

SCHLEY PRACTICALLY WINS

LETTER FOR MODIFICATION OF PRECEPT SENT TO COURT.

Navy Department, However, Technically Speaking, Refuses to Change the Fifth Specification.

WASHINGTON, Aug. 1.—The Navy Department has today decided to accept Admiral Schley's suggestion that the language in the fifth specification of the precept to the Court of Inquiry be modified.

The Admiral's modification is a concession that specification, which states as a fact, that he disobeyed orders, and suggests that it be modified. The department, in its reply, declines to make the suggested modification on the ground that according to the official record Admiral Schley himself acknowledged that he disobeyed orders.

The subjoined are the letters that have passed between Admiral Schley and the Navy Department respecting the present Court of Inquiry.

"Hon. W. S. Schley, Rear-Admiral, Navy, Washington, D. C."

"The reply of the Navy Department follows:—

"Navy Department, Washington, August 1.—Rear-Admiral W. S. Schley, Great Neck, N. Y.

"The department has received your letter of the 28th ultimo, in which you acknowledge receipt of a copy of the order convening, at your request, a Court of Inquiry to investigate your conduct during the war with Spain, and suggesting that paragraph five of said order, directing the court to inquire into the circumstances attending, and the reasons for the disobedience by Commodore Schley of the orders of the department contained in its dispatch dated May 25, 1898, and the propriety of his conduct in so far as it related to the orders to omit the department's expression of opinion, and thus leave the court free to express its own opinion in that matter.

"In reply, you are advised that the precept calls for an inquiry by the court, and the ascertainment of pertinent facts for the purpose of reporting thereon. The precept treats certain matters as established, such as instance on the arrival of the flying squadron off Cienfuegos and off Santiago, the grade promotion of the most senior of the Brooklyn in July 3, 1898, and the fact that you disobeyed orders, as reported by you in your telegram dated Kingston, May 25, 1898, in which you stated that you regretted, cannot obey orders of the department.

"Inasmuch, however, as it is the department's purpose to report, if such shall be found to be the case, that you did not willfully disobey the orders, or that you were justified in disobeying them, and in this may be clearly made, your letter of the 27th ultimo, with copy of this reply, will be duly forwarded to the court.

"Very respectfully,  
"F. W. HACKETT, Acting Secretary."

LETTERS SENT TO THE COURT.

This Action Practically Makes the Change Asked for by Schley.

WASHINGTON, Aug. 1.—Formal action in the matter of the Court of Inquiry today, was confined to the dispatch of a letter to Admiral Dewey stating that "the department herewith transmits copies of the precept, dated August 1, respecting the precept under which the Court of Inquiry in the case of Rear-Admiral Schley is to be convened."

The court, through Admiral Dewey, had already been supplied with a neatly printed copy of the precept itself; the correspondence referred to in Admiral Schley's letter, suggesting the omission of the department's expression of opinion touching his alleged disobedience of orders, and the reply from Acting Secretary Hackett, declining to make this modification.

It is very rarely that a precept convening a Court of Inquiry is amended. The department's action, it is stated, while technically declining Admiral Schley's suggestions, does, however, amount to an amendment on the lines pointed out by him. As indicated in the letter to Admiral Dewey, this correspondence will form the record, and, in fact, is a supplement to the precept, and of as much force as the original document.

Captain Parker, of counsel for Admiral Schley, continuing his work at the Navy Department today of scanning the log books and other records bearing upon the operations of the West India fleet. He happens to be a week in the city, maintaining a close silence as to his discovery, if he has made any. Naval officers in the department watch him closely, and use every precaution to prevent the revelation of his work, which is closely watched with him. The log books are ponderous volumes, and are watched with the most jealous care at all times. In the present instance, the lieutenant watches the turning of every page of the volumes to make sure there shall be no alterations or excisions.

Hackett's Letter to Dewey.

WASHINGTON, Aug. 1.—Acting Secretary Hackett's letter to Admiral Dewey, transmitting Rear-Admiral Schley's letter and reply, is as follows:—  
"Navy Department, Washington, D. C., Aug. 1, 1901.—Sir: I transmit herewith, for the information of the court of inquiry, of which you are present, a letter dated the 27th ult., from Rear-Admiral Winfield S. Schley, asking that modification be made in paragraph five of the precept convening the court, together with a copy of this department's reply of this date. Very respectfully,  
"F. W. HACKETT, Actg. Secy."  
"Admiral George Dewey, United States Navy, Washington, D. C."

Admiral Kimberly Excused.

WASHINGTON, Aug. 1.—Rear-Admiral Kimberly will not be a member of the Schley court of inquiry. His request to be relieved from the detail on the ground of ill-health has been granted by the Navy Department, and the department is now considering the question of his successor. It is quite likely that a selection has been made already, but the official announcement will be withheld until the officer selected has been heard from. It is explained in connection with the acceptance of Admiral Kimberly's declaration, that it is the first time in 29 years he has requested the department to relieve him of a duty to which he has been assigned.

CAPTAIN SCHLEY CALLED DOWN.

As an Army Officer, He Should Not Discuss the Case.

WASHINGTON, Aug. 1.—The War Department has taken cognizance of the published interview of Captain Thomas F. Schley regarding the court of inquiry upon his father, Rear-Admiral Schley. It is understood that the department has informed the Captain that such interviews are contrary to the Army regulations.

F. Schley regarding the court of inquiry upon his father, Rear-Admiral Schley.

PUBLICATION NOT AUTHORIZED.

SALT LAKE, Utah, Aug. 1.—When shown the Washington dispatch stating that the War Department would take cognizance of the published interview regarding the court of inquiry upon his father, Rear-Admiral Schley, Captain Thomas F. Schley, who is stationed at Fort Douglas, in this city, today stated that the interview as published was wholly unauthorized.

"All I said in the matter," continued Admiral Schley, "was that I was naturally a Schley partisan, and hoped my father would be fully vindicated. Surely, there is nothing improper in a son wishing his father success. I positively declined to enter into a discussion of the merits of the controversy. In the first place, I am not competent to discuss the case, because I know nothing of it. My father has never spoken of the matter to me, and has never mentioned it in his letters. If my father has anything up his sleeve he has not notified me of the fact."

BRYAN TAKES SCHLEY'S SIDE.

LINCOLN, Neb., Aug. 1.—In commenting on the Washington dispatch, W. J. Bryan takes the side of Rear-Admiral Schley, giving him credit for the victory at Santiago.

LAND DRAWING CONCLUDED.

Thirteen Thousand Envelopes Taken From the Oklahoma Wheels.

EL RENO, O. T., Aug. 1.—The drawing of winning numbers in the United States lottery was concluded today, 11,000 envelopes having been taken from the wheels—600 for each land district. The crowd about the platform on which the drawing took place was much smaller than on previous days. The estimate is that 1,255 names in each district will be called daily for 60 days for the filling of homestead entries. The estimate is made by a Government official that in each land district 1,000 of the 600 numbers will not be taken in the 60 days, because of homesteaders who will be disqualified or who will leave the country, believing their claims to be worthless. This will leave only 500 persons who will make entry in their respective districts. The 300 claims will be left for the wagon emigrants and others who have been in the country for months and are ready to move. At the end of the 60 days these persons can go immediately to their land office and file or settle upon a homestead in advance of the other person, or they can remain thereon three months before filing their entry.

VERMONT MAY BE BURNED.

Record of a Famous Old Frigate of the Navy is About to Close.

NEW YORK, Aug. 1.—While the decision of the Navy Department as to what disposition shall be made of the receiving ship Vermont, now stationed at the Brooklyn Navy Yard, has not been announced, it is considered probable that the vessel will be towed out to sea and burned. The vessel has been in service at the yards for many years, and the announced decision of the Navy Department is that it is to be sold for use and soaked with disease germs, marking the closing of a record of usefulness.

The Vermont brought with her to Brooklyn most of the most famous frigates of any of the old sailing frigates of the navy, of which the Franklin, Wabash, Independence and Richmond are types, and she bears the scars of many a conflict.

It is believed that to replace the Vermont, cannot accommodate as many men as the Vermont, and hereafter the department will have to make other plans of handling new recruits at the Navy Yard, which will be built on shore.

SURPLUS FOR JULY.

Receipts and Expenditures of Government for That Month.

WASHINGTON, Aug. 1.—The monthly comparative statement of the Government receipts and expenditures shows that the receipts for July, 1901, amounted to \$23,538,363, and the expenditures \$23,307,590, which leaves a surplus for the month of \$230,773, as against a deficit for the month of July, 1900, of \$1,000,000. The receipts from the same sources of revenue are given as follows: Customs, \$121,263,363, increase \$1,461,000; internal revenue, \$28,328,130, increase \$778,000; miscellaneous, \$2,715,150, increase \$128,000. The expenditures for the month, on account of the War Department, were \$16,047,209, decrease \$2,828,000; Navy Department, \$3,164,256, increase \$285,000; pensions, \$11,092,209, decrease \$135,000.

Secretary Hitchcock on an Outing.

WASHINGTON, Aug. 1.—Secretary Hitchcock left here tonight for an outing in New Brunswick and New England to the expense of the month, on account of the War Department, were \$16,047,209, decrease \$2,828,000; Navy Department, \$3,164,256, increase \$285,000; pensions, \$11,092,209, decrease \$135,000.

Treasury Statement.

WASHINGTON, Aug. 1.—Today's statement of the Treasury balances shows: Cash balances, \$17,358,821; Gold, \$9,566,879.

DENNIS J. MCCARTHY DEAD.

Prominent New York Lawyer Who Mysteriously Disappeared.

FALL RIVER, Mass., Aug. 1.—Dennis J. McCarthy, of New York, is dead in an Illinois hospital from paralysis, after an illness of five weeks. His identity and antecedents did not become known until two days before his death. McCarthy arrived in this city last August, and made his home at the leading hotel in New York, and that a year ago he mysteriously disappeared from home, leaving a wife and three children and a lucrative business.

It happened that while Mr. McCarthy was in New York, and that a year ago he mysteriously disappeared from home, leaving a wife and three children and a lucrative business.

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CORN KING SUSPENDS

PHILLIPS TURNS HIS BUSINESS OVER TO ANOTHER.

Step Was Due to the Tangled Condition of the Books of His Firm.

CELEBRATED MINING CASE.

Another Chapter in the Copper Trust's Anaconda Dispute.

BUTTE, Mont., Aug. 1.—The decision of the Montana Supreme Court in the case of Burdett O'Connor against the Anaconda Company closes one chapter of a celebrated mining case. The basis of the suit was a location made April 30, 1890, by Josiah Therise, an engineer, who later assigned his rights to O'Connor and F. Augustus Helms. The ground covered by the location embraces two small fractions, one with an area of seven one-thousandths of an acre, the other having an area of two one-thousandths of an acre. Plaintiffs claimed the right, under this location, known as the Copper Trust claim, to extend their surface boundaries 1500 feet in an easterly and westerly direction.

The Bender case, and who make fantastic assertions that the Benders have been killed and buried and that they have seen their graves. Absolutely nothing is known of the whereabouts of the family, and for all I know, the Benders may be alive and well today. I have kept carefully in touch with all the investigations that are being made, but the family has not been seen since the week my brother was murdered. All reports to the contrary are false."

"CORN KING" PHILLIPS.

CHICAGO, Aug. 1.—Board of Trade and business circles generally were startled today by the announcement that the George H. Phillips Company, which became famous through its pool operations in the Chicago corn pit during the past year, had transferred all its open trades to McReynolds & Co. It was at first rumored that a large defalcation had been discovered in an examination of the books, but this proved untrue, having its only foundation in the fact that one of the head bookkeepers was confined to his home by illness.

Lack of facilities for the proper clerical needs of the concern, which had acquired an enormous commission trade, was, according to a statement given to

the Associated Press by Attorney John R. Goodwin, who has taken charge of the company's affairs, the sole reason for suspending business. The tangled condition of the books became apparent some time ago, when the Board of Trade officers ruled that the Phillips Company should furnish to each member of the May corn pool a detailed account of the entire transaction. A large force was sent out to work on the books, and in the efforts to disentangle the multitudinous trades it became apparent that every trade on the company's books since November, 1900, would have to be checked over, and that it would be necessary for the time being to transfer the business of the house into other hands until a complete new set of books shall have been compiled. Mr. Phillips, who is protesting the necessity of this action, said it was absolutely the only course open to him.

"This does not mean we are quitting business," he said. "On the contrary, we shall execute orders, but will have to ask that our usual margins accompany all orders until our books are checked over."

"The office force was simply overwhelmed," said Mr. Goodwin, later, "and have been doing the largest commission business of any house in the world, but it had recently come to the attention of the firm that the records of the transactions were not being kept in the proper shape for such deals. About a week ago expert accountants were put to work on the books. I have gone over the legal end of the firm's affairs, and have found it absolutely necessary to make a new set of books, dating from January 1, 1900, and check up every item of the immense business. The errors were apparently made without partially, credits being debited, and vice-versa. But up to 4 o'clock yesterday, after a week's work, and after errors had been corrected up to that time, the books showed the firm to be absolutely solvent. On my advice they cut off all old business at midnight last night, the last day of the month, and transferred their open trades to McReynolds. Every trade in the house is protected, and every trade made yesterday was made at a profit for the customer. We are sending out a circular asking all our customers to send us a statement of their claims against the company, so that we may have them audited and use them in preparing a new set of books, with the expectation that, unless something happens, which does not seem probable, we shall take care of every claim and proceed with the business as heretofore. The accountants so far have found no evidence whatever of criminal irregularity, but simply mistakes due to the immense amount of business handled without adequate facilities for caring for it."

The announcement of the above turn of affairs caused scarcely a ripple in the Board of Trade markets. Corn eased off 1/4 of a cent, but soon regained the 1/2 cent, and closed at that price 3/4 cent higher than yesterday's close.

No Trace of the Bender Family.

DENVER, Aug. 1.—The Republican today prints an interview with Edward York, of Kansas City, a brother of Dr. York, whose disappearance three years ago led to the search of the home occupied by the Bender family, and the discovery of his remains buried beneath the house. Mr. York said:

"I cannot too highly condemn the sensational reports that have appeared from those who pretend to know all about

WAR MINISTER RESIGNS

SITUATION IN VENEZUELA IS MORE CRITICAL.

Outgoing Official Could Not Agree With President-His Step Causes Surprise in Washington.

PORT OF SPAIN, Island of Trinidad, Aug. 1.—The Venezuelan Minister of War, Senator Pulido, who is the leader of an important political party, has resigned, after a violent scene in the Cabinet, during which the President received the orders of President Castro to recognize the revolutionists in Colombia as belligerents, and to deliver a passport to Senator Pulido as the Colombian Minister. Senator Pulido denies that he invaded the Venezuelan territory as a Colombian, as President Castro alleges. He insists that they are revolutionists.

The resignation of the War Minister has caused a profound impression here. The situation is more critical. The government troops have been defeated in their first encounter with the rebels at San Cristobal, and the revolutionists are taking place in the interior of the country. Senator Guerra succeeds Senator Pulido as Minister of War.

Caused Surprise in Washington.

WASHINGTON, Aug. 1.—The break in the Venezuelan Cabinet caused by the resignation of Senator Pulido, the War Minister, caused much surprise in diplomatic circles here. The real situation is apparently understood, and especially the proposition to deliver a passport to Senator Pulido, the Colombian Minister. This act, ordinarily, is regarded by diplomats as tantamount to a casus belli, and officials are at a loss to understand the reasons for consideration of such a step, as it is said that the relations of the Governments of Venezuela and Colombia are very cordial. There appears to be some inconsistency in the Venezuelan action which has taken place near San Cristobal between the government troops and the rebels. The dispatches from Port of Spain indicate that the government troops sustained defeat, while a telegram received at the Venezuela Legation here today from the Consul-General of that country at New York announced the defeat of the revolutionists in the San Cristobal encounter.

Castro Confirms Report of Victory.

NEW YORK, Aug. 1.—Consul-General Gonzales Esteves, of Venezuela, today received a cable from President Castro announcing the result of a second battle with the invading forces of General Berrueta, of whose defeat was received by the Consul-General last evening. The cable received today was as follows: "Five thousand men of the Colombian revolution completely routed and defeated in San Cristobal."

Rebels Forced the Government Troops Back.

KINGSTON, Jamaica, Aug. 1.—The British steamer Texan, from Liverpool July 31, for this port, via Colon, has arrived here, and brings confirmation of the report of the rebels forcing the government troops back along the railroad 10 miles out of Colon, on Sunday and Monday last. The rebels attacked the government troops with determination, and forced the latter back. When the steamer Texan arrived here, excitement among the residents of Colon, who were leaving that city in alarm. The Colombian Government has found it impossible to get a crew for the gunboat Naimona, but is placing guns on board. Her English and American crew have deserted.

Report of Victory an Exaggeration.

COLON, Colombia, via Galveston, Aug. 1.—The report that the rebels have captured three towns is an exaggeration. The facts are as follows: The rebels, Friday, Saturday and Sunday, raided, at the expense of the government, three small railway stations without military protection, towards Colon, looting the Chinese shops of provisions, clothing, etc., and kidnapping several persons, withdrawing immediately to the mountains. One woman was shot. The government has since garrotted the three stations mentioned, and is pursuing the rebels closely. Four trains are using the road daily, as usual.

KILLED BY THE BOERS.

British Yeoman Was Shot Down in Cold Blood.

LONDON, Aug. 1.—A dispatch from Lord Kitchener, dated Pretoria, today, says: "French reports that he has received a letter from Kitchener, a Boer commander, announcing his intention to shoot all blooded men, whether armed or unarmed. Many cases of cold-blooded murder of natives in Cape Colony have recently occurred."

GOULDS WILL PAY IT OUT.

\$230,000 to Be Applied on the Debts of the Castellanes.

NEW YORK, Aug. 1.—Judge Lacombe, in the United States District Court, today handed down an order directing George J. and Helen M. Gould, as receivers of the Castellanes in France, the Castellanes Company in connection with these mines, and applied to the Supreme Court for a writ of supervisory control, commanding him to vacate the order of summary judgment in the case of the Castellanes Company, and to refer the matter to the court for a final decision.

Boers in Portuguese Territory.

LOURENCO MARQUES, Aug. 1.—A Boer commando, with two guns, has entered the Portuguese territory, camping at Guanet. Five hundred Portuguese troops are ready at Guanet, and are in readiness to proceed, unless the Boers surrender.

Boer Bands Greatly Reduced.

NEW YORK, Aug. 1.—The military situation is slowly but surely improving for British clearance operations, says the London correspondent of the Tribune. Various columns are being destroyed, and are now decimated by the slaughter and capture of stragglers. It is estimated that the British are feeding 35,000 prisoners and nearly 20,000 refugees.

Martial Law Proclaimed.

HAMILTON, Bermuda, Aug. 1.—Martial law has been proclaimed in Tucker and Morgan Islands, where Boer prisoners of war are confined. The British direct transport Manila, from Port Natal, July 4, and Table Bay July 8, arrived here today with Boer prisoners.

FOR WAR ON FOREIGNERS.

Boxers Post Violent Placards in the Vicinity of Canton.

CANTON, China, Aug. 1.—Violent anti-foreign placards emanating from the Boxers have been posted in the vicinity of the Christian churches. The placards protest against the imposition of the house tax.

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DID YOU EVER TASTE

A PEACH SUNDA?

Served in Portland for the first time at our fountain TODAY and TOMORROW. Ours is a fountain of pure delight.

A CLOSE CLEAN COOL SHAVE

With our razors. Special prices this week.

Cash's Imported Turkish Towels

Fresh invoice just received.

Imported Wostenholms... \$1.19