## THE DESERET EVENING NEWS. 24 PAGES 4 PAGES TRUTH AND LIBERTY.

## FIFTIETH YEAR

### SATURDAY, JANUARY 20, 1900, SALT LAKE CITY, UTAH.

# URY SAYS MILLS IS NOT GUILTY.

ok Less Than a Quarter of an Hour to Find a Verdict-A Unanimous Vote on the First Ballot.

ene in the Court Room When the Finding Was Announced-Mills Affected, but Maintains His Self Control, While His Sister Weeps for Joy-Mrs. Mills's Father Happy Over the Verdict-Mrs. O'Melveney Absent for the First Time-Closing Argument for the Prosecution by Mr. Putnam this Morning-The Charge of the Court-Captain 'Mills's Plans for the Future-Has Made Many Friends Here-Will He and His Wife Become Reconciled ?

k J. Mille walked out of the Third ict court room a free man,

ook the jury less than a quarter of our to agree upon a verdict, and eighteen minutes after they had ed, the verdict of not guilty was in open court.

e termination of the case was a fitclimax to the long and sometimes ational trial.

Putnam, in closing his argument e jury, addressed himself wholly e reason of the men before him, while it seemed a foregone concluthat the jury would acquit, the ecutor did not relax his vigilance fully discharged his duty.

e attendance was not so large as resterday afternoon, probably bea no one expected a verdict so soon. the lobby was crowded, and the pathy for the defendant was so ed that some expression of it id doubtless have been made but for te Norrell's warning that any atat demonstration would be fity rebuked by the court.

group in front of the bench was derably changed when the end der. It strikes at the root of society. Judge Powers was not feeling Time may assuage the widows' grief. enough to attend. Mrs. O'Mely, who remained through the closargument and while the charge was left the court room and remained e county attorney's office.

st at 12 o'clock today, Capt. Fred-k J. Mills walked out of the Third a courtier of King Charles. He killed the paramour, but the king demanded punishment and the same judge who sent John Banyan to the pillory, de-cided that such a killing was not justified.

I don't care where the law is in ex-Istence. It is never executed. You find a man tonight stealing from your wife's finger the marriage ring, and you may shoot him down. Is it as great a crime to steal the marriage ring as to destroy the home. Talk about this law being a relie of barbarism!

THE SEDUCER'S FATE.

want to say that this law is the result of the deliberate judgment of this people. After it was passed, it was considered again and again in the work of compiling. It was afterwards sub-mitted to Congress and was not disapproved. Only in 1896, effort was made in our legislature to repeal it but it And in 1898 when the laws were complied once more, it again went on the statute book. What impelled such a law? It is impelled by the enormity of the seducer's crime. Life comes from God. It goes into another world. It is not for us lightly to strike it down. But what is life without honor. And whoever starts out to violate this law, he knows that he is tasting death. The seducer's crime is greater than murThe killing was not justified. It was done in cold blood, with such deliberate-ness that showed there was no heat of passion about it. He was shot down from behind by the man who waited calmiy in the office until he was alone with his victim. The statute of Utah did not justify such a killing. If it did, then any man in Salt Lake might be shot down with impunity. Any man in Salt Lake would be the victim of a woman's tongue. woman's tongue. Here an adjournment was taken until

### The Morning Session.

this morning.

## When court opened at 9:30 this mornund court opened at y so this horn-ing, Mr. Putnam resumed his argu-ment. O'Melveney, he claimed, was not guilty of adultery with Mrs. Mills. There was nothing in the case to prove

it, except the unsupported statement of the accessory, which would not be evidence in any court in the land. Counsel had dwelt at great length upon the need of protecting the virtue of woman, and the law given in sacred writ, "Thou shalt not covet thy neighbor's wife." But there was another law. It was, "Thou shalt not kill." The Utah statute does not justify the killing of one who has defiled a wife. The killing is abso-lutely wrong. But the law took into account the effect of discovering his wife and some man in their guilt. If wife and some man in their guilt. If the man has time to deliberate and think, then the law does not justify him. If he nurses this passion and broods over it, then he cannot claim any justification. Mills knew what he was doing, when he shot down that man as he would a cur in the street. Talk about protection to the home! What did this man think of the home he was destroying, of the woman he was making a widow of and the five little children he was making crphans

WAS MILLS INSANE?

of?

The defense in this case first undertakes to show you that what Mills did was right and proper, and just what a sane man would be expected to do. That was their first contention, but in the next breath the defense undertook to show that Mills was insane, a men-tal wreck, totally irresponsible. There was not the least testimony in the case to show that he had ever done an in-sane act or uttered an insane word. It was during the time just preceding this murder that Mills drew up the agree-ment of separation. That paper estab-lished his sanity. Then when he went to P. L. Williams to have his will drawn up, his mind was clear and he knew exactly what he wanted done. On the Sunday before the tragedy he was self possessed and calm, and on Oct. 3 eevrything, from start to finish, showed that he had perfect control of himself. The thought of taking his own life nevonce entered his mind that day. had, he had plenty of chance to take The claim of insanity was absurd perfect nonsense. It was the sanest kind of insanity counsel had ever heard

THE QUESTION OF CHARACTER.

life, and it is even so. It is an encour-agement to crime. Remember that law and order have supplanted barbarism

and anarchy. A man may no longer take the law into his own hands, under

evidence

these circumstances, and be justified. Gentlemen, consider the evider

caimly, dispassionately and if you

that, you can do nothing else than find the defendant guilty.

JUDGE NORRELL'S CHARGE.

Special Reference to the Statute Presented

in Justification.

When Prosecutor Putnam closed his

address to the jury, a hush fell upon the court room as Judge Norrell faced

the men in whose hands was placed the

ftae of Capt. Mills, and proceeded to read his charge slowly and deliberately, and the interest with

which it was listened to was almost

painful in its intensity. The charge consisted of fifty-three sections and the

delivery occupied a little over half

The charge was of the usual nature

in cuch cases, the allegations of the complaint being set out and the defini-tion of murder in the first and second

degree and manslaughter being given. The most important part of the

act of a husband in killing the defiler

of his wife, when such act is done in

THE UTAH STATUTE.

You are further instructed that sec-tion 4168 of the compiled laws of Utah specifies the cases in which homicide is

(Continued on page two.)

the heat of passion.

On this the court said:

an hour

nut

In a doubwul case it would count for something, but in a clear case, like this, It would count for nothing to show previous good character. Mills talked all the way through the case, about O'Melveney's friendship for him, and it was a shame to come in here and at-tempt to blacken the character of the ows in the They ask you to acquit a man who has killed another for something un-proven. They tell you that this is the protection of the home and the protection of virtue. And Judge Powers told you that the pistol shot that day was a warning to some licentious men. He thought this sort of a killing was a good thing. Why, gentlemen, an ac-quittal would not be any terror to the guilty. It would strike terror to the heart of innocent men, and would place every man's life at the mercy of an abandoned woman's tongue. Don't let us have any false ideas or sentimen-tality about this. Murder should be What punished, and when the murderer is acquitted, the duty of the jury should appear absolutely plain. If the law the homes and what estimate you place compels you to acquit the man, acquit him, and if it is your duty to convict him, then do your duty. This murder was deliberate and premeditated.



Returns Up to Three O'clock Indicate Defeat of the Plan.

## VACCINATION IS A FACTOR.

### O hers Opposed to Any Increase In Taxation-Property Qualification Excludes Some Women Voters.

Unless there is a decided change before the polls close at 70 clock this eventhe polls close at 7 o'clock this evening, the proposition submitted by the board of Education to borrow \$20,000, the amount needed to keep the public schools open for the full school year, will be voted down by a considerable majority.

A canvass of the five voting places at 3 o'clock this afternoon, shows that the negative vote is largely in the lead, and those most directly interested in having the schools kept open say that the proposition will evidently be defeat-

A number of considerations are in-

ed.

ducing tax payers to voter "no," and the board's stand in regard to vaccination is one of them. A number of those who voted against the loan say that they are opposed to having their children vaccinated. As the board does not propose to admit to the schools any who have not been vaccinated, these parents have no great object in keeping the schools open. This feeling is undoubtedly responsible for a good many negative votes.

Others seem to consider that the loan was practically the same as the bonding proposition. The reckoning would come some time, and it would mean an increase in taxes. Being opposed to increasing taxes, they voted no.

In some precincts, notably the Fourth, many ladies were not permitted to vote, because they did not possess the property qualifications, that is, they did not own property, nor had they paid taxes, on their own homes as required. This not only decreased the vote, but gave the affirmative of the proposition some support.

### FIRST PRECINCT.

it was the firm belief of observers that at least three-fourths were against the proposition.

Hui leely

"NO" IN THE FOURTH. The election in the Fourth was held The election in the Fourth was held at Taggart's hall, almost the extreme east end of the precinct. At 3 o'clock this afternoon, but 120 votes had been cast, but these were, according to ap-pearance, overwhelmingly "No." The position taken generally was: "If our children are to be kept out of school on account of not being vaccinated, then the board of education can't get any more money if we can help it." FIFTH PRECINCT.

At the Thirteenth ward schoolhouse the polling place for the Fifth precinct, less than 150 votes had been deposited in the ballot boxes up to 3 o'clock. In-terest there was at a very low ebb and everything was quiet. Over 2,000 persons in this precinct are entitled to vote at this election.

## MRS. BARLOW DROWNED.

Wife of a St. George Pioneer Meets an Unfortunate Death.

Special per Deseret Telegraph. St. George, Washington Co., Jan. 19 .-Mrs. Oswell Barlow, the wife of one of the pioneers of this place, was drowned last evening through falling over a water gate in one of the west ditches of this city, and was not found till late last night.

### PRESS ASSOCIATION.

Out-of-Town Editors in Conference at the Kenyon Hotel.

Members of the Utah Press association have been congregating in this city for the past two days to attend their annual meeting announced for today. Out-of-town editors constitute the association and a goodly representa-

tion of them is here. The meeting was held at the Kenyon hotel this afternoon, but the lateness of its opening prevented the presentation of a report of proceedings in this issue.

### MISS BIGGART'S LECTURE. Will be Delivered at the Ladies' Library Club Tonight.

Miss Mabelle Biggart will lecture this evening under the auspices of the Ladies' Literary club. Her subject is to be George Eliot, and the lecture will include a condensed dramatization of Adam Bede written by Miss Biggart. The recital will be accompanied with a musical orchestration. Miss Biggart is not only a delightful speaker but is talented in many other ways. She is an enthusiastic student of ethnology, and has made a tour of America gathering day. material which she intends publishing soon, entitled "Ourselves and Our ply to the majority and minority re-

Neighbors," a work which wi

philanthropies and women's clubs.

# **REPORTS ON THE ROBERTS CASE.**

Grave and Unjustifiable Charge Against the People of Utah by the Majority of the House Committee.

Say His Election Was a Violation of the Understanding by Which Utah Was Admitted to Statchood -- Committee Unanimous That Mr. Roberts Should Not Remain a Member of the House of Representatives-Exclusion Insisted On by the Majcrity-Seat Should be Declared Vacant-Grounds of Exclusion-Charge That Mr. Roberts is in Open War Against the Laws-Constitutional Qualifications Discussed Forcible Points in Minority Report.

> | cation may be imposed by the House. and no commentator on the Constitu-tion specifically denies it.

NUMBER 53

The courts of several of the States in construing analogous provisons have, with practical unanimity, declared against such narrow construc-tion of such constitutional provisions. "4. The House of Representatives has never denied that it had the right to exclude a member elect even when he had the three constitutional provisions.

"5. In many instances it has dis-tinctly asserted its right so to do in cases of disloyalty and crime.

"6. It passed in 1862 the test oath ct, which imposed a real and subact. stantial disgualification for membership in Congress disqualifying hundreds of thousands of American citizens. "It remained in force for twenty years and thousands of members of Congress were compelled to take the

oath it required. The House in 1869 adopted a gen-The House in 1805 adopted a general rule of order providing that no person should be sworn in as a member against whom the objection was made that he was not entitled to take the test oath, and if upon investigation such fact appeared he was to he per-ter the test oath. such fact appeared he was to be per-

"8, The interesting proposition is made that the claimant be sworn in and then turned out. Upon the theory that the purpose is to permanently part company with Roberts this is a dubious proceeding. Such action re-quires the vote of two-thirds of the members. We ask if such a vote is possible or right in view of the following observations: "The expulsion clause of the Con-stitution is as follows: 'Each house may determine the rules of its proceedings, punish its members for disorderly behavior, and with the concurrence of two-thirds, expel a member. "No lawyer can read that provision without raising in his own mind the question whether the House has any power to expel except for some cause. relating to the contest. The ablest lawyers from the beginning of the Republic have so insisted and their reasoning has been so cogent that these propositions are established, namely: "I-Neither house of Congress has ever expelled a member for acts unrelating to him as a member or incon-sistent with his public duty as such. "2-Both houses have many times re-fused to expel where the guilt of the member was apparent, where the re-fusal to expel was put upon the ground that the House or Senate as the case might be, had no right to expel for an act unrelated to the member as such, or because it was committed prior to his election. The report concludes as follows: "If there is any fact apparent in this ase, it is that the constituents of Mr. Roberts knew all about him before his election. Can there be room to doubt the proper action of the House? Is it prepared to yield up this salutary power of exclusion? Will it declare itself defenseless and ridiculous? "Nor are those who assert that ex-pulsion is the remedy necessarily barred from voting for the resolution declaring the seat vacant. He must, indeed, be technical and narrow in his construction of the Constitution who will not admit that if a vote to declare the seat vacant is sustained by a two-thirds majority the Constitution is substantially complied with. He may not agree with the committee that a mere majority can exclude, but he can reserve the right to make the point of order that the resolution is not carried if two-thirds do not vote for it. "If the House takes the action which the minority of the committee insists it ought to take, it will for the first time in its history part with a most beneficent power which it has often exercised-a power that ought rarely to be exercised, but which the House has never declared it did not possess. "Mindful of the gravity of the ques-tion and realizing the responsibility imposed upon us, we recommend the adoption of the following resolution: 'Resolved, That under the facts and circumstances of this case, Brigham H. Roberts, Representative-elect from the State of Utah, ought not to have or hold a scat in the House of Representatives and that the seat to. which he was elected, is hereby declared vacant.

[SPECIAL TO THE "NEWS."] Washington, D. C., Jan. 20 .--- The special Roberts committee made reports in the House today. The majority report, which was presented by Chairman Tay. ler, is a most voluminous document, and covers every phase of the question. It

lls himself sat by his sister and isband, Rev. David Mills.

hind him were his father-in-law, Hopf, and his brother-in-law, and D. Douglas Wallace, and other

was nearly 11:30 when the jury to their room. They chose Ell A. and as foreman, took one ballot and ready to report at 11:40. Word was to Judge Norrell, who at once ned court, and the spectators ed back into the room.

course, every one knew what was The court admonished the audiagainst any demonstration, and inquired, "Gentlemen of the jury,

you agreed upon a verdict?" reman Folland arose and said, "We at the same time handing the to Deputy McDuff, who passed it o Clerk Little. The latter submitit to the court, who instructed him it, and then came the expected "We the jurors find the det not guilty

the clerk read, every eye was Mills did not move a his brother-in-law, Rev. David s sat with his eyes closed. The er and brother of Laura Mills wed deep concern, and young Mr. Is face was wreathed with smiles heard the verdict.

lls hands were instantly grasped by ster, whose joy was so great her flowed. As soon as court ad-ed. Mills walked with a quick,firm s flowed. ned. Mills walked with a quick office d, to Judge Norrell's private office was not seen again for ten minutes, was not seen again for ten minutes. h he left the building with Rev. Mrs. Mills.

CAPT. MILLS' FUTURE.

pt. Mills has not decided definitely his plans for the future, but it is while will remain here until Monat least. There has been much ure as to whether or not he and would become reconciled, but if Mills has such an intention, it is

wn only to himself. pi. Mills seems to have won the riship of every one who has come patact with him during his confine-patact with him during his confine-Throughout this whole period, conducted himself as a highded gentleman.

verdict in the case is in complete rd with public sentiment. No one been heard to criticise the verdict.

JUDGE POWERS CLOSES.

### ares It Must Be Freedom or Death for Millis.

the time the "News" report closed erday afternoon, Judge Powers was speaking and said in part:

T A RELIC OF BARBARISM.

unsel has called this a relic of tian. He tore himself into in-tual tatters in denouncing this ie. That is not the first time the s have felt themselves wiser than It is not the first time a man has arisen to say that the of his father and mother were food. Here, when men were a hearer to God than they are now, their thoughts elevated by their oundings, this law was formulated but in the statute book. Is it us? I stand here to defend it.

IT IS RIGHT.

right. Read your Bible. It is the law, and the husband was to the first stone.

t stone. So it remained came, and a woman was Him. Then He said, 'Let before Him. the is without sin among you cast Christ said. 'Go thou and sin no 'I commend that to the other In considering the unfortunate wo-in the case.

NG THE LAW OF ENGLAND.

work of the libertine. A cyclone wrecks the home. It can be rebuilt, but the home destroyed by the seducer blotted out. It cannot be rebuilt. is gone forever. The seducer stabs the nation in its heart. Who strikes the more dangerous blow, the man who fires on the flag or the man who destroys the hearthstone?

But the prosecution says the culprit may be tried and convicted for adul-tery, or he may be sued for damages. He may coin his heartbeats into dollars and change his wife's tears into money. What should the husband do? can he do in such a case? It is for the jury to say what value you place upon

### upon the virtue of woman. EITHER MURDER OR NOTHING.

I ask you to return to fundamental principles. You may say that this distressed man may go free or you may send him to the gallows. It is either the one or the other. If woman's virtue may be murdered with impunity and the home ruthlessly destroyed, say so by your verdict.

CHARACTER A SHIELD.

Judge Powers then reviewed the career of Capt. Mills and the charac-ter he presented to the jury.

### LIFE OR DEATH.

Our words are about uttered. The last that I can do is about done. must submit to a jury of my country-men the case of my client. I am placing in your charge a man of character, a moral, Christian man. I am not ask-ing you to shield one who has ever warred upon society. I am not asking you to shield one who has ever done aught against a human being. That from which he suffers is his love for his wife his intense love of his children wife, his intense love of his children. That which has brought him to this are those impulses, honorable and pure. Ah, gentlemen of the jury, while I be-lieve I can safely leave his case with you as men, yet I trust that if I have been unequal to present his case as it ought to be presented that you will stand as his defender here. May you not be placed as he is placed now.

May none of you ever suffer as he has suffered in the past. May there come to you but little of sorrow and distress. and may you never regret that in this case, in doing exact justice, possibly it was tempered with mercy. Mercy is an attribute of God. Mercy is kind, and it is better to err on the side of mercy than to err otherwise.

than to err otherwise. "Remember it is death, or it is life. Remember it is the gallows or it is lib-erty. Remember in the scales of jus-tice there hangs here today a human life. Tell me whether you believe he could have done otherwise. Tell me the value that you twelve men of Sait Lake county put upon the virtue of woman. Tell me whether the barriers are to be thrown down and the liber-tine invited, or whether, as George A. Smith said in the dawn of this Terri-tory that 'they must know that they charge was that construing section 4168, the Utah statute justifying the

justifiable; and among these is the case where the slayer kills "in a sudden heat tory that 'they must know that they are no safer here than the dog is when the shepherd finds that he is killing his sheep.' Take this soldier and this gen-tleman and deal with him as God may of passion, caused by the attempt of the person killed to commit a rape upon the wife of the defendant, or daughter, sister, mother, or other female relation or dependent, or to defile the same, or deal with you when the last summons shall come and you shall pass to that bourne from whense no traveler has ever returned, when you shall be sumwhen the defilement has actually been committed." In this connection, I charge you that moned at last before the great, white throne, there to be judged. At the conclusion of Judge Powers' address, there was a stir in the audience —such a stir that indicated how closely be held blad the attention of all

he had held the attention of all.

### MR. PUTNAM'S CLOSE. Prosecution Insists that the Killing Was a

### not. In this case the defendant admits that he shot and killed the deceased, but he claims that he was justified in so do-ing, because it was suddenly made ap-parent to his mind that the deceased had just recently defied his wife, and that the sudden discovery, and the at-tending circumstances of the discovery, so wrought upon his passions and feel-Foul Murder. County Attorney Putnam commenced the closing argument in the case soon after Judge Powers finished last evening. He spoke calmly, yet with emphasis, and his presentation of the evidence from the standpoint of the prosecution was clear and logical.

in the case. NG THE LAW OF ENGLAND. So years this law was the law mgiand. But there came a time

At the polling booth in the Eighth ward, opposite the joint building, 280 votes had been cast up to 3 o'clock this afternoon. Of this number it was thought more than two-thirds voted No. Everything was and there were no incidents of any kind.

### SECOND PRECINCT.

In the Second precinct the judges reported everything quiet, with appar-ently little interest being manifested in the election. Up to 3 o'clock less than 200 votes had been cast. The qualified voting strength of this precinct in this election is over 2,500.

THIRD IS AGAINST.

Voting in the Third was at the old Sixteenth ward school house. At 3 o'clock about 225 votes were cast and ture and recital this evening.

**GREATEST DISASTER OF THE WAR.** Don't acquit on any such rediculous proposition that the defendant was in-sane. Don't be guiled though, by orasame. Don't be guiled though, by ora-torial pyrotechnics or appeals to your mercy. If you acquit do it on legal grounds. We ask nothing more. Study the facts, apply the law to them and see what they show you. Daniel Webster said every unpunished murder-er is a menace to the security of human

### American Supply Train Ambushed by Filipino Insurgents-Train is Captured-Americans Defeated With a Loss of 16 Men.

Washington, Jan. 20 .- The first un. | five wounded, nine missing, pack train toward happening in the highly success. lost. Lleutenant and thirty-four men ful campaign now going on in Luzon | returned to Santo Tomas with killed is announced in the following cable. and wounded; affair being investigated. gram:

gents in Batangas mountains prepared "Manile, Jan. 20 .- Pack train, twenty ponies, transporting rations between in ambusit to meet him; he killed eight, Santo Tomas and San Pablo, Laguna | wounded three, captured seventeen, one province, escorted by 50 men under Spaniard, six rifles; his casualties two Lieut. Raiston, Thirtieth infantry, was men slightly wounded. ambushed yesterday; two men killed,

## **ATTACK ON BOER TRENCHES BEGUN**

### Gen. Warren Leads It-Relative of President Kruger Captured -Boers Preparing to Retire From Colesberg-Estimate of Boer Losses-British Are Confident.

panied him as far as Southampton.

Spearman's Camp, Natal, Jan. 20, | front indicate that the northward march of the relief column moving to-wards Ladysmith is proceeding stead-11:15 a.m.-The firing of field guns was heard early this morning from the left. Evidently Gen. Warren has comily. The authorities here seem satisfied now that Gen. Buller's forces are within sight of Ladysmith, the besieged menced the bombardment of the Boer place is safe at present from serious attrenches on Tabanmyana mountain. There was also a brief musketry fire. No news of real importance was made public up to 2:39 o'clock this afternoon, Among the prisoners captured Thurs-

day was a grandson-in-law of President Kruger.

Rensberg, Cape Coony, Friday, Jan. In this connection, I charge you that the seduction, or the having of illicit carnal intercourse by a man with the wife of another, without his consent or connivance, or with the daughter, sister, mother, or other female relation or de-pendent of the defendant, is gotefilement of such female, within the meaning of the statute, whether such intercourse 19 .-- A genteman who has escaped from Colesburg, reports that the Dutch inhabitants who are sympathizers with the Boers are preceding to the Orange Free State in anticipation of the evacuation of the town. Mr. Van Der Walt, this statute, whether such intercourse was with the consent of such female or a member of the Cape assembly, has already gone. The Boer force there is estimated to number from 6,000 to 7,000 men, besides a strong number of Nor-

men, besides a strong number of Nor-vals Pont. The British shells did much execution eastward of the town. The Boer loss up to date is probably 200 men. Carefully compiled figures from re-publican sources, some of which have been investigated and found to be cor-rect, show the Boer losses up to date, are, approximately 6,425 men, including 2.000 casualties during the sizer of eastward of the town. The Boer loss up to date is probably 200 men. Carefully compiled figures from re-publican sources, some of which have been investigated and found to be cor-rect, show the Boer losses up to date, are, approximately 6,425 men, including 2,000 casualties during the siege of Ladysmith. London, Jan. 20.—Telegrams from the so wrought upon his passions and feel-ings, that he was impelled therby, whilst under great heat of passion, to fire the fatal shots, and that he was controlled solely by such heat of pas-sion, and not from any wilful purpose,

ports. pleted as soon as she visits Mexico, the A vote will probably be had Thursday lady being at present on her way to the land of Montezuma. Newfoundland, afternoon.

recommends that Roberts be excluded.

The minority report which was pres-

ented by Littlefield (Rep.) and Dear-

mond (Dem.) is an exhaustive review of

the constitutional questions involved.

The signers point out that Roberts has

all the constitutional requirements and

that his prima facie right to be sworn

They agree, however, that it has been

established that Roberts is a polygamist

and as such, he should not be allowed to

retain his seat. They concede that the

House can, if it so decides, exclude Rob.

erts, but to do so, would be an abuse of

arbitrary power; it would be an act of

tyranny, and it would establish a dan-

The minority report is highly spoken

of. The case will come up next Tues-

Roberts will be given two hours to re-

in cannot be questioned.

gerous precedent.

Labrador and the Esquimau regions have already been visited by Miss Big-gart, and the result of her research will be included in her book. Miss Biggart Washington, Jan. 20 .- Reports of the special committee of investigation in the case of Brigham H. Roberts of has written a novel dealing with New. Utah were presented to the House tofoundland scenes, and "Arcadians Old and New" is another book from her pen suggested by her Canadian travels. day. The majority report, signed by Chairman Tayler and six of his asso-Miss Biggart is also a writer of short stories and is a member of the National ciates, is a voluminous document and is accompanied by a summary of the Geographical society of the United States in aid of educational institutions, law and facts. It gives the details of She the hearings, the ample opportunities has a most charming personality and afforded to Mr. Roberts to present his her varied gifts and knowledge prom-ise a treat to those who attend her leccase, his refusal to testify, and the unanimous finding of facts, heretofore

published. It proceeds:

"The committee is unanimous in its belief that Mr. Roberts ought not to remain a member of the House of Representatives. A majority are of the opinion that he ought not to be permitted to become a member; that the House has the right to exclude him. A minority are of the opinion that the proper course of procedure is to permit him to be sworn in and then expel him by a two-thirds vote under the Constltutional provision providing for expul-

"Your committee desires to assert with the utmost positiveness at this point that not only is the proposition of expulsion as applied to this case "Doret, Fifth infantry, found insuragainst precedent but that exclusion is entirely in accord with principle, authority and legislative precedent, and not antagonistic to any legislative action which the House of Representatives has ever taken.

"For convenience we present herewith, before proceeding to extended argument in support of the committee's resolution, the following summary:

"OTIS."

"Upon the facts stated, the majority of the committee assert that the claimant ought not to be permitted to take a seat in the House of Representatives, and that the seat which he was elected ought to be declared vacant.

"The minority, on the other hand, assert that he ought to be sworn in in order that if happily two-thirds vote therefor, he may be expelled.

"Three distinct grounds of disqualifloation are asserted against Roberts: "1-By reason of his violation of the Edmunds law.

"2-By reason of his notorious and defiant violation of the law of the land, of the decisions of the Supreme Court,

and of the proclamations of the Presidents, holding himself above the law and not amenable to it. No government could possibly exist in the face of such practices. He is in open war against the laws and institutions of the country, whose Congress he seeks to enter. Such an idea is intolerable. It is up-

public up to 2:30 o'clock this afternoon, and there was nothing to show that the general engagement so frequently rumored has yet commenced, though obviously news of such a battle is mo-mentarily expected. Advices from Capetown say Lord Roberts has ap-pointed Lord Stanley (member of par-lement for Mart Longerships and on the principles asserted in this ground that all cases of exclusion have liament for East Lancashire and a former member of the Grenadier been based. "3-His election as a representative is an explicit and offensive violation of

guard) to be press censor. Prince Francis of Teck has gone to the front. the understanding by which Utah was admitted as a State. "The objection is made to the refusal The duke of Marlbourough, in His ca

to admit Roberts that the Constitution excludes the idea that any objection can pacity as a staff officer, left for South Africa today. The duchess and her mother, Mrs. O. H. P. Belmont, accombe made to his coming in if he is 25 years old, if he has been seven years a citizen of the United States and was duchess will not, however, go with her husband to the Cape. The duke does an inhabitant of Utah when elected, no matter how odious or treasonable or criminal may have been his life and practices. To this we reply: "1. That the language of the connot take a large retinue of servants to the front with him, as has been fre-

stitutional provision, the history of its framing in the constitutional convention, and its contex clearly show that it cannot be construed to prevent dis-qualification for crime.

"(Signed) "ROBERT W. TAYLER, "CHARLES B. LANDIS, "PAGE MORRIS, "ROMEO H. FREER, "SMITH M'PHERSON, "SAMUEL W.L. LANHAM." "ROBERT W. MIENS."

MINORITY REPORT.

The minority report says: "The undersigned members of the special committee appointed to investigate and report on the prima facie final right of Brigham H. Roberts to a seat in the House as the representative from Utah, being unable to agree with the conclusions of the committee as to the constitutional questions involved, very respectfully submit our

'Assuming that Mr. Roberts had been and is now a polygamist, unlawfully cohabiting with plural wives, and the House of Representatives is for that reason of the opinion that he ought not to be a member thereof, what course should it rightfully pursue under the Constitution, the supreme law of the land-exclude him or expel him? If he is to be excluded it must be because he is for such reason legally ineligible or disqualified. The purpose is to conqualification for crime. "2. That the overwhelming authority of text book writers on the Constitu-tion is to the effect that such disqualifi-