

The House had administered the oath to Roberts the Utah Representative would have been allowed to occupy his seat until the case had been disposed of.

"If," asked Mr. Roe, "Roberts as a member of the House, having taken the oath, would have been entitled to his seat during the investigation into the charges against him—and Speaker Sweet says that is so—why were these five Assemblymen, who had taken the oath, suspended from their privileges as members pending the result of this investigation?"

ROE EXPLAINS HE IS NOT A SOCIALIST. Mr. Roe in the course of his argument said he was not a Socialist. He announced that he was an old line Republican, but a believer in personal liberty and personal rights, and for that reason often volunteered his services when it appeared that personal liberty or personal rights had been invaded.

The intimation which has come from adherents of Speaker Sweet that other State Legislatures including Socialists in their membership will follow the lead of New York when the precedent is established was in a sense confirmed by John B. Stanchfield, chief legal adviser to the Judiciary Committee, in his reply to Mr. Roe.

Counsel for the defense had asserted there is no precedent for the action of the Assembly on Jan. 7 when the five Socialists were ejected.

"Let us admit for the purpose of argument," said Mr. Stanchfield, "that there is no precedent. Then in the circumstances which, as will be proved, it was found that there were in its membership men pledged to the overthrow of government by violence it was the solemn duty of the Assembly of the State of New York to establish a precedent."

Mr. Roe's motion was denied and a new personality to New York came into the proceedings when Seymour Stedman introduced a motion to dismiss on the ground that the five are insufficiently identified with the cause which they are alleged to have espoused.

Mr. Stedman took up the first charge against the five Socialists, which is in effect that they sympathize with the Soviet Government of Russia. He claimed that European nations, by arranging to resume trade with Russia, recognize the Soviet Government of Russia. He soon precipitated the liveliest exchange of sharpshootings between the lawyers which has occurred during the trial.

STEDMAN'S DEFENSE OF SUSPENDED ASSEMBLYMEN. It was introduced when Mr. Stedman said, addressing Chairman MacDonnell:

"Now, along with this I should call your attention to this fact. In France they elected Socialists to the Chamber of Deputies. They were Socialists. They made the issue there Bolshevism. These men and their party had declared for the right of the people to govern themselves in their Soviet form."

Arthur MacDonnell, Snowden and the labor party of England have done the same. The minor Socialists of Germany and the Socialists of Italy have declared for the same. Also of Norway. There they have taken precisely the same position that the Socialist Party has taken in the United States.

"Over there it is not regarded as an offense. Here it is not an offense for which a person can be tried and convicted and sentenced to the penitentiary. Here it could not even form the basis of a civil libel suit. In other words, if a man was prosecuted civilly for saying that the Soviet system in Russia is a better system than ours, it would not serve as a basis for a libel suit if the charge was falsely made, because it after all it comes from an opinion from a man who is charged with various sources as to whether we approve or disapprove of the cause of action."

"So I declare to you as to your first count you are charging what? First, that the system in Russia is so reprehensible that if a convention approves of it and a mad is a member of a party which approves of it, that disqualifies it in your midst. There is no other way around the first paragraph except the very fanciful way of saying you have never and wrong or right we will do it anyway."

"Next, and I cannot permit by saying that we are not at war with Russia, it is true some of our troops are over there. It is true that our allies, or our associates, are over there. There were French troops, there were English troops, there were American troops."

"It was rather unfortunate for some of our associates' troops. Russia shot a few ideas into their regiments and their regiments refused to work. It shows that ideas are very dangerous sometimes even to military men—perhaps more dangerous to that than anything else."

element; this is an allegation. Strict criminal law cannot apply here. We are not claiming these people are criminals.

Mr. Hillquit—Just a moment. Does the Chairman desire to have that of record? That there is no claim on the part of the accusers that these five men who have been denied seats in the Assembly are not criminals?

The Chairman—The chair would like to have it appear on the record that it does not so understand it; of course, the chair may be very much in error.

HILLQUIT DEMANDS TO KNOW REASON FOR TRIAL. Mr. Hillquit—It is important to know if they are not charged with crime and if they are not charged with anything else, what are we here for?

Mr. Littleton—Mr. Chairman, does the gentleman think that everybody who falls short of the criminal statute criteria for election to a legislative body?

Mr. Hillquit—Some who do not fall short are sitting in it.

Mr. Littleton—Is that a charge against the legislative assembly? Mr. Hillquit—No against legislative bodies generally.

Mr. Littleton—What legislative bodies do you charge? The Chairman—Gentlemen, we cannot have this. Discussion as to the ignorance of the Chair, of course, is always pertinent.

Mr. Hillquit—No, no, it was not that.

Mr. Stedman—Mr. Chairman, one statement which you made and which is important in what you say is the charge is general. That may be true, but the charge is only general in this, that your conclusions cover a wide scope; but no matter how general they are, no matter how inclusive they may be, you specify no act which you can say would justify the exclusion of these men.

"That is the point I have in mind. In other words, supposing we say to you this minute we make no contest on your first cause; we have no evidence to offer; you need offer none. We plead guilty to it. That is the proposition."

"In other words, we say whether in Russia they do it, whether in Chicago they express their sympathy with the working people and the Government to-day that exists in Russia; whether these men are affiliated with that organization, and just to the extent that you, as a member of the Democratic or Republican Party, would be bound by the proceedings in its convention, and in its resolution of sympathy possibly with some other party, just to that extent do I do apply here. And we say, supposing it is true, that is the problem that is before your Committee."

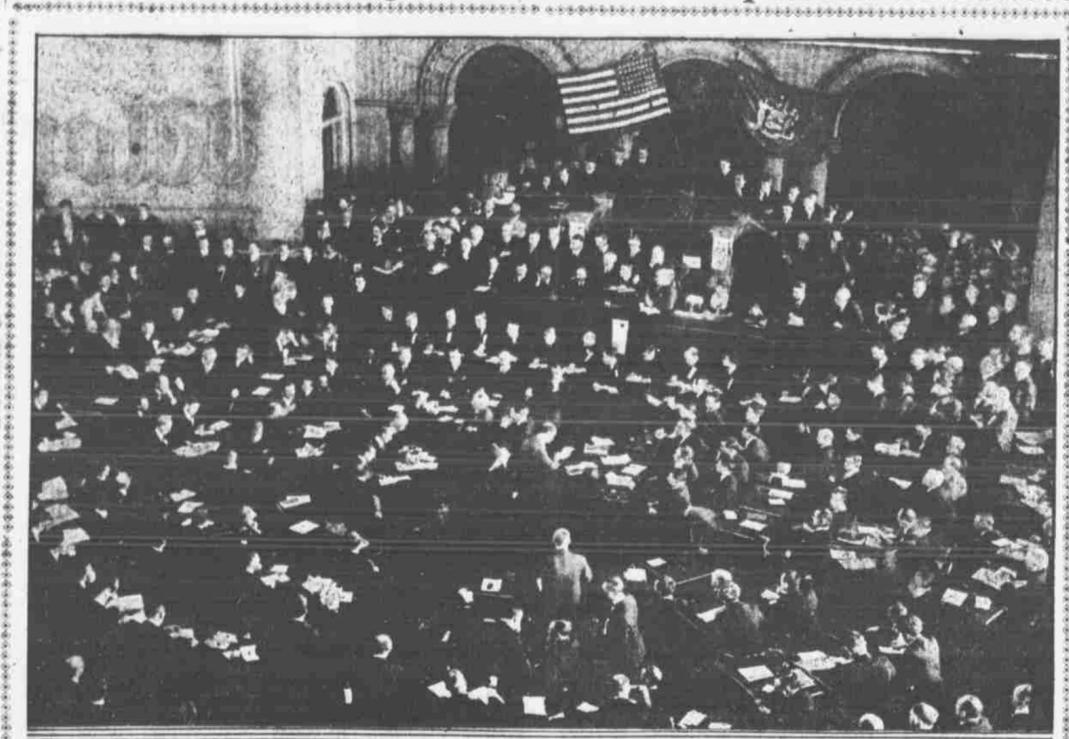
"Now you say if we plead guilty this moment to the first cause, that disqualifies us in the very glaring way and extensive way in which it is portrayed there. That is what I refer to."

Hydro-Electric Power Bill Introduced Again. ALBANY, Jan. 21.—The Hydro-Electric Power Bill favored by the Mayor's conference at last year's session of the Legislature was introduced again today by Senator J. Samuel Fowler of Jamaica.

Nov. 11 Proposed for Thanksgiving Day. ALBANY, Jan. 21.—Thanksgiving Day would be observed in New York State on Nov. 11, Armistice Day, instead of being fixed as a holiday on a date to be appointed by the President or Governor, under a bill introduced in the Legislature by Senator James L. Whiting of Rochester.

\$40 AVERAGE INCOME TAX PAID TO STATE. This Indicates General Prosperity, as Large Concerns Hold Back For Interest on Funds. ALBANY, Jan. 21.—The average State income tax paid since the first of January when the law went into effect, was approximately \$40, according to figures announced at the Income Tax Bureau here today. This, the officials believe, indicates prosperity in the State as they point out that individuals and corporations with a large tax to pay will wait until nearly the time limit in order to obtain interest on their funds.

Scene in Assembly Room in Capitol at Albany During Trial of Five Suspended Socialists



SCENE IN THE ASSEMBLY ROOM WOODWARD AND LOOSE

HUGHES'S WARNING TO SWEET MORE "THREATENING" THAN SPEECH MADE BY HILLQUIT

Interesting Comparison Between Socialist's Warning Before Committee and Former Justice's Letter to Speaker.

WHAT HILLQUIT SAID: What we say to you, gentlemen, is that the contemplated act of this Assembly if consummated will be the first tragic act of violence instead of law—violence perpetrated by the very men claiming to uphold law.

It will loosen the violent revolution which we Socialists have always endeavored and are endeavoring to stem.

We say to you, gentlemen, you have no warrant in law, no warrant in the Constitution, no warrant, no precedent, no warrant in the spirit of the institutions of this country to proceed to expel these five men, elected by the people, and having the same right as every one of you. As your fellow citizens we say, gentlemen, take care as to what you are doing.

WHAT HUGHES WROTE: If the Socialists were denied recourse through their duly elected representatives to the orderly process of Government, what recourse is there left to them? Is it proposed to drive the Socialists to revolution by denying them participation in the means we have provided for orderly discussion of proposed changes in our laws?

Democracy cannot be preserved if representation is denied. To shut out the duly elected representatives of the Socialists is merely to multiply Socialists in the thousand. Instead of protecting us from revolution, it will do more to encourage the spirit of revolution and to strengthen the advocates of violence than any conceivable propaganda could accomplish.

POWHATAN'S LINES ARE PARTED AGAIN IN STORM AT SEA

(Continued From First Page) Powhatan and the Western Comet all night. When day broke the Cedric drew closer and was assigned to tow the Powhatan into port. But the wind came up during the night and in the morning was blowing with renewed force. The Powhatan was tossed about so that nothing could be accomplished. We could see no signs of life on the Powhatan, due to the iron discipline of the army. The men were kept below deck. Taking off of passengers and crew was impossible in such a storm. In the afternoon the wind quieted down. Capt. Carter prepared to transfer those on board the Powhatan to the Cedric. Randall's word the trouble had been located and there was no immediate danger. He said he did not want to risk transfer at that time. He added that two destroyers were drawing near and the Northern Pacific was rushing to her aid with all speed. The destroyer Leary approached and the word was received.

"Randall" thanked Carter for standing by and dismissed him, wireless from the Powhatan operator Bradley, said the soldiers were astir "splendidly" and were of good cheer but a little cold. To proceed everything was all right he added could hear a soldier playing on an accordion. What was on his mind was shown by the time "Home Sweet Home."

BABY BORN ON THE CEDRIC DURING THE GALE. While the Cedric was plugging through a gale, Dr. Prior, the ship's physician, walked calmly on deck and announced:

"We have just taken on a new passenger. It is a baby girl."

The child, who was born to Mrs. Flora Brydson, was named Cedric in honor of the ship. Mrs. Brydson is journeying to her husband in Vancouver, B. C.

EDWARDS BOOMED FOR PRESIDENT ON "WET" PLATFORM

Jersey Governor's Backing in Two States Revealed at "Dry" Dinner.

Gov. Edward I. Edwards of New Jersey for President of the United States on a wet platform.

Such a boom was launched last night at a dinner in the Robert Treat Hotel, Newark, for the first Governor in the country to be elected on an anti-Prohibition amendment platform. It was disclosed to the diners that in two other States this boom already has been started.

Nothing but water was served to drink at the dinner, and the boom was not one of the old-time kind so often launched amid the gaiety of champagne at inaugural banquets. The speakers revealed that Gov. Edwards' fight against Prohibition has aroused nation-wide interest.

It was announced that a delegation of citizens from Harrisburg, Pa., had waited on Gov. Edwards yesterday and urged him to run for the Presidency. He received a message a few days ago from a committee of Nebraska voters, saying that if he became a candidate for President they would "stand behind him."

"The Democracy of America is exceedingly interested in your Governor and what he stands for," the diners were told by Homer S. Cummings, Democratic National Committeeman, although he tried seriously to avoid any comment on the wet and dry issue.

James E. Nugent, Democratic leader of Essex County, said which-over party took a stand for the restoration of personal liberty would sweep the country. Gov. Edwards announced that his first act as Governor had been to instruct the Attorney General to proceed to test the constitutionality of the Prohibition Amendment.

ROMANELLI HELD AGAIN.

Underlocker in Wood Stepher Cases New Accused of Larceny. John Romanelli, the Brooklyn undertaker arrested some weeks ago in connection with the sale of wood alcohol "whiskey" which was said to have killed a number of men in Connecticut and Massachusetts, was retained under \$20,000 to-day and immediately re-arrested on a Grand larceny complaint.

Attaches of District Attorney Lewis' office said his second complaint had to do with the alleged larceny of alcohol from a Manhattan pier.

Another American Vessel Is in Trouble. BOSTON, Jan. 21.—Another Shipping Board steamer is reported in trouble to-day. The Buffalo Bridge, bound from Lisbon for New York, is crippled with a broken propeller in latitude 34° north, longitude 21° west.

The White Star freighter Bardic met with an accident trying to tow the Powhatan yesterday, and was forced to abandon the attempt. A steel hawser had been passed to the Powhatan from the Bardic, but before the freighter was ready to steam, ahead the hawser became entangled in her port propeller. The Bardic is headed for Halifax at slow speed under one engine. The hawser is still twined around the propeller.

\$100,000 IN GEMS STOLEN IN BLAZE IN MAIDEN LANE

Empty Fire Buckets Cause Two Investigations Into Fatal Fire.

Fire Marshal Brophy began an investigation to-day into the fire at Nos. 14-18 Maiden Lane last night, which cost the lives of five persons. The Fire Marshal's information at the outset was that the losses will far exceed the insurance carried by the jewelry and novelty manufacturers who occupied the four-story building through which the flames swept from the third floor stairway through the two upper stories with almost explosive swiftness at the hour when most of downtown New York was going home last night.

Fire Chief Kenton also started a second investigation. Men employed in the building declared that those on the westerly side of the structure had been caught in a trap. The first, they said, originated in the middle of the building. The fire escapes were on the easterly side. To reach them a person on the westerly side would have had to pass through the flames. Chief Kenton at once called for the plans of the building.

Among the witnesses examined by Fire Marshal Brophy, was Peter E. Uhl, an employe of George T. Moritz, engraver, on the third floor.

"I was about to step into the hallway when I noticed flames through the glass door," said Uhl. "I found the fire in a closet under the stairway between the third and fourth floors. The flames were already eating into the stairway. I rushed for the fire buckets near at hand and found them dry. Not a drop of water in them."

"Then, first alarming everybody in our place and yelling to everybody else, I ran for the fire-box."

The fatalities were increased to five to-day by the death in Broad Street Hospital of George Tarrant, 71, of No. 355 Madison Street, Brooklyn.

In fighting the fire and clearing away in the search for the victims' husks of charred debris were thrown from the windows and shoveled down the stairs.

Rigid police lines were established last night and to-day on the street and only proprietors of the establishments in the building and the firemen were admitted. A hungry-eyed mob of idlers pressed close against the lines at either end of the enclosure. There were whispered tales of errand boys and others who had picked small fortunes out of the gutters before the value of the debris was realized last night. These were partly substantiated by complaints of the jewellers that nearly \$100,000 worth of their stock was missing.

MRS. FLEISCHMANN GETS A DIVORCE

Former Mayor of Chicago Must Pay Her Alimony of \$25,000 a Year. CINCINNATI, O., Jan. 21.—Mrs. Lily Fleischmann was granted a divorce to-day from Julius Fleischmann, of New York, former Mayor of Cincinnati. Fleischmann did not contest the suit. In her testimony Mrs. Fleischmann referred to a "Mrs. Hemingway."

Mrs. Fleischmann was granted \$25,000 a year alimony and was awarded the summer home in New London, Conn. The reported settlement of \$200,000 by Fleischmann was not announced in court. The attorneys said private settlements had been made.

SUFFRAGE LOSES IN MISSISSIPPI

House Refuses to Ratify Amendment, While Members Laugh and Cheer. JACKSON, Miss., Jan. 21.—The Federal Woman Suffrage Constitutional Amendment was rejected to-day by the Lower House of the Mississippi Legislature after ten minutes of debate. Cheers and laughter marked the announcement of the vote.

LEGION DENOUNCES ASSEMBLY ACTION

Americianism Commission Against Suspension of Five Socialist Members. INDIANAPOLIS, Jan. 21.—The Americanism Commission of the American Legion to-day was on record as denouncing the action of the New York Assembly in suspending five Socialist members. It declared:

"We look with disfavor on every effort to overthrow the right of representation or deny to the properly elected representatives of the people the right to sit in bodies to which they have been elected, except when they have been shown legally disqualified."

Police Captain Savage to Retire. Captain of Police James J. Savage, a member of the force since May 5, 1893, turned in his application to-day for retirement. Capt. Savage's latest post assignment was the New York Precinct at the extreme end of Staten Island. He was discharged by Inspector and then there Jan. 14 by Commissioner Knight, after a raid in his district in which five men were arrested and later released for lack of evidence.

Berlin to Publish Correspondence With United States. LONDON, Jan. 21.—Correspondence between former German Imperial Government and the United States, regarding the 1918 peace offer, will be published in Berlin, according to a despatch here to-day.

ADMIRAL GRANT OBJECTS TO NAVAL MEDAL TO EDISON

Officers Who Did the Work Credited Him—Got no Recognition He Says.

WASHINGTON, Jan. 21.—Major Gen. Barnett, Commandant of the Marine Corps, and Vice Admiral Grant, who commanded battle fleet No. 1 during the war, testified to-day that their recommendations for awards of naval decorations had been given little weight by the Navy Department. They appeared before the Senate Naval Affairs Sub-Committee investigating award of medals.

Admiral Grant said that Thomas A. Edison had little or nothing to do with experiments on submarine detecting devices, although he received a distinguished service medal, while the two officers who furnished practically the only effective devices were refused recognition.

The Admiral also said he recommended distinguished service medals for all commanders of battleships who served under him but that Capt. Chase, whose ship, the Minnesota was torpedoed, was the only one who got this medal. The others were given the Navy Cross.

Barnett said that when he saw "so few" of the officers he had recommended on the revised list he went to Secretary Daniels.

"I spoke frankly and said I was sorry that so few of the names I had sent in were on the list," Barnett said. "The Secretary replied he was sorry, but did not feel he could give awards to everybody recommended. I then showed him a letter which I had written, but not signed, renewing my recommendation, and urging that they be followed if possible. The Secretary said my letter was quite proper, and told me to sign it and he would get that it was given every consideration."

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Advertising copy and release orders for either the week day Morning World or The Evening World, if received after 4 P. M. the day preceding publication, can be inserted only at space which permit and in order of receipt at the World office.

Advertising copy for the Supplement Sections of The Sunday World must be received by 5 P. M. Thursday preceding publication, and releases must be received by 4 P. M. Friday. Advertising copy for the Main Street of the Sunday World must be received by 6 P. M. of the preceding Friday and releases must be received by 12 o'clock noon Saturday.

GANDY

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