

SHUT OUT FOR MR. ROBERTS

He Is Barred by a Vote of 302 to 30.

AN INTERESTING DEBATE

A Resolution Offered by Mr. Taylor, of Ohio, for the Appointment of a Special Committee to Investigate Charges Against the Mormon Representative-elect from Utah, Is Adopted—Mr. Roberts Defends His Side of the Case and Wins Much Sympathy—He Asserts That the President Has Appointed to Office in Utah Men Charged with the Same Misdemeanor of Which He (Roberts) Has Been Accused—The Galleries Are Filled with Interested Spectators.

Washington, Dec. 5.—After an interesting debate of three hours the house today, by a vote of 302 to 30, adopted the resolution offered by Mr. Taylor of Ohio, yesterday for the appointment of a special committee to investigate the charges against Brigham H. Roberts, the Mormon representative-elect from Utah. Previously the house had rejected a substitute resolution offered by Mr. Richardson, the leader of the minority, to allow Mr. Roberts to be sworn in and to send the whole case to the judiciary committee. This substitute resolution, however, by no means commended the full Democratic caucus. Only fifty-seven members voted for it. Of the thirty who then voted against the Taylor resolution, all were Democrats except two, Mr. Lord, a California Republican, and Mr. Newland, a Democrat from Nevada. By the terms of the resolution, Mr. Roberts is now not only excluded from all participation in the proceedings of the house until the committee reports and the house passes upon his case but he is denied a seat in the hall. Whether this will be interpreted to deny him admission within the chamber pending the disposition of his case is yet to be decided. The reading of the president's message was completely overshadowed by the proceedings which resulted in the action of the house on the Roberts case. The galleries were thronged with spectators, mostly women, who sat patiently through the two weary hours that preceded the debate, and waited three hours more until it was concluded. The most remarkable feature of the debate was the fact that Mr. Roberts' presentation of his own side of the case, which lasted almost an hour, became so absorbing that it won sympathy at all times showered with applause. It was evident that he realized that the house was overwhelmingly against him, and at times he spoke fiercely and defiantly. Mr. Taylor conducted the case upon his side. Mr. Richardson's side was his resolution. During the debate Mr. Grosvenor (Rep., O.) arose to indignantly repel an insinuation of Mr. Roberts that the president had knowingly appointed men guilty of polygamy to federal offices in Utah. The debate was opened by Mr. Taylor. When he began to speak, Mr. Roberts left the seat he had been occupying and took a seat near the main aisle, where he could hear with greater ease. Throughout the debate Mr. Taylor sat facing his accuser, except when he turned to his desk to take notes of the points to which he desired to reply.

Mr. Taylor's Remarks.

"I am not unmindful of the importance of the question the house is about to decide. It is unusual, but not unprecedented. We do not undertake to determine the right of the chairman to a seat, but only whether he shall be seated at the bar of the house and wait the administration of the oath until the house shall determine the right.

"Mr. Speaker, Utah was admitted as a state into the Union on the fourth day of January, 1856. There are alleged facts against the claimant. First, that he was indicted in February, 1857, for unlawful cohabitation under the Edmunds act and pleaded guilty April 20, 1858, and was incarcerated on that account in the penitentiary for four months; second, that he has persisted from that time forward in a recent date being guilty of the offense of unlawful cohabitation, and also that he has continued from the date of his conviction and is now a polygamist. By the alleged facts these questions are raised:

"First—After he was convicted in 1859, did he not become, and ever afterwards remain by reason of Section 8, ineligible to be a member of congress unless he was pardoned? If he was guilty of polygamist cohabitation between November, 1890, and the date of the Harrison proclamation, he was not pardoned by that proclamation. This situation, assuming the facts to be as alleged, raises several questions:

"Third—If he continued to be the head of more than one family, under his original polygamist marriage contract after the first of November, 1890, and without polygamist cohabitation, then is he not a polygamist under the definition of the Supreme court in the case of Murphy vs. Ramsey?

"Fourth—May not the facts, if established, and independent of any law creating ineligibility, justify the house in refusing admission to Roberts?"

"Fifth—Does not the compact entered into between the United States and the state of Utah, by the proclamation enabling the act and constitution, justify the house in the refusal to admit a representative from that state who is today under the definition of the Supreme court a polygamist?"

"Sixth—May it not be that upon a careful examination of the law it will be found that the matter is not a citizen of the United States, and if not, of course, ineligible?"

"Seventh—Is it wise, if the facts be as alleged, unless we are absolutely without power to keep Roberts out, to subject his case to the doubtful process of expulsion?

"Doubtful for two reasons: "First—Because it requires the concurrence of two-thirds to expel him. "Second—Because very eminent lawyers from the beginning of the government down to the present time have taken the position that the house has no right to expel except for some misconduct while a member and relating to his office as a member. In the Thirty-sixth congress in the Mattison case contended by an eminent lawyer from the beginning of the government, no power, mean and low and vile as the character of that man was, as exhibited by his conduct, was given to expel him because it had no right to expel a man for that which had occurred prior to his election to congress.

Mr. Taylor then went into a legal argument in support of the proposition that congress had the right to hold Mr. Roberts ineligible to sit as a member of congress. He contended that the language of the constitution with respect to the qualifications of members of the house was negative in its character and that with congress was left the right to add to those qualifications. He then cited as precedents for the present course the cases of Frear Knott, Boyd Winchester and John B. Rice, of Kentucky, who were charged with disloyalty after the war, and concluded as follows:

"Mr. Speaker, we are told that this will make an unhappy precedent. Precedent? Why, what do we drag to the world a day we are at once dragged to the bar of history to answer for our deeds. We are in no cloister court. We are not state-bound tribunals. We are the servants of the people, empowered, thank God, under the constitution to follow the right as we see the right. That is the law to use. The public eye is on us, the public conscience quickens us. In that presence and before such a judgment we can do no more than follow the right. (Applause on the Republican side.)

Mr. Taylor's words were greeted with a storm of applause, both from the floor and the galleries. Few Democrats, however, joined in the applause.

Mr. Richardson's Speech.

Mr. Richardson, the minority leader, followed Mr. Taylor. He did not intend, he said, to discuss the merits of the case. The question in issue was as to whether the representative-elect, Roberts, had a prima facie right to his seat. He was not willing to reject a representative-elect who appeared at the bar of the house with his credentials in due form. If he was denied admission a precedent would be created which would prevent the house in years to come. The only constitutional objection raised against the member-elect related to his naturalization and that, Mr. Richardson asserted, would not hold. He denied the right to produce a single proof that objection was raised to the administration of the oath except on constitutional grounds. The precedents cited were made during the war and were not to be relied upon. In the Reconstruction era the right to his seat. He was not willing to reject a representative-elect who appeared at the bar of the house with his credentials in due form. If he was denied admission a precedent would be created which would prevent the house in years to come. The only constitutional objection raised against the member-elect related to his naturalization and that, Mr. Richardson asserted, would not hold. He denied the right to produce a single proof that objection was raised to the administration of the oath except on constitutional grounds. The precedents cited were made during the war and were not to be relied upon. In the Reconstruction era the right to his seat.

"But," he proceeded, "it is not wise to permit our judgment to be warped by public clamor. To do so amounts to condemnation without trial." Mr. Richardson then brought forward several precedents in support of his position. The first was the case of George Q. Cannon, who appeared in the house as delegate-elect from Utah in 1873. Mr. Cannon was a Republican. Almost immediately the same charges now made against Mr. Roberts were made against Mr. Cannon. He read from the speeches of S. S. Cox, of New York, and other prominent Democrats opposing, denying a seat to Mr. Cannon, on the ground that it would establish a dangerous precedent and produce chaos in the future. "Those Democrats," said he, "rose above party prejudice and stood by the constitution and the right" (Democratic applause).

He also cited the case of Remy, a colored Republican from South Carolina, in the forty-fifth congress, where Democrats had insisted that he should have the oath administered to him. He also quoted the late President James A. Garfield in support of his contention that where the credentials are presented in regular form there is no power in the house to exclude him.

Mr. Roberts' Defense.

Mr. Roberts himself took the floor in his own behalf after Mr. Richardson had concluded. He occupied a conspicuous place immediately in front of the clerk's desk. Several large volumes were piled up in front of him and a copy of the constitution lay upon his desk. The utmost interest was manifested as he arose. Members crowded about, but were compelled to retire to their seats. The galleries were to listen, eager to hear no word escape.

Mr. Roberts first went to the clerk's desk and had read his naturalization papers. He then began to speak. His voice was soft and low, but his enunciation was distinct and in the stillness could be heard to the farthest corner of the hall.

As he got into his argument, however, his voice grew louder, until on several occasions it rang out from the fretted ceiling overhead gave back the echo.

Mr. Roberts began by sending to the clerk's desk and having read a copy of his naturalization papers, in order, as he said, that all the documents in this extraordinary case should be before the house. He then read a para-

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PACIFICATION OF ISLAND OF PANAY

INHABITANTS RETURNING TO TOWNS UNDER OUR RULE.

Rebel Forces Scattered—Fleeing to the Mountains—No More Organized Resistance Expected—Americans Under General Hughes Occupy Twenty Towns.

Manila, Dec. 5.—General Hughes occupies Santa Barbara and Cubatuan, Island of Panay. His lines extend thirty miles north of Iloilo. He has occupied twenty towns. The inhabitants are returning with white flags, their fear of the Americans diminishing as they learn they will be well treated. It is impossible to get the insurgents to fight. They are retreating to the mountains and no more organized resistance is expected. The artillery wagon mules are being used for packing. Water buffaloes are also being used for that purpose. General Hughes continues advancing north and spreading his lines.

CASUALTIES IN PHILIPPINES.

Washington, Dec. 5.—General Otis' latest casualty list is as follows: "Manila, Dec. 5.—Casualties not previously reported: Killed in action, Iloilo, Panay, Nov. 21, Mort Fletcher, Eighteenth infantry. Wounded in action, Iloilo, Nov. 14, George D. Bobb, C. Nineteenth infantry, severe. Skirmish road to San Nicholas, Nov. 19, Third cavalry, K. Joseph F. Mangold, leg, slight; John J. Falls, elbow, slight; Dennis Wood, back, slight; Rufus A. Jackson, leg, slight; A. R. A. Martin, buttock, slight. Action, Iloilo, Nov. 25, August Berg, F. Fifth artillery, shoulder, slight. Action, vicinity Nosara, Nov. 15, Thirteenth infantry, K. Albert Caplick, corporal, leg, slight; Charles White, abdomen, severe; L. John G. Fritz, arms, severe; B. Ulysses H. Gray, leg, slight. Action, San Pedro, Magellan. (Action, vicinity Nosara, Nov. 15, Thirteenth infantry, Nov. 5, Claude M. Manfield, K. Fourth cavalry, foot, slight, Nov. 6."

THOUGHT IT WAS AGUINALDO.

Man Resembling the Filipino Leader Arrested in Vancouver. Vancouver, B. C., Dec. 5.—This city was thrown into a state of great excitement by the detention at police headquarters of a man supposed to be Aguinaldo.

NEW IRON MILLS.

Philadelphia, Dec. 5.—A majority of the stockholders and directors in the New Haven and Susquehanna Coal companies have agreed to consolidate in a new concern to be called the Atlantic Iron and Steel company, which will shortly be incorporated with a capital of \$10,000,000. The greater part of the stock will be absorbed by the stockholders of the New Haven and Susquehanna companies, of whom a large number live in this city, and the consolidated concern will be conducted by the same persons who have been active in the direction of the old companies.

CANADIANS IN SOUTH AFRICA.

Description of Their Departure from Cape Town for the Front. London, Dec. 5.—A delayed dispatch from Cape Town, received today, describes the departure of the Canadian contingent of troops for the front. The streets were decorated, and dense, enthusiastic crowds lined the principal thoroughfares. Governor Milner bid the Canadians farewell at the railroad station. All the officers, individually, were presented to the governor, who was heartily cheered by the Canadian soldiers. They also sang the national anthem.

MASACRED 300 ARMENIANS.

Kurds Avenge a Recent Incurion by Russian Subjects. Constantinople, Dec. 5.—Private advices received here report that the Kurds have avenged the recent incurion of Russian Armenians into the Alashgird district, in Turkish Armenia, by pillaging the Armenian village of Kostur and massacring 300 of the inhabitants.

COFFEE SHIP IS TOWED ASHORE

THE LASSELL HIT BY THE FRIESLAND AND BEACHED.

New York, Dec. 5.—One cargo of Santos coffee is ashore. The Red Star steamship Friesland, which came into port from Antwerp this morning, got mixed up with the buhonic plague fleet, and, running aground of them, the Lassel, stove a hole in her. The crew of the Lassel acted quickly, but the water poured into her hold and she had to be beached near Clifton, S. I.

BIG BICYCLE RACE.

Plodders at Madison Square Garden Ahead of Record.

New York, Dec. 5.—The six-days' plodders at Madison Square Garden are riding far ahead of the record. There has been some change in the relative positions of the riders, and several of them have left the track in the past twenty-four hours. This afternoon there was an accident in which Jay Eaton, then a lap ahead of all the others, was crowded to the edge of the track and pitched from his wheel. Eaton, amid the greatest excitement, tried to remount, but found that his tire was flat, and before he got another wheel he was four laps in the rear.

THE NEWS THIS MORNING

- 1 General-Mormon Roberts' Case Will Be Investigated. 2 Boers Concentrating at LadySmith. Buhonic Plague Ship Driven Ashore. Island of Panay, Pacific. 3 General-Northern Pennsylvania. Financial and Commercial. 4 General-Whitney's Weekly News Budget. 5 Editorial. News and Comment. 6 General-The President's Message. 7 Local-Story of the Mayfield Robbery. 8 Local-West Scranton and Suburban. Mass Meeting at Green Ridge. 9 Round About the County. 10 General-The President's Message (Continued). 11 General-The President's Message (Continued). 12 Local-Live Industrial News. Trial List for January Term of Common Pleas.

THE PLANS OF GEN. JOUBERT

Boer Commander Concentrating at Lady-smith.

Lorenzo Marquez, Delagoa Bay, Wednesday, Nov. 23.—The following despatch has been received here: "Head Lager (Undated).—General Joubert has retired from Estcourt and is now blowing upon Colenso bridge. He brings a large herd of cattle and intends concentrating around Lady-smith."

KENTUCKY ELECTION STRUGGLE NOW ON

Work of the Election Commissioners Finished—First Fight Will Come Up on Question of Going Behind Returns.

Frankfort, Ky., Dec. 5.—The state board of election commissioners, sitting at a convoking board, finished their work at 4 o'clock this afternoon and tomorrow at 11 o'clock the members will sit in the state senate chamber as a contesting board to hear arguments in the case of eleven contested counties. The first great fight will come up on the question of whether or not the board has the right to go behind the certificates of returns filed with the secretary of state by the different counties. Upon the issue of the argument on this point will rest the name of the next governor of Kentucky. On the face of the returns now on file with the secretary of state Mr. Taylor has a plurality of 2,252, his total vote being 193,714, against 191,331 for Goebel. If there is to be no "going behind" the returns, Taylor will have no option but to issue the certificate of election to Taylor. If the board decides that it has the power to go behind the returns there is no telling who will receive the certificate.

A BIG BRIDGE DESTROYED

British in Sight of His Camp at Chieveley — Burgers' Position Strong—A Report That the Free State Boers Are in Full Retreat. Reports of the Abandonment of the Siege of Mafeking—General Buller's Preparations for the Relief of Ladysmith—Bodies Float in the Modder River.

WEATHER FORECAST.

Washington, Dec. 5.—Forecast for Wednesday and Thursday: For eastern Pennsylvania, fair Wednesday and Thursday; moderate and temperature fresh to south wind.

PALACE CAR COMBINE.

Consolidation of Pullman and Wagner Interests. Chicago, Dec. 5.—The consolidation of the Pullman Palace Car company and its rival, the Wagner Palace Car company, into one concern will be ratified this afternoon at a special meeting of the stockholders of the Pullman company called for the purpose of expressing approval or disapproval of the action of the recent meeting of the directors in taking steps looking toward the merging of the two corporations. Nearly every share of stock in the Pullman company was represented in the meeting and the action of the board was approved by a practical vote.

BOBBY LASTED FIVE ROUNDS.

The Sable Englishman Drops Before Joe Walcott. New York, Dec. 5.—Bobby Dobbs, formerly of Minneapolis, lasted only a few seconds more than five rounds in his bout with Joe Walcott tonight, before the Broadway Athletic club. Dobbs and Walcott are negroes. Dobbs is tall, with long reach, and a fair amount of science. Walcott is stockily built with the frame of a Hercules, and the top of his head scarcely reaches Dobbs' shoulders. Walcott was a two-round favorite.

GERMAN STEAMSHIP SEARCHED.

British Believed She Was Carrying Arms and Munitions to Boers. Los Palmas, Canary Islands, Dec. 5.—The British second class cruiser Arctura has been closely watching the German steamship Ella Weermann, which sailed from Hamburg, Nov. 18, for the west coast of Africa. On the demand of the British government the Spanish authorities searched the vessel on her arrival here, but found no guns or cartridges on board of her. The steamship then proceeded.

CONVENTION AGITATION.

Philadelphia Still Striving to Secure the Honor. Philadelphia, Dec. 5.—The movement to bring the Republican national convention to this city was given fresh impetus at the meeting tonight of the association which has been formed for that purpose. During the brief session nearly \$10,000 was pledged, making a total of \$25,000, and assurances were given that the remaining \$50,000 of the \$100,000 needed could be raised without difficulty.

DOUBLE MURDER.

A Mysterious Affair at Kearney, Nebraska. Kearney, Neb., Dec. 5.—A mysteriously double murder and suicide, it is not known definitely which act preceded, occurred at Odessa, a town near here, about midnight. Mrs. F. L. Densmore is dead, as is also Fred Lase. Densmore went to a neighbor and told him that Lase had killed Mrs. Densmore and then committed suicide. The Densmores and Lases lived in a double house. Mrs. Densmore's death is evidently due to poison and Lase's to a bullet which passed through his head.

BRITISH STEAMSHIP LOST.

Hupeh, from Hong Kong to Manila, Founders—Chinese Drowned. Manila, Dec. 5.—The British steamship Hupeh, Captain Quail, from Hong Kong, has foundered in latitude 14 degrees north, longitude 117 degrees east. The crew, with the exception of the Chinese members, was saved.

STATEMENT OF HARPER.

New York, Dec. 5.—Harper & Bros. gave out the statement this afternoon that they have transferred the entire publication of their college and high school text books to the American Book company, of New York and Chicago. The list of these publications comprises 450 works. The deal was completed yesterday and will go into effect at once. The price of the transfer is not given out.

ADVANCE OF WAGES FOR 100,000.

Boston, Dec. 5.—The movement to advance wages in cotton mill centers has become general throughout the New England states. Thus far nearly 100,000 operatives have been notified of a ten per cent. advance and the outlook indicates that most of the mills which have not made announcement will do so.

STEARNSHIP ARRIVALS.

New York, Dec. 5.—Sailed: After, for Bremen. Cleared: Noordland, for Antwerp; Germania, for Liverpool; St. Paul, for Southampton. Antwerp—Arrived: Westerland, from New York. Bremen—Arrived: Kaiser Wilhelm Der Grosse, from New York.

RELEASING BEFORE METHUEN.

Report That the Free State Boers Are in Full Retreat. London, Dec. 5.—The special correspondent of the Daily News with General Methuen, telegraphing from Modder River on the day after the battle, says: "I hear that the Boers are in full retreat to Bloemfontein."

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