed to occupy a kopje, but met with a hot reception from a concealed force of the Boers. Another body of British troops seeing their danger, rushed to the rescue of the New Zealanders and their retreat was successfully accomplished, under the cover of the guns on the hills westward.

Coleskop is now the principal scene of the fighting.

The destruction of the wrecked train includes 22,000 rations and a supply of rum.

Walmer and the South Foreland on the Kentish coast, was raised today. She subsequently foundered, however, and five persons were drowned. Captain Spruth, inspector of the Hamburg-American line, who was on board the vessel when she went down, was saved by clinging to the top of the funnel. The Patria's position is now more dangerous to shipping than ever.

Orange River, Wednesday, Jan. 3.—There was a small skirmish near Belmont. The British fired a few shells but the Boers did not respond.

A detachment of about forty Boers attempted to rush Klipfontein this morning but were beaten back by the mounted infantry. Possibly the force consisted of fugitives from Sunnyside. Reinforcements of infantry and artillery have been sent to Belmont.

Belmont, Cape Colony, Wednesday, Jan. 3.—Col. Pilcher, it is officially announced, being only on a raiding expedition and for military reasons being unable to occupy Douglass permanently, has evacuated the town, bringing off all the loyalists. He has now returned safely to close proximity to Belmont. When he announced the necessity of evacuating the place the inhabitants declared their lives were not worth a minute's purchase after the troops left. Col. Pilcher therefore invited them to accompany him to Belmont. The preparations were speedily completed but the vehicles of the town were totally inadequate to convey the refugees, so the troops gave up the transport wagons to the women and children. The Canadians acted as an escort of the refugees, carried babies for the women and kept everybody lively by singing as they marched along in spite of sore feet occasioned by the heavy sand, which made marching extremely trying. The force received Gen. Buller's congratulations on the success of the expedition with great satisfaction.

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Frankfort, Ky., Jan. 4.—The senate part of the joint committee to try the Democratic new from Bremen Dec. 24, for Galveston has put into Payall, Azores, with propeller out of order.

The British bark Muesel Crag from Antwerp July 13, for San Francisco, is reported having passed Cape Otway on the southwest coast of Australia and signalled she had lost sails, two boats and had bulwarks stove and decks swept away.

The Lawton Fund.
Washington, Jan. 4.—The Lawton fund today reached \$45,072.

Territory for Hawaii.
Washington, Jan. 4.—The Senate committee on foreign relations today ordered a favorable report on the bill creating a territorial government for Hawaii. A few modifications of the original bill were made the most important being the validation of the sale of lands since annexation and fixing the tenure of the supreme court judges at nine years. The provision for a delegate in Congress remains in the bill.

Committee to Try Contest.
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Drowned with the Patria.
London, Jan. 4.—The Hamburg-American line steamer Patria, which caught fire in the English channel November 13th, while on her way from New York to Hamburg, and which was abandoned the following day when all attempts to tow her to some port had failed, the vessel going ashore between

ALARMED BY THE SMALLPOX TALK

Passengers Refused to Get Off Their Trains This Morning.

SENT UP FOR THEIR MAIL.

Result of the Publication of Sensa- tional Stories—Hotel Men Dis- mayed—Eureka Quarantined.

The fact that there is smallpox in Salt Lake has apparently been widely circulated all over the country and the conditions must have been exaggerated out of all proportion, because travelers who can avoid stopping over their train, judging from their actions today, they appear to think that they would be taking their lives in their hands by coming into town.

This morning tourists and other travelers who had arranged to stop over, changed their plans, and practically all through passengers went on. They would not come up town, but sent to the various hotels for their mail and had it brought down to them.

The hotel keepers are dismayed, not over smallpox, but over the alarm of the traveling public. Their rooms are being emptied and the effect on their business will be disastrous should this state of affairs continue.

Of course there is no ground for such a scare. The travelers have probably read some exaggerated and sensational report and imagine Salt Lake to be a plague stricken city, when as a matter of fact less than half a dozen cases, all told, have developed here.

The cases reported last night in the Hobbs family, while not creating public alarm, have increased perceptibly the precautions on the part of the public. There was, for instance, a marked demand for washwomen today, and the laundries are likely to notice a consider-

able falling off in the number of bundles they receive.

EUREKA UNDER QUARANTINE.

Local Doctors Unite in Declaring the Cases to be Chicken-Pox

[SPECIAL TO THE "NEWS"]

Eureka, Jan. 4.—As a result of the number of people arriving in the city recently being quarantined in various parts of the State for smallpox, Dr. T. B. Beatty, secretary of the Utah board of health arrived last evening with the purpose in mind of making an examination of the cases. He found that the supposed to have been chickenpox. It is very certain that there have been several severe cases of chickenpox in the camp, though none of those afflicted have died nor have they been dangerously ill. In most cases the patients have been confined to their homes only for a few days, others for a period of as long as two weeks. These cases of sickness have caused a good deal of comment among the people though they raised no apprehension or alarm as all of the local physicians agreed that they were nothing worse than chickenpox. But a different aspect of affairs was brought about when Dr. Beatty arrived here last night with Dr. C. J. Field of this city. He made an examination of the cases and two of them he pronounced to be smallpox without a question of doubt. One of the persons afflicted is George Proctor and the other Ned Hickman. Both were placed under strict quarantine. Proctor had worked in the Keystone mine until taken sick, and other members of his family had been at work, so it is certain that many persons were subject to the contagion. In the case of young Hickman, not as much danger is expected for the reason that the disease was not in a contagious form before he was taken down.

Last night a meeting was held at the Shafter drug store with Dr. C. W. Clark, C. J. Field, Dr. Stauffer, Mayor Spriggs, a representative of the "News" and a few others present. The general question of quarantine was discussed. Dr. Beatty spoke freely and favored compulsory vaccination where parties had been opposed, and that mine owners should have their men vaccinated forthwith. The result of the agitation is that the municipal authorities of Eureka held a meeting this morning and issued a proclamation providing that inasmuch as the town of Eureka was threatened with the epidemic of smallpox, all public and private schools be closed indefinitely, and that meetings and public gatherings should be suspended until further notice.

It is only proper to state that