

THE ROBERTS CASE

The House by Overwhelming Vote Passes the Taylor Resolution.

MR. ROBERTS DENIED HIS SEAT

Until the House, Passes on the Charges Made Against Him and by the Resolution Referred to a Special Committee—The Debate an Exciting One—Mr. Roberts Speaks in His Own Behalf.

The President's Message Read in Both Houses.

Death Announced in Both the Senate and the House.

SENATE.

Washington, December 5.—Today's session of the senate lasted two hours and forty minutes, practically the entire time being consumed in the reading of the president's message.

The reading of the document was largely perfunctory, few of the senators accorded any attention. Some of them retired to their committee rooms to peruse the message at leisure, while a few followed the reading by the clerks.

Senator Turley, of Tennessee, presented his colleague, Mr. Bate, at the desk of the president, and president Frye administered to Mr. Bate the oath of office.

The announcement of the death of Senator-elect Monroe L. Hayward, of Nebraska, was received by the senate with sincere regret. Although he was not officially a member of the body, he was well known to many of the senators, and by them was held in high regard.

At the conclusion of the reading of the message the senate adopted resolutions of regret presented by Senator Thurston, of Idaho, and as a mark of respect, adjourned immediately.

HOUSE OF REPRESENTATIVES.

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 by the terms of the resolution, Mr. Roberts is now not only excluded from all participation in the proceedings, but he is denied a seat in the hall. Whether this will be interpreted as a denial of 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 dramatic proceedings which resulted in the exclusion of the representative. The galleries were thronged with spectators, mostly women, who sat patiently through the three weary hours that preceded the debate, and then waited three hours more until it was concluded. The 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 he drew the sympathy of many of those in the galleries and was several 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. After the reading of the message the speaker laid before the house the Taylor resolution to refer the Roberts case. Mr. Taylor immediately took the floor. It was arranged that there should be three hours debate on each side, one-half hour to be allowed Mr. Roberts and to come out of the time of the minority. This arrangement having been made, Mr. Richardson, the democratic leader gave notice of a substitute he should offer as follows:

Whereas, Brigham H. Roberts, from the state of Utah, has presented a certificate of election in due and proper form as a representative from the said state, therefore,

Resolved, That, without expressing any opinion as to the right or propriety of his retaining his seat in advance of any proper investigation thereof, the said Brigham H. Roberts be admitted to be sworn in as a member of this house upon his prima facie case.

Resolved Further, That when sworn in his credentials and all papers in relation to his right to retain his seat be referred to the committee on judiciary, with instructions to report thereon at the earliest possible moment.

Mr. Taylor contended first that Mr. Roberts' conviction of violations of the Edmunds law rendered him ineligible by the eighth section of that act; second, that if since guilty of polygamy he is still ineligible under that act; third, that if a polygamist within the meaning of the decision of the supreme court he is ineligible, independent of that statute; fourth, that the compact between Utah and the United States justifies the house in refusing him admission. Mr. Taylor urged that it would be better for the house to exclude Mr. Roberts than to expel him. All the authorities, he said, were against the right of the house to expel a member for acts done prior to his election no matter how vile they might be.

When Mr. Taylor 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 Mr. Taylor's remarks he sat facing his accuser, exclaiming when he turned to take notes of the points to which he desired to reply.

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 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 rise to plague the house in years to come. He was willing to

say that if the charges against the member-elect were proven he should favor his expulsion. "If there is one thing the American people are a unit upon," said he, "it is that the American home shall be preserved in all its loveliness, sweetness and purity." (Applause.)

MR. ROBERTS SPEAKS.

Mr. Roberts himself took the floor in his own defense after Mr. Richardson had concluded. He occupied a conspicuous place immediately in front of the clerk's desk. Several legal volumes were piled up in front of him, and a bouquet of carnations lay upon his desk. The most intense interest was manifested as he arose. Members crowded about but were compelled to retire to their seats. The galleries were hushed. The occupants leaned over to listen, eager to let no word escape. Mr. Roberts first sent to the clerk's desk and had read his naturalization papers. He then began to speak. His voice was soft and low, but his intonation was distinct and, in the stillness, could be heard to the farthest corner of the hall.

Mr. Roberts proceeded to answer the charges against him. He said two presidents had proclaimed amnesty since his conviction for a misdemeanor. He denied that he had been a law breaker since 1889 and asked why he had not been prosecuted if a law breaker. He referred to the present agitation as a "conspiracy" to force this subject to the front at this time. He dramatically invoked protection for the representative of a sovereign state. He asked no privilege, no favor, he exclaimed, but he demanded his rights. This was given with such emphasis and feeling that vigorous and long continued applause greeted the speaker.

When Mr. Roberts' time expired Mr. Newlands, of Nevada, asked that the time be extended, but Taylor, objected. Richardson then yielded Mr. Roberts the balance of democratic time. Ten presidential appointments had been made without consideration of charges of polygamy.

Mr. Hopkins, of Illinois, challenged Roberts' statement as to presidential appointments. Roberts declared that appointments had been made notwithstanding charges similar to those against him. He said that names were duplicated on the petitions against him.

Mr. Taylor drew applause by granting Roberts more time.

Mr. Roberts read a letter from the justice of the supreme court of Utah, referring to the present administration had appointed Utah postmasters charged with unlawful cohabitation.

Mr. Roberts closed with a dramatic statement that Utah had not broken away from polygamy was no longer an issue and that he had had the honor in the constitutional convention of settling that issue forever.

Mr. Grosvenor, of Ohio, declared Roberts guilty of miserable subterfuge in a statement that the president had ignored charges of polygamy in making Utah appointments. He exclaimed that the slanders against the president were false.

Mr. Taylor concluded the debate. Mr. Roberts, he said, had exhibited a large incapacity to understand his (Taylor's) position, his (Roberts') position or the spirit of the American people—a righteous expression of their sentiment rectified. He did not say Mr. Roberts was guilty; but he indicted him upon his own responsibility.

The vote was then taken, first on the substitute, which was defeated—59 to 247.

The vote then recurred upon the adoption of Mr. Taylor's resolution, the roll being called upon the demand of the republicans. The resolution was adopted—302 to 30.

The speaker then appointed the special committee upon the resolutions. The death of the late Representative Settle, of Kentucky, was then announced and at 6:25 o'clock as a further mark of respect, the house adjourned until Thursday.

DeWitt's Little Early Risers purify the blood, clean the liver, invigorate the system. Famous little pills for constipation and liver troubles. R. R. Bellamy.

Charged With Murdering a Live Man. Macon, Ga., December 5.—Two negro women, Dolphuse and Ida Hooks, have been in jail here for several weeks under indictment for the murder of Jim Jones, colored. Today Jones made his appearance, and his coming has caused a profound sensation among the negroes. A dead negro was found in south Macon several months ago, who had plainly been murdered. He was identified by Jones' mother as Jones and was buried by her. Suspicion pointed to the Hooks women and their conviction was regarded as certain.

Jones says he has been working on a turpentine farm and did not know he was thought to have been murdered. Solicitor General Hodges ordered the release of the accused women today. "I was nearly dead with dyspepsia, tried doctors, visited mineral springs, and grew worse. I used Kodol Dyspepsia Cure. That cured me." It digests what you eat. Cures indigestion, sour stomach, heartburn and all forms of dyspepsia. R. R. Bellamy.

PESTILENCE AND WAR

Are Playing Havoc With the South American States.

(Correspondence of Associated Press.)

Kingston, Ja., November 28.—Passengers from the west coast of South America report an ominous outlook in connection with the spread of the bubonic plague. There seems little doubt that the epidemic is slowly, but steadily working westward in South America.

To this dangerous plague is added the general condition of political unrest in all the western republics of South America.

On the eve of a financial crisis, and possibly of revolution, which has only been postponed, and not averted, by the government's reduction of the issue of forced paper currency from \$50,000,000 to \$20,000,000.

In Peru and Bolivia serious revolutions are going on. These are disorganizing trade.

Ecuador is in a condition of incipient revolt against the dictatorship of President Eloy Alfaro, and a strong revolutionary movement, directed by the clerical party and supported by a majority of the people, is said to be in course of organization on Peruvian soil.

Colombia civil war is raging. The plague and the wars are reacting seriously on trade and industry. The most significant indication is the turning backward of the stream of commercial travelers. The coast thus far, has suffered little, but from Chilli to Colombia internal trade is almost paralyzed, and the steamers are sailing with little or no return freight.

THE NEWS CONDENSED.

Outlines of the Telegraphic Dispatches in Today's Paper.

Meridian, Miss., has a \$200,000 fire. The St. Augustine ice works are burned. The cabinet discusses Porto Rican finances.

The torpedo boat Bailey is successfully launched. The London papers discuss the president's message.

Three hundred Armenians are massacred by Kurds. United States Senator Hayward, of Nebraska, is dead.

The state produces some damaging evidence against Mollinoux. The American schooner Robert Ruff is wrecked on the Mexican coast.

The republicans of the house discuss the proposed financial measure. The Kentucky election commission today takes up the contested cases.

A bill is introduced in congress to investigate the cause of yellow fever. A deadly fight with dispensary constables occurs at Greenville, S. C.

The Pullman and Wagner Palace Car companies are formally consolidated. The state treasurer makes urgent call upon the sheriffs to send in state taxes.

In Panay the Filipinos refuse to fight, but continue their retreat to the mountains. It is not known when Speaker Henderson will announce the house committees.

The Southern will run its first train into Savannah over its new route on Friday. The rush of bills in the house on its second day was the greatest in its history.

Rewards of \$700 are offered for the arrest of the Branchville (S. C.) express robber. The South Carolina railroad commissioners inspect the Southern's "Florida New Line."

Admiral Dewey has been made a trustee of an Episcopal cathedral in Washington, D. C. New Orleans cotton exchange men guess on the cotton crop, ranging from 7,955,000 to 10,400,000.

The ex-postmaster at Maldrem, Ga., is sent to jail under the charge of misappropriating funds. It is proposed to have in the house of representatives a standing committee on insular affairs.

The contract is awarded for exhuming the bodies of the victims of the Maine buried at Havana. Headquarters and eight companies of the Fifteenth regiment, now at Santiago, have been ordered home.

A bill is introduced in the house for constructing a cable to Hawaii, the Philippines, Japan and China. The Georgia railroad commission urges the railroads not to make the competing increase in freight rates.

Argument is begun in the Federal Supreme court in the case involving the constitutionality of the inheritance tax. The bubonic plague is steadily working its way into the South American states and revolution is either incipient or rampant in most of them.

The house of representatives, by an overwhelming vote, adopts the resolution for investigation of Mr. Roberts' eligibility to a seat in that body. Two negro women are charged with the murder of a negro man at Macon. The victim was buried by his mother, when the supposed murdered man turns up alive and well.

Opinions are filed in the state supreme court, among them decisions in the Morganton local option case and the indictments against the Southern railway for issuing a free pass. The attorney general in his annual report recommends the increase of salaries of all federal judges. He also explains why he does not bring all the suits he is requested to institute against alleged combinations.

"One Minute Cough Cure is the best remedy I ever used for coughs and colds. It is unequalled for whooping cough. Children all like it," writes H. N. Williams, Gentryville, Ind. Never fails. It is the only harmless remedy that gives immediate results. Cures coughs, colds, hoarseness, croup, pneumonia, bronchitis and all throat and lung troubles. Its early use prevents consumption. R. R. Bellamy.

SUPREME COURT DECISIONS.

The Morganton Local Option Case—Indictment for Issuing Railway Pass.

(Special to The Messenger.)

Raleigh, N. C., December 5.—The supreme court files the following opinions: Herren vs. Pugh, from Sampson, per curiam, affirmed; Bristol vs. Morganton, from Burke, reversed; Powell vs. Railroad, from Burke, affirmed; Griffith vs. Silver, from Yancey, new trial; McNeely vs. Morganton, affirmed; Brackett vs. Gilliam, from McDowell, affirmed; State vs. Southern Railroad Company, reversed; Henderson vs. Moore, from Wilkes, affirmed; Cowles vs. McNeill, from Wilkes, new trial; Grabbis vs. Insurance Company, from Stokes, affirmed; Memmings vs. Doss, from Surry, error; Wooten vs. White, from Iredell, new trial; Welch vs. Cheek, from Randolph, affirmed; Bynum vs. Clark, from Cumberland, affirmed; Slocomb vs. Fayetteville, affirmed; Richardson vs. Justice, from Chatham, affirmed; Max vs. Harris, from Durham, affirmed; Well vs. Casey, from Wayne, modified; and affirmation State vs. White, from Wake, reversed.

A very interesting case decided by the supreme court today is that of McNeely, appellant, vs. Commissioners of Morganton, affirmed. Chapter 158, acts 1895, provided for a "local option" election to be held for Morganton on the first Monday in May, 1895, and every two years thereafter, upon petition of one-third of the qualified voters, and provided that if said election failed, the next subsequent election a majority of the votes cast should be in favor of "license" the commissioners of the town should be authorized to issue license for the sale of spirits.

Local elections held in May, 1895 and 1897, resulted in a majority for "license," and upon the result of such elections the plaintiff was twice granted license. Prior to the election in 1896 prohibition law prevailed in the town.

The election held on the first Monday in May, this year, upon petition of one-third of the qualified voters, resulted in a tie. Held, that the commissioners properly refused upon the result of such election to grant license for the sale of spirits.

Elections held under the provisions of the act, every two years, "upon the first Monday in May" are legal, although such elections were not precisely two years apart. As act does not provide for registration for each succeeding election, the contention that there was not sufficient time for registration, is without merit.

The most important case decided by the supreme court today is that of the State, appellant, vs. the Southern Railway Company, reversed. Judge Clark writes the opinion and says: "Where there is an appeal to the superior court from a trial upon a verdict in a criminal case, the indictments in both courts will be treated as separate counts in the same bill, and if either is good the court will support the verdict."

The indictment that the defendant, a common carrier, did give undue and unreasonable preference to one by giving him "a free pass over the road of the defendant," is defective, in that it fails to allege that by virtue of such free pass the recipient received free transportation. It is the discrimination and not the method by which it is done which constitutes the offense. The allegation that a common carrier gave to a person named Jones, an undue preference by transporting him free, ex vi termini, alleges discrimination. Where the indictment against a common carrier charges undue preference in favor of a person named Jones, the exceptions named in the act creating the offense, a negative averment to that effect in the indictment is not necessary, but if the preference afforded does come within the statutory exceptions, such fact would be a matter in defense. Such indictment need not charge that there were other persons upon the same train with the person to whom the discrimination was given, paying fare. It seems that a train load of "deadheads" is discrimination within the meaning of the statute. Chapter 320, laws 1891, was not repealed by Chapter 506, laws 1899, as was decided in Abbott vs. Beddingfield, at this term."

IN NEED OF FUNDS.

State Treasurer's Urgent Call on Sheriffs to Send in the Taxes.

(Special to The Messenger.)

Raleigh, N. C., December 5.—The state treasurer today wrote all the sheriffs that, owing to very great need for money to be used for present purposes, he urges even to collect and send in state taxes as rapidly as they can. Some of the appropriations and expenses that have to be met during this month of January are: Pension \$115,000, interest on debt \$72,000, one-fourth of appropriations to three state hospitals \$50,000, various colleges and university \$18,500, charitable institutions \$30,625, appropriation to public schools \$100,000, running expenses of the state government and miscellaneous items \$50,000; total, \$435,000.

Investigating Frauds Against the Government.

Savannah, Ga., December 5.—The grand jury of the United States court, Judge Spear, spent most of the day investigating the charges that have been brought against John F. Gaynor and B. D. Green, of New York, as co-partners in the Atlantic Construction Company for alleged complicity with O. M. Carter, late captain of engineers, United States army, in defrauding the government of certain large sums of money. It is believed now that the investigation will extend through the week and that a report will not be made before Friday or Saturday.

It takes but a minute to overcome tickling in the throat and to stop a cough by the use of One Minute Cough Cure. This remedy quickly cures all forms of throat and lung troubles. Harmless and pleasant to take. It prevents consumption. A famous specific for gripe and its after effects. R. R. Bellamy.

ANNUAL MESSAGE

Of the President to Congress on the State of the Union.

THE WONDERFUL PROSPERITY

Of the Nation as Shown in Domestic Manufacture and Foreign Trade. Recommendations as to Our Monetary and Banking Systems.

The Government's Attitude Toward Cuba and the Philippines—Firm Maintenance of the Monroe Doctrine Before the International Peace Conference—Lynchings Denounced.

Washington, December 5.—The president today sent the following message to congress:

"To the Senate and House of Representatives: "At the threshold of your deliberations you are called to mourn with your countrymen the death of Vice President Hobart, who passed from this life on the morning of November 21st, last. His great soul now rests in eternal peace. His private life was pure and elevated, while his public career was ever distinguished by large capacity, stainless integrity, and exalted motives. He has been removed from the high office which he honored and dignified, but his lofty character, his devotion to duty, his honesty of purpose, and noble virtues remain with us as a priceless legacy, and example.

THE COUNTRY'S GREAT PROSPERITY. "The fifty-sixth congress convenes in its first regular session with the country in a condition of unusual prosperity. Of universal good will among the people at home and in relations of peace and friendship with every government of the world. Our foreign commerce has shown great increase in volume and value. The combined imports and exports for the year are the largest ever shown by a single year in all our history. Our exports for 1899 alone exceed by more than a billion dollars our imports and exports combined in 1870. The imports per capita are 20 per cent less than in 1870, while the exports per capita are 58 per cent more than in 1870, showing the enlarged capacity of the United States to satisfy the wants of an increasing population, and to contribute to those of the people of other nations.

"Exports of agricultural products were \$74,776,142. Of manufactured products we exported in value \$39,939,146, being larger than any previous year. It is a noteworthy fact that the only years in all our history when the products of our manufactures sold abroad exceed those bought abroad were 1898 and 1899.

RECEIPTS AND EXPENDITURES. "Government receipts from all sources for the fiscal year ended June 30th, 1899, including \$11,798,314.14, part payment of the Central Pacific railroad indebtedness, aggregated \$619,382,004.35. Custom receipts were \$206,137,475, and those from internal revenue \$74,437,161.51. For the fiscal year the expenditures were \$700,093,564.02, leaving a deficit of \$89,111,559.67.

"The Secretary of the Treasury estimates that the receipts for the fiscal year will aggregate \$640,958,112, and upon the basis of the present appropriations the expenditures will aggregate \$600,958,112, leaving a surplus of \$40,000,000. For the fiscal year ended June 30, 1899, the internal revenue receipts were increased about \$100,000,000.

STRENGTH OF THE TREASURY. "The present gratifying strength of the treasury is shown by the fact that on December 1, 1899, the available cash balance was \$278,004,337.72, of which \$239,744,905.38 was in gold coin and bullion. The conditions of confidence which prevail throughout the country have brought gold into more general use and customs receipts are now almost entirely paid in that coin.

"The strong position of the treasury with respect to cash on hand and the favorable showing made by the revenues have made it possible for the secretary of the treasury to take action under the provisions of Section 354, Revised Statutes relating to the sinking fund. Receipts exceed expenditures for the first five months of the current fiscal year by \$13,413,389.91 and as mentioned above, the secretary of the treasury estimates that the surplus of approximately \$40,000,000 at the end of the year. Under such conditions, it was deemed advisable and proper to resume compliance with the provisions of the sinking fund law, which for eight years has not been done because of deficiencies in the revenues. The treasury department therefore offered to purchase during November \$25,000,000 of the 5 per cent loan of 1904, or the 4 per cent funded loan of 1907, at the current market price. The amount offered and purchased during November was \$18,408,600. The premium paid by the government on such purchases was \$2,263,521 and the net saving in interest was about \$2,358,000.

"The success of this operation was sufficient to induce the government to continue to offer to purchase bonds and including the 23rd day of December, instant, unless the remainder of the \$25,000,000 called for should be presented in the meantime for redemption.

INCREASED ACTIVITY IN INDUSTRY. "Increased activity in industry, with its welcome attendant—a large employment for labor at higher wages—gives to the body of the people a larger power to absorb the circulating medium. It is further true that year by year, with the increasing volume of agricultural products, cotton, corn, and wheat, calls for a larger volume of money supply. This is especially noticeable at the crop harvesting and crop moving periods.

TO AMEND NATIONAL BANKING LAWS. "The president refers to the national banking act and urges that national banks be authorized to organize with a capital of \$25,000. He says that in its earlier history the national banking act seemed to prove a reasonable avenue through which needful additions to the circulation could from time to time be made. Changing conditions have apparently rendered it now inoperative to that end. The high margin in bond securities required, resulting from large premiums which government bonds commanded in market, or the tax on notes issued, or both, operating together appear to be the influences which impair its public utility. The attention of congress is invited to this important matter with the view of ascertaining whether or not such reasonable modifications can be made in the national banking act as will render its service to the particulars here referred to more responsible to the people's needs.

TO MAINTAIN THE GOLD STANDARD. "Concerning the gold standard, the president says: "I urgently recommend that support existing gold standard, and to maintain the parity in value of the coins of the two metals (gold and silver) and the equal power of every dollar at all times in the market and in the payment of debts. The secretary of the treasury be given additional power and charged with the duty to sell United States bonds and to employ such other effective means as may be necessary to these ends. The authority should include the power to sell bonds on long and short time, as conditions may require, and should provide for a rate of interest lower than that fixed by the act of January 14, 1875. While there is no commercial right which withdraws gold from the government but, on the contrary, such widespread confidence that gold seeks the treasury demanding paper money to insure the continuance of the gold standard and of public confidence in the ability of the government to meet its obligations in the money which the civilized world recognizes as the best.

"The financial transactions of the government are conducted upon a gold basis. We receive gold when we sell United States bonds and use gold for their payment. We are maintaining the parity of all the money issued or coined by authority of the government. We are doing these things with the means already at hand. The gold which we are not compelled to resort to loans to supply gold. It has been done in the past, however, and may have to be done in the future. It behooves us, therefore, to provide in advance the means to meet the emergency when it arises, and the best means are those which are the most certain and economical. Those now authorized have the virtue neither of directness nor economy. We have already eliminated one of the causes of our financial plight and embarrassment during the year 1893, 1894, 1895 and 1896. Our receipts now equal our expenditures; deficient revenues no longer create alarm, and we remove the only remaining cause for disturbing the full and necessary power on the secretary of the treasury and impose upon him the duty to uphold the present gold standard and preserve the parity of the two metals on a parity with each other, which is the policy declared by the United States.

"In this connection I repeat my former recommendations that a portion of the gold holdings shall be placed in a trust fund from which greenbacks shall be redeemed upon presentation, but when once redeemed shall not thereafter be paid out except for gold."

TO STRENGTHEN OUR MERCHANT MARINE. "The strengthening of an American merchant marine is suggested. There is no lack of constitutional authority for legislation which shall give to the country maritime strength commensurate with its industrial achievements and with its rank among nations of the earth. The President is satisfied the judgment of the country favors the policy of aid to our merchant marine.

TRUSTS AND COMBINES. "The president next discusses the question of trusts on which he says: "Combinations of capital organizations of trade among our citizens, to stifle competition, limit production, and determine the prices of products used and consumed by the people, are justly provoking public discussion, and should attract the attention of the congress.

"The industrial commission, created by the act of the congress of June 18, 1898, has been engaged in extended hearings upon the disputed questions involved in the subject of combinations in restraint of trade and competition. They have not yet completed their investigation of this subject, and the conclusions and recommendations at which they may arrive are undetermined.

"It is universally conceded that combinations which engross or control the market of any particular kind of mer-

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