

COMMENTS ON APPEAL Judge-Advocate-General Passes on Schley Matter.

CHIEF FEATURES OF THE CASE

Commentators Say the Admiral and His Counsel Have Shifted Their Ground—The Question of Command.

WASHINGTON, Jan. 30.—The "comment" of Judge-Advocate-General Lemly and Solicitor Hanna upon the appeal of Admiral Schley, as submitted to the President by Secretary Long, is less than a third as long as the appeal itself, a fact accounted for by the comparatively few quotations from the court's finding in the case.

The commentators begin with the statement that Admiral Schley and his counsel have shifted their ground. They say the chief features of the case were the "retrograde movement," "disobedience of orders," "inaccurate and misleading official reports," "failure to destroy vessels of the enemy lying within sight," and "injustice to a brother officer." These matters are all grave. The first is that the finest aggregation of American naval vessels under one command was, by Schley's directions, turned about and headed for Key West, more than 200 miles distant, when within 25 miles of Santiago, where the enemy's ships were. The second is that Schley deliberately and knowingly disobeyed the Secretary's order directing him to attack the Spanish fleet.

The commentators charge that Admiral Schley ignored all these grave matters and based his appeal upon unimportant features of the case, as compared with the grave matters referred to "upon which there were no questions raised." The testimony, could not have been any difference of opinion in the court.

The commentators say they recognize the fact that Admiral Schley is a hero, but that the larger part of his appeal to the question of command, and consequently give that question a proportionate space in their comment. They state that Admiral Schley and his counsel, both alike are interested, and to investigate it fairly both should be heard. Such incidental testimony on this point as concerns the court is not to be taken into account and the details were entirely closed to Sampson.

To determine an important question of this nature under such conditions is contrary to the underlying principles of Anglo-Saxon justice. Nevertheless, it is precisely what the appeal asks the President to do.

It is admitted that the precept was broad enough to have permitted the court to go into this question, but it is recalled that, though the Judge-Advocate exercised a willful discretion, the court did not deem it necessary or proper to do so. The Judge-Advocate, they say, might have shown that it was Admiral Sampson's plan, or that Schley had forced Cervera to come out in the daylight, and Captain Clark is quoted in his testimony to the effect that the American ships charged "on a collision course," and that Schley, "in the excitement of the battle," said that Sampson was in command, the commentators quote passages from Schley's report of July 8, 1898.

The commentators next state: "If Commodore Schley were in absolute command during the battle, and if he had made any use of his authority, he must have exercised some control over some of the vessels participating in the battle." In detail the testimony of the commanding officers on this point, and say:

"Wainwright, of the Gloucester, said he saw no order from Admiral Schley or Taylor, of the Indiana, said he saw no signals from the Brooklyn; Evans, of the Iowa, said of the Brooklyn, 'I never saw any signal from her. I did not maneuver in obedience to any signals from the Brooklyn'; the commanding officer of the Texas is dead, but the officers' testimony makes it clear that she received no orders. Speaking of this ship, the commentators declare:

"The question is not so much one of possible credit for the action of the Admiral Schley, in connection with the work of that vessel in the battle of Santiago. The plain truth is that Admiral Schley did not during the battle in any way direct or control the splendid performances of the Gloucester and the three battle-ships Indiana, Iowa and Texas. The officers in command of these ships neither received nor obeyed a solitary order from him."

Next the commentators turn their attention to what they declare were persistent efforts by Schley's attorneys to show that in some manner the Oregon, at least, was under his orders during the battle, first by answering the signal, "Close up," and afterward by firing her 15-inch guns under signal from the Indiana. In some parts say: "But that attempt, as the testimony to be quoted below shows, was a failure." They quote, therefore, passages from Captain Clark's testimony, which, when read in regard to the order, "Close up," that was a standing order in the squadron to attack the enemy as once they appeared, and to keep the heads of the ships always toward the entrance, and to remember a feeling of satisfaction that there was an order to close in, in case any accident had happened—any colliding with other ships.

As to the alleged order from the Oregon directing the Oregon to fire her 15-inch guns, the commentators again quote from Captain Clark's testimony, where, when asked if the guns were fired in pursuance of an order from the Brooklyn, the Captain said: "No, sir; I fired them after deliberating with the officers," and "if they the Brooklyn made a signal, I did not see it." The comment closes in the following words:

"The contention that the magnificent work of the Oregon, or any part of it, was done under orders from the Brooklyn, or that the Oregon received and obeyed even a single order from Commodore Schley from the time the Spanish ships were sighted to the time of the surrender of the Colon, which surrender may fairly be taken as the close of the battle, must be abandoned; and with it goes the last step upon which to base the pretense of a claim that during the battle of Santiago Commodore Schley effectively exercised any of the functions of a commander-in-chief.

"The weight of the testimony is to the effect that the commodore controlled the movements of his flagship, the Brooklyn, with the exception of the loop. But it also shows—no negatively, but affirmatively and beyond question—that he did not control the operations of the fleet in general on that day. All this is established, not by theoretical deductions or expert or inexperienced opinion, but by direct, unimpugned and unimpeachable testimony given under oath by the Admiral's own brothers in arms.

"The plain truth of the matter, therefore, developed for the first time under the searchlight of this inquiry, although quite incidentally, is that, so far as the Gloucester, the Iowa, the Indiana, the Texas and the Oregon are concerned, not the stroke of a propeller-blade, not the touch of a helm, not the firing of a shot was done under the direction or by the order of Admiral Schley during this memorable battle."

WILL DISCUSS LAND LEASING

Call for a Convention of the American Cattle-Growers' Association.

DENVER, Jan. 30.—The American Cattle-Growers' Association, composed of leading cattlemen of the West, will meet in Denver March 4 to discuss the land-leasing question, the association now having a bill pending before Congress. The official call issued today is as follows:

"To the Members of the American Cattle-Growers' Association and All Cattle-Growers and Breeders: The second annual convention of the Cattle-Growers' Association is hereby called to meet at the Taylor Opera-House, Denver, Colo., at 10 o'clock A. M. on Tuesday, March 4, 1902, and continue through as many sessions as business may require. The basis of representation in this association is individual membership, and any grower or breeder of cattle, or the managing officer of any corporation engaged in the growing or breeding of cattle, is eligible to membership upon the payment of an initiation fee of \$5.

"The programme will be limited to few subjects or papers, it being the purpose of the convention to contain all proceedings to open debate and argument on the part of the members. After the presentation of each subject or paper sufficient time will be given for the members to discuss the same in five-minute speeches. The convention will be wholly in the hands of its members and ample time will be given for the discussion of all subjects presented.

"Many matters of interest to cattlemen of the West will be introduced, one of the most important of which is the 'land-leasing bill' now pending in Congress. A committee appointed for that purpose by the association at its last annual meeting. The 'diseases of cattle and their remedies' will also be given, as will also be given in a uniform and accessible manner in the country on the best mode of feeding and fattening cattle for market in the arid regions of the West, where but little grain is raised.

"One of the objects in fixing the date of this convention in March was to enable the Northern buyers to meet the cattle-raters, and to give them the best chance to become better acquainted, which, doubtless, will result in many sales being consummated at this meeting. The proceedings of the convention will be highly beneficial and of vital importance to the cattle interests, and we are assured that there will be a large attendance of grower who can possibly do so in respect fully urged to be present.

"Immediately upon your arrival in Denver you should register with the secretary of the association at the Taylor Opera-House, at which place you will be provided with a badge admitting you to the convention hall.

"All railroads have granted a reduced rate for the round trip. Be sure and ask your agent for rates to the American Cattle-Growers' Convention in Denver, on the date specified in the call.

"By order of the executive committee, F. W. LUSK, President, H. W. ROBINSON, Secretary."

CENSUS STATISTICS.

Preliminary Reports on Wool Manufacturers and Other Matters.

Total establishments.....	1,414	Inc. P. C.
Total capital.....	\$310,170,745	17
Value of products.....	209,860,664	18
Average number of wage-earners in 1900.....	154,306	17
Total value of wool manufactured in the United States, showing:		
Wool.....	1,141,479	17
Wool-carpenter, average.....	19,241	17
Total value.....	\$3,754,913	17
Value of products.....	269,766,557	17

No. of establishments.....	222	Inc. P. C.
Capital.....	\$18,100,222	11
Wage-earners, average.....	19,241	17
Total value.....	\$3,754,913	17
Value of products.....	269,766,557	17

No. of establishments.....	220	Inc. P. C.
Capital.....	\$18,100,222	11
Wage-earners, average.....	19,241	17
Total value.....	\$3,754,913	17
Value of products.....	269,766,557	17

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STORM OF SLEET.

Wire are Prostrated in Several States.

NASHVILLE, Tenn., Jan. 30.—Wire communication, which was almost entirely prostrated yesterday by a storm of sleet, was resumed today. The storm, which was a heavy sleet storm, has not yet been resumed. The prostration is the most complete known in years.

Chicago's School Fund.

CHICAGO, Jan. 30.—The Board of Education today reported that the total to be expended upon the public schools of Chicago for the ensuing year. The total for 1901 was \$7,402,598. The building fund this year exceeds that of 1901 by \$1,000,000. In economizing, the board reduced salaries of 2000 grade teachers, all principals and members of the official force. The schools will be kept open for the full term of 46 weeks.

Jim Howard Again Convicted.

FRANKFORD, Ky., Jan. 30.—At 11:35 o'clock the jury in the case of Jim Howard returned a verdict of guilty against the prisoner, and fixed his punishment at life imprisonment. It is understood that the only division in the jury as to the punishment was over the extent of the punishment. Those favoring a death sentence came over after several ballots. This was Howard's second trial, the first one having resulted in a death sentence.

CENSUS BILL PASSED

FRIENDS OF CIVIL SERVICE SUPERFEAT IN THE HOUSE.

All Present Employees Are Eligible for Retention or Transfer to Other Departments.

WASHINGTON, Jan. 30.—The House today passed the bill for the creation of a permanent Census Bureau. The friends of the civil service law, who were opposed to making the employees of the bureau eligible for transfer or retention, were overwhelmingly defeated. By the terms of the bill the present temporary organization July 1, 1902, and all employees on the rolls upon the date of the passage of the bill become eligible for transfer to other departments or retention in the permanent organization. The bill also provides for a manufacturing census in 1905 and for collection of certain special statistics annually.

The Proceedings.

After some preliminary minor business the committee were called, and Moody

WILL REPORT IN FAVOR OF REPEAL OF WAR TAXES.

SERENO E. PATNE, CHAIRMAN OF HOUSE WAYS AND MEANS COMMITTEE.

(Rep. Or.), from the committee on mining, presented a bill for the protection of miners in the territories. It provides that in every mine over 100 feet in depth there shall be provided for every 500 cubic feet of pure air for every 50 miners. Lacey (Rep. Ia.), the author of the bill, urged the importance of proper ventilation of the mines. He offered an amendment providing that managers of coal mines should employ shot-blasters to fire shots therein.

While the bill was being discussed something of a stir was caused by the appearance of officers and marines of the German cruiser *Moltke*, who marched into the public gallery to meet the speaker and with their side arms. The confusion was so pronounced that the Speaker was obliged to call the House to order. The resolution was adopted, and the bill was passed.

The House then went into committee of the whole and entered upon the consideration of the bill for the creation of a permanent Census Bureau. Hopkin, chairman of the census committee, took the floor and explained its provisions. He said that the committee in the preparation of the bill had considered the demands of the House as evidenced when the bill was before the House 10 days ago. Under the attitude allowed for debate, Thayer (Dem. Mass.) presented a petition signed by 125 business men of Worcester, Mass., in favor of reciprocity with Canada.

In reference to the civil service provision of the bill, Ball (Dem. Tex.) asked if Hopkins would accept an amendment to provide that clerks eligible to transfer or retention under the bill should be appointed upon the states according to population.

Hopkins replied that such an amendment was unnecessary, and alluded to the well-known fact that the bill, in the hands of the President as a guarantee that justice and fair dealing would prevail.

Gillett (Rep. Mass.), chairman of the civil service committee, proposed the bill, he argued, would keep the friends of members of Congress in office and militia against those who in good faith had been appointed to the office. The amendment to provide that all new appointments in the Census Bureau shall be made in accordance with the bill, but in the civil service act, and authorizing the President, in his discretion, to classify the employees in the Census Office.

An amendment was adopted providing that all employees of the Census Bureau shall be citizens of the United States. Mr. Fox (Dem. Ga.) demanded the yeas and nays upon the passage of the bill, but only 11 members seconded the demand, and the bill was passed without division. Several hundred employees of the Census Bureau who were in the gallery applauded the announcement that the bill had passed.

At 5:30 P. M. the House adjourned.

PHILIPPINE TREASON ACT.

Rawlins Wants to Know if the Commissioner Passed It.

WASHINGTON, Jan. 30.—Senator Rawlins introduced a resolution making inquiry of the Secretary of War whether "the treason act in the Philippines" has been passed by the Philippine Commission. The resolution sets a circular purporting to give the language of the act. One provision makes the concealment of treason against the United States or the Philippines punishable by a fine of \$1000 and imprisonment for one year; one provides for a fine of \$2000 imprisonment for two years for uttering seditious words, and a third provides a fine of \$1000 and imprisonment for one year for persons belonging to secret societies having for their object the promotion of treason. Another provision is against advocating the independence of the Philippines or their separation from the United States, "whether by peaceful or forcible means." The penalty for the infraction of this requirement is a fine of \$2000 and imprisonment for a year.

AGAINST THE CHINESE.

Arguments for Exclusion from Labor Standpoint.

WASHINGTON, Jan. 30.—The hearings on Chinese exclusion were continued today before the House committee on foreign affairs. H. R. Fuller, in behalf of the Brotherhood of Railway Employees, spoke in favor of strict exclusion. He said the objection to the Chinese from the labor standpoint is that they come into competition with American workmen, the Chinese having such habits of cheap

living that they work for wages which respectable American workmen cannot afford to take. Andrew Furuseth, of the Seamen's Union, San Francisco, gave the extent of Chinese labor on the Pacific Coast, showing that they practically monopolize the labor field in the salmon-canning industry and are competing with American labor in cigar-making, tailoring, laboring and many other branches. He said the Chinese worker in these cases accepts wages so much lower than the white man that the former secures the work. Mr. Furuseth said the labor organizations will not be satisfied with any bill which does not protect American workmen from Chinese coming from the Philippines as well as from China.

Republican Caucus Call.

WASHINGTON, Jan. 30.—A caucus of Republican members of the House was called for next Monday night to consider the subject of election suffrage in the South and to determine what action, if any, shall be taken on the proposed packer bill, reducing Southern representation.

Power to Negotiate Treaties.

WASHINGTON, Jan. 30.—In view of the contention set up by Senator Culbourn, in the Senate yesterday, that the President has the power to negotiate treaties with foreign countries, the House committee to investigate the case and report the result of such investigation to the House.

Train Inspection on the Border.

WASHINGTON, Jan. 30.—Senator Lodge today introduced a bill authorizing the inspection of trains coming into the United States from Canada and Mexico with the view of determining whether there are on board aliens who are not residents of these countries. The object of the measure is to prevent illegal immigration.

Selection of Reserve Banks.

WASHINGTON, Jan. 30.—The House committee on banking and currency has ordered a favorable report on the bill for the creation of reserve banks (H. R. 3259), introduced by Representative Cousins, of Iowa, authorizing the selection of reserve banks in cities of 15,000 population, instead of 50,000, as at present, and having a minimum capital of \$100,000, instead of \$200,000 as now.

General Wood on the Situation.

HAVANA, Jan. 30.—Governor-General Wood has written to certain Senators at Washington regarding the present situation of the sugar industry in Cuba, showing that it is impossible at the present prices and with the present duties to land sugar in the United States at a profit.

NAMED BY THE PRESIDENT.

WASHINGTON, Jan. 30.—The President today named Charles B. Seabury as agent for the Indians of the Fort Peck Agency, Mont.

Metcalf's Nomination Confirmed.

WASHINGTON, Jan. 30.—The Senate today confirmed the nomination of W. S. Metcalf, to be pension agent at Topeka, Kan.

AGAIN NEGOTIATING.

Agents Once More In Communication With Hiss and Stone's Captors.

RASILGOG, Rumelia, European Turkey, Jan. 30.—The Associated Press here has had an interview with the delegates who have been negotiating for the release of Miss Stone and Madame Tokila. They said that the negotiations with the brigands had been unsatisfactory and that they had intended to return to Constantinople. Before starting, however, they say they received favorable information from the brigands and that these negotiations are now proceeding.

Turks Prevented the Release.

LONDON, Jan. 31.—The Constantinople correspondent of the Daily News asserts that the reason for the failure to accomplish the release of Miss Stone is that the Turks insisted against the wishes of M. Gargiulo, dragoman of the American Legation at Constantinople, upon sending 500 soldiers as far as Raslog. The Governor of Raslog said he had orders not to let the messengers off of his sight, adding that he was not allowed to do so on pain of Turkish law. Gargiulo thereupon telegraphed to Constantinople today, and was ordered to remain where he was, the negotiations meanwhile proceeding with the Turks.

Sampson and Cromwell to Be Retired.

WASHINGTON, Jan. 30.—The Navy Department today issued an order that Rear-Admiral Sampson and P. J. Cromwell will be placed on the retired list on the first of next month on account of age. Admiral Sampson, now in this city on waiting orders, his health having compelled his relinquishment of active duties several months ago. Admiral Cromwell is in retirement at the European station. The retirements will result in the promotion of Captains P. H. Cooper and George Wadleigh to the grade of Rear-Admiral.

Rear-Admiral John A. Howell will retire for age March 16, and the vacancy thus created in the list of Rear-Admirals will be filled by the promotion of Captain A. S. Crowfield, Chief of the Bureau of Navigation.

SENATE QUIETS DOWN

YESTERDAY'S SESSION VOID OF EXCITEMENT.

Tillman Spoke of the Part His State Took in the Revolution—Many Bills Passed.

WASHINGTON, Jan. 30.—Today's session of the Senate was entirely void of tumultuous scenes, which characterized the sessions of the previous day. After the Philippine tariff measure was taken up at 2 o'clock, Tillman delivered a speech devoted almost entirely to discussion of the part his state took in the war for the independence of the colonies. Incidentally he referred occasionally to the pending bill, drawing morals, as he said, for the benefit of the majority that they might be applied to the Philippines.

The Proceedings.

A resolution offered by Proctor directing the Secretaries of the Interior and of Agriculture to report to the Senate any facts they possess regarding the preservation of the American buffalo or bison, and whether any steps ought to be taken to prevent the extinction of the animals, was adopted.

Other bills passed were as follows: Adding \$100,000 to the cost of the public buildings at San Francisco; increasing the limit of coast for the public building at Butte, Mont., from \$25,000 to \$40,000; to provide for the establishment of a light and fog signal at Port San Carlos, Guadalupe Strait, Cal., opposite that now occupied by the Selby smelting works; for the construction of a lightship for Bluffs Reef, Pacific Ocean, off Cape Mendocino, Cal.; for establishing a fog signal at Salinas Bay, San Francisco Bay; to establish a light and fog signal at Salinas Bay, San Francisco Strait, Cal., opposite that now occupied by the Selby smelting works; for the construction of a lightship for Bluffs Reef, Pacific Ocean, off Cape Mendocino, Cal.; for establishing a fog signal at Salinas Bay, San Francisco Bay; to establish a light and fog signal at Salinas Bay, San Francisco Strait, Cal., opposite that now occupied by the Selby smelting works; for the construction of a lightship for Bluffs Reef, Pacific Ocean, off Cape Mendocino, Cal.;

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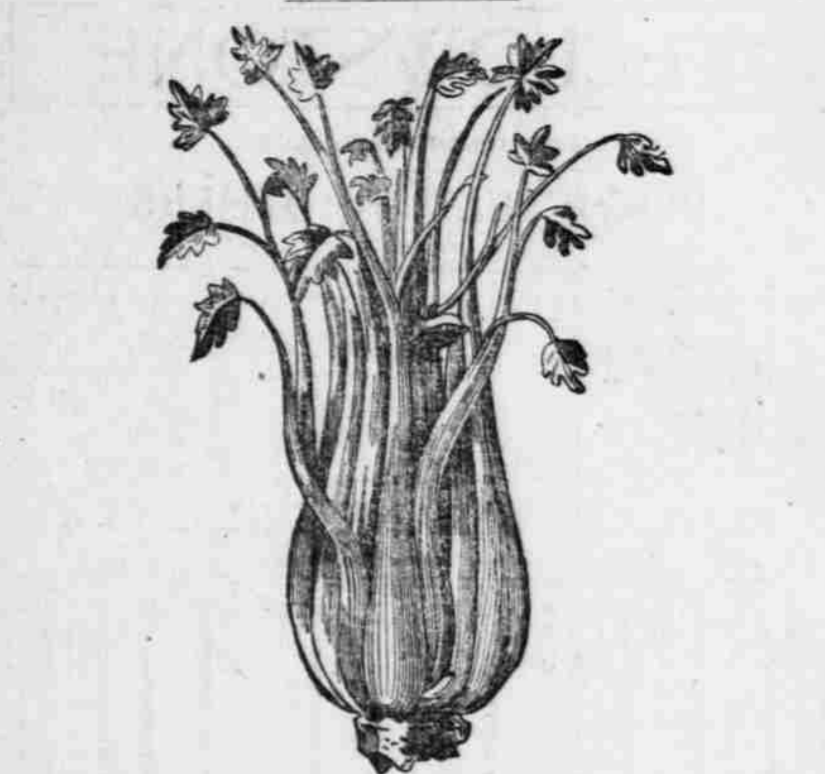
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