

KENTUCKY FIGHT AS VIEWED BY TAYLOR WHY HE DECLINES TO SURRENDER HIS PLACE.

Detailed Explanation of the Causes Leading Up to and the Reasons Why He Used the Militia to Guard Against an Insurrection and Adjourned the Legislature to Meet in Another Locality—Stands for the Right of the Majority to Rule.

THE STATEMENT which follows was made on Tuesday by Governor Taylor to the managing editor of the Pittsburg Times. "This astonishing recital," says the Times, "comes from a man who was duly elected governor a great state; for two weeks he has practically been a prisoner either in the executive chamber or the executive mansion; no man in Kentucky doubts that he will ultimately be robbed of the high office to which he was chosen, if not by 'forms of law' as they exist in Kentucky, then by violence, his person is threatened and is not considered by anybody worth a hauboe; his family is threatened with extermination; yet he is all this while one of the best and foremost lawyers in Kentucky and a man of peace and piety. The condition of affairs of which he so gravely tells exists on the eve of a presidential campaign, only a few months before the time when the voters of Kentucky will be called upon to elect thirteen presidential electors and eleven congressmen. What may happen in such a contest may well be imagined from what has happened in Kentucky as a result of the election of Nov. 7 last." This is the statement:

"Those who have not been in close touch with the political history of Kentucky for the past two years cannot comprehend the terrible plight of the people of this state. In 1898 an election law was passed on the statute books, the most revolutionary and partisan that has ever existed in any state of this Union. It placed the election of the members of the Democratic party, Mr. Goebel, the author of this measure, completely dominated the general assembly that passed this law, and this body named as the three commissioners to control the elections of this state three Democrats—all personal friends of Mr. Goebel. These three commissioners selected county commissioners in each of the 119 counties of the state, placing every county completely under the control of the author of this measure. These county commissioners, in the appointment of the judges, placed every election booth in the state under the control of the Democratic party. When the election day came every doubt was resolved in favor of the Democratic ticket. Every Republican voter with a doubtful right was denied the privilege of voting, while the Democratic voter with doubtful right was allowed to vote. When the polls closed every Republican ballot for which there could be the least excuse found was thrown out and not counted, whereas every doubtful Democratic vote was counted as a regular vote. In many places the commissioners refused to sign the returns.

"When the county boards met they unhesitatingly proceeded to throw out thousands of votes that I was entitled to by raising technical objections to the returns. The judges, my friends, yet when all this work of destruction was over and the certificates of the county boards issued, they showed I had won by 2,387 majority. I believe as firmly as I believe I have my Maker to rest that if I had received the full vote I would have been elected. The fact is that a fair election in my county would not have been less than 50,000. Not less than 19 members of the lower house were given certificates of election by the county boards when they counted my votes. Hence, the legislature was made Democratic by reason of frauds practiced in the various representative districts.

"Immediately after I had received my certificate of election it was announced that my seat would be contested by the legislature and tried in part by the men who had been the beneficiaries of this evil and wicked law. When the time came for drawing the contest committee the most brazen and bold fraud was perpetrated. Decency was thrown to the wind, and that committee which men who were opposed to me and only one for me. Many members of that committee had expressed themselves against me before they were selected. One of them had money wagered upon the result, and every one of the Democratic members was a politician and partisan. My money was given to the opposition and my pleas were stricken out. The truth is the treatment I received by the committee was nothing short of brutal. The decision of that committee was a foregone conclusion. There was not a living man in Kentucky who did not know what it would be, proof or no proof. Thus up to this time I had been as helpless as a newborn babe at every election tribunal in the state.

"At the close of this partisan trial the fearful tragedy, Mr. Goebel's assassination, occurred. Instantly the people of the entire state were thrown into frenzy. The committee that had heretofore been partisan in the extreme became absolutely revolutionary. All opportunities for any opportunity to be heard were indignantly denied. The condition of the public sentiment wrought up on account of the incident cited was simply appalling and revolution was inevitable unless something could be done to avert the

danger. The militia had been called out to prevent riot if possible, but it was clear that if the legislature succeeded by revolutionary methods in casting a cloud upon my title it would necessarily weaken my control of the militia, the only power that I possessed to prevent further bloodshed and ruin. With all these dreadful conditions staring me in the face I exercised the power vested in me by the constitution of the state and adjourned the legislature to meet at a different point of the subsequent day. My power to make this adjournment has been questioned, but mature reflection has only increased my confidence in that right. Section 36 of the state constitution, after speaking of the general assembly and fixing the date when it shall meet, uses the following expression: 'Its sessions shall be held at the seat of government except in case of war, insurrection or pestilence when it may, by proclamation of the governor, assemble for the time being elsewhere.' But whether the sessions of the legislature are clearly authorized the action or not, I know the conditions justified it and all fair men who were familiar with them I believe will agree with me in this regard. Hence it follows that if I had the power to convene the legislature in London all acts performed by it elsewhere during the time it was lawfully convened there and after the adjournment here were void. Its secret meeting of a part of its members without notice to the presiding officer of the senate cannot be treated as a breach of the constitution; hence it seems too clear in my mind for debate that the alleged acts taken upon the contest for governor and lieutenant governor must of necessity be but a nullity.

"So viewing it, it seems clearly my duty not only to myself, but to the people of Kentucky, to retain the position that I now hold under the law as provided by law and the constitution, or until some tribunal authorized to do so determines that the acts of the secret session are binding. When the intense excitement had subsided I asked the legislature to convene in Frankfort, and thereupon the members who had met in the secret session and claimed to remove me declined to return to the seat of government because, as I am informed, of the presence of objectionable citizens and a few militiamen. The militia is here charged with the duty of preserving peace. They cannot possibly endanger the life of anyone but will protect the interests of all. I feel that it is my bounden duty to retain a sufficient number of these peacekeepers of the peace at this time because of the violent attacks made upon this administration by the partisan press; because of the threats made by the press and by hundreds of people who read these attacks; I receive almost daily incendiary letters threatening that my life shall be taken and that the public buildings shall be destroyed by dynamite. It would be sheer folly in view of these things for me to expose my life and the public property by withdrawal of the militia. While I feel and know that I was elected yet the emoluments and honors of the office are more insignificant quantities to me compared to my duty to the public for the preservation of the lives and the property of the people and the maintenance of liberty. God knows the burdens that I have had to assume have been most onerous and gladly would I have escaped them if such a thing had been possible.

"I know I have been wronged. I know the people have been wronged. I know the ballot boxes have been outraged and I know Kentuckians are today, politically speaking, in slavery. A merciless and remorseless machine, the machinery of the contest, has blundered, disregards all appeals for right and fair play. Gladly would I this minute surrender not only the office to which the people have elected me, but all else that I have, if I could only by doing so secure to my state and our people absolute political liberty. In this connection it is perhaps right that I should speak of what is known as an amnesty proposition which I declined to accept. The motives of my friends who were parties to that proposition must not be questioned. They acted in perfect good faith and with a knowledge on my part that they were negotiating an adjustment, however, with a distinct understanding that no agreement should be binding until submitted to and approved by me. These men knew how earnest and anxious I was to be reconciled to the position in which I could thereby secure an honest election law. Hence they, under the promise of some of the leaders of the opposition that an honest election law should be provided, were, perhaps, induced to yield more than they would otherwise have done. That proposition had my most earnest consideration. I felt that I was acting, not only with reference to my individual interests, but with reference to the interests of the people throughout the state. I realized that by the terms of that agreement I was made to accept the decision of a joint assembly without further question—a decision that I conscientiously felt was in violation of the constitution, as well as a contradiction of the facts.

"I also realized that I had only the bare promise of a few of the leaders of the Democratic party that such a law should be enacted. Not one single member of the general assembly had to my knowledge assented to such an agreement. While I was considering the propriety of this proposition I noticed through the public press that a number of the Democratic members had stated that under no circumstances would they ever vote to repeal the election law of 1898. The Republicans everywhere, as well as the Brown Democrats and independent voters, warned me that the promise was but a rope of sand; that it would be broken, and that the Republican party would become the laughing stock of the whole country, because of having been duped into this agreement. I appreciated these dangers, as

well as some other questionable conditions in the proposition, but above all I appreciated the united will almost of my friends throughout the state, and decided that I could not afford to assent to the so-called peace agreement.

"And so matters now stand, with Mr. Beckham in the city of Louisville assuming to be governor and with myself in the seat of government claiming to hold the same position. In my contention I think I am sustained beyond doubt by the constitution of my state. Section 70 provides as follows: 'The person having the greatest number of votes shall be governor.' I do not believe there is a man, woman or child in the state of Kentucky but that thinks that I received the greater number of votes. The precinct officers so certified, the county boards so certified and the state board so certified, and I hold their certificates of that fact and my commission from the governor based upon this certificate. The contest committee, I learn, simply certified that Mr. Goebel had received the greatest number of votes. They did not point out nor name a single county or a single vote that had been cast for me but I was not entitled to. They do not inform me whether I received illegal votes or whether Mr. Goebel was denied votes that should have been cast for him. They do not tell me which county's votes, if any, was thrown out, but they content themselves with the bare statement that Mr. Goebel received the greater number of votes. This statement, if true, would place below them the courts and every one of these lower tribunals was controlled by Mr. Goebel. I could not practice fraud at the polls. I could not have secured votes that I was not entitled to, nor could I have secured illegal votes or whether Mr. Goebel should not have been counted, because the power that permitted the voting and counting of the ballots was all for Mr. Goebel.

"Now, then, I did receive the greatest number of votes and the board and contest committee determined to overthrow the provision of the constitution and give it to the man who received the minority. In the conduct of the trial of this contest the senate and the lower house adopted what is known as Rule 11. It, of course, is in the nature of a joint resolution. By the provisions of this rule the contest was to be settled by a joint assembly, a body unknown to the constitution. The object of this rule is evident. It has always been clear to the contestants that a vote to unseat me could not pass the senate, although there was a Democratic majority of 14 in that body. This danger must be averted; hence Rule 11. Now, then, section 90 of the constitution provides: 'Contested elections for governor and lieutenant governor shall be determined by both houses of the general assembly according to such regulations as may be established by law.' No provision is there for it to be done by joint assembly, but a clear provision that it must be determined by both houses. Not only that, but the constitution must determine it. By the provisions of section 29 it is provided that the legislative powers shall be vested in a house of representatives and a senate, which together shall be styled 'the general assembly of the commonwealth of Kentucky.' Then it is clear that the general assembly is divided into two departments, the upper and lower houses, acting separately and distinctly and independent of each other, one a check upon the other. When we speak of an act or bill or vote or resolution of the general assembly we understand it to mean that the act or bill or vote or resolution passed by both houses and was signed by their respective officers. The act or resolution which this contest is conducted by both houses of the general assembly provides in part as follows: 'The decision of the board shall not be final or conclusive. Such decision shall be reported to the two houses of the general assembly for their further consideration. If the general assembly shall then determine such contest.'

"In the face of this statute, as well as the constitution, an attempt is made to make a joint assembly out of what the constitution and law requires to be done by the general assembly and by the two houses of the general assembly, and this is attempted to be done not under the provision of any law but under the provisions of a rule adopted in the two houses. The rule for this evasion is as follows: Section 89 of the constitution reads as follows: 'Every order, resolution or vote in which the concurrence of both houses may be necessary unless on a question of adjournment or as otherwise provided in this constitution, shall be presented to and considered by both houses, and if approved by a majority of each shall take effect; but if approved by a majority of each house, or being disapproved, shall be re-passed by a majority of the members elected to both houses according to the rules and limitations prescribed in case of a bill.' Now, then, the first reason why they took them of my assembly to pass upon it was because it could not pass the senate and because in a joint assembly it required only seventy votes to be a majority, whereas, it would have required seventy-one, and, third, because if it had passed by both houses it would necessarily have come to me for my approval or veto as provided in section 90 just quoted. Hence it does seem absurd, in view of these legislative and constitutional provisions, that I should be expected to regard seriously the decision of a joint assembly composed secretly at a place not authorized under the law, or in my proclamation, for it to meet and to surrender without protest to the minority a position given me by the people, without at least requiring from the tribunal charged with the duty of passing upon these questions the responsibility of sanctioning the irregular proceedings referred to.

"The deplorable condition into which this state has been plunged has materially affected its commercial interests. Everything that stands in my way is in doubt as to what the morrow will bring forth. No one seems inclined to locate among us and develop the resources of the state. It is quite evident that the business interests of Kentucky and her future welfare demand an early termination of the present struggle. It does seem that this terrible infliction ought to be sufficient admonition to our people to impel them to see to it that the present odious election law is repealed. I predict that quiet will not come again to our people until this badge of slavery is removed. Kentuckians are by instinct and nature lovers of liberty and nothing chafes them so much as to know that they are deprived of privileges that belong to them. My hope and prayer is that the dark cloud that now hangs over us may soon be dispelled and peace and quiet return and that the people may be



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