

TWO CENTS.

SCRANTON, PA., FRIDAY MORNING, JULY 26, 1901.

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## PREPARING TO PROBE SCHLEY

Secretary Long Finds the Task One Beseet with Many Difficulties.

## ONE JUDGE HAS DECLINED

Rear Admiral Kimberly Pleads Ill Health as a Reason for Asking to Be Excused—Change Made in the Selection of Judge Advocate—The Sessions of the Court Are to Be Open, the Widest Latitude Is to Be Allowed and Every Effort to Arrive at a Fair Conclusion Is Being Put Forth.

By Exclusive Wire from The Associated Press. Washington, July 25.—Secretary Long today designated as members of the Schley court of inquiry:

Admiral George Dewey, president.

Rear Admiral Lewis A. Kimberly, retired.

Rear Admiral E. K. Bonham, retired. The date fixed for the first sitting of the court is September 12.

In selecting the members of the court of inquiry Secretary Long tried to choose only officers who are believed to have no emphatic opinions with regard to the Sampson-Schley controversy.

The members of the court are distinctly fighting men. Each has been connected with a celebrated event in naval annals.

Secretary Long says that the proceedings of the court will be open, that the widest latitude will be permitted in the matter of witnesses, and that Rear Admiral Schley will be allowed to be represented by counsel.

All day Secretary Long was engrossed in considering the details of the court, particularly seeking for a suitable judge advocate, realizing that upon this officer would devolve the largest measure of responsibility for the conduct of the inquiry to a successful issue. It was thought that such a man had been found in the person of Commander John E. Pillsbury, a sailor who has the brightest reputation among naval professionals and is regarded as a man of a judicial temperament.

In fact, it was announced early in the day at the department that he had been selected for the place. But later, on more mature consideration, his name was abandoned. It was decided that as commander of the dynamite cruiser Vesuvius he had served under Sampson off Santiago, and moreover, as equipment officer of the Boston navy yard, was now again a subordinate of the same admiral.

In his desire to escape all criticism of bias, Secretary Long felt that were reason sufficient for looking out for new material and for some man who was absolutely disassociated from the great controversy in any phase. Late this afternoon he announced that he had found such a person in Captain Samuel C. Lemly, the judge advocate general of the navy, a selection calculated because of the rank of the officer to constitute a full recognition of the dignity and importance of the forthcoming court of inquiry. While it cannot be said that the matter is absolutely settled, Secretary Long went so far as to ask Captain Lemly if he felt free to accept the assignment if it were offered him, and it is believed that Captain Lemly will decide to answer affirmatively.

## Arranging the Details.

Captain Lemly would feel hurt to have it even intimated that he had any personal feeling whatever in the Schley-Sampson controversy. In all the time he has been at the head of the legal department of the navy, his services dating back to 1882, he never had occasion to pass upon any question that involved either Sampson or Schley in any possible aspect. He has known both men, Schley better than Sampson, perhaps. He was one of Schley's personal friends when he (Lemly) was in active line service. He accompanied Schley on the famous Cressy relief expedition and he rendered valuable service to him on that occasion, which service the senior officer recognized. On the other hand, Captain Lemly has known Sampson officially in the navy department when the admiral was at the head of the ordnance bureau and they were thus thrown into close contact in a business point of view for several years. Captain Lemly was judge advocate of the Jeanette court of inquiry.

The precept to the court probably will be issued tomorrow. It promises to be a rather extended statement of the scope of the inquiry, compared with such documents in less important cases. It will define the scope of the inquiry, but whether it will direct the court to return an opinion or simply to ascertain the facts, Secretary Long thus far declines to state. The precept will contain the detail of officers who cannot be said to be officially appointed until it is promulgated. Admiral Schley was not notified today by the department of the officers who will decide the case, but the precept will be sent to him and it will constitute his official notification. Secretary Long did not formally notify the officers who had been chosen to constitute the court of their selection and he was appointed to learn from an Associated Press dispatch that Rear Admiral Kimberly would ask to be relieved from the detail on account of ill health. Should he decline, the secretary will select one of the other retired rear admirals to take his place.

## Kimberly Asks to Be Relieved.

West Newton, Mass., July 25.—Rear Admiral L. A. Kimberly said today

## WAS CUBAN CODE WITHHELD?

Rear Admiral Evans Was Never Interviewed on the Subject.

By Exclusive Wire from The Associated Press. New London, Conn., July 25.—Rear Admiral Evans, who has just returned from a yachting cruise, expresses the heartiest approval of the plan for a court of inquiry to settle the Sampson-Schley controversy, which, as he expressed it, "has hurt the reputation of the American navy ever since the battle of Santiago." He makes the flattest kind of a denial that he has spoken for publication before today in any way on the Sampson-Schley imbroglio. His health was almost taken away to learn that alleged interviews have been going the rounds to the effect that he declared that Captain Cook, of Schley's command, was not given the code of signals of the insurgents at Santiago. "I know absolutely nothing of such an interview," sternly protested the admiral. "In fact, I know nothing of the facts relating to the possession of the code by Captain Cook. The only person whom I can vouch for having the code is myself. I have been out at sea with the New York yacht club squadron for three days and have seen no newspaper men until today."

## DR. KOCH'S THEORY SHARPLY OPPOSED

Earl Spencer and Others Do Not Concede That Consumption Cannot Be Transmitted by Cattle.

By Exclusive Wire from The Associated Press. London, July 25.—Presiding at this afternoon's session of the British commission on tuberculosis, Earl Spencer (chancellor of Victoria university and a vice-president of the congress) severely criticized Dr. Robert Koch's theory to the effect that human beings were immune from contagion from tuberculous cattle. Earl Spencer said he hoped more that the dissemination of such views would not tend to cause laxity on the part of the dairymen and cattle owners, or less vigilance by the authorities charged with protecting the consumers of milk. The speaker earnestly trusted the congress would not endorse the view that it was unnecessary to take measures to prevent the transmission of tuberculosis from animals to humans.

Professor John MacFadellan, of the Royal Veterinary hospital, read a paper on the tubercle bacilli in milk as a source of tuberculosis in man. He said that until Dr. Koch had declared himself to the contrary, it was supposed to have been fully proved that human and bovine tuberculosis were identical diseases. Prof. MacFadellan discussed the grounds upon which Dr. Koch based his belief, contending that they were either not well founded or had little bearing upon the questions, and he submitted arguments to prove that the strongest grounds remained regarding milk from tuberculous cows as distinctly dangerous to human beings.

Dr. Ravenel, of Philadelphia, gave an instance of the infection of ten persons from tuberculous cattle, but said he considered such instances to be rare. James King, a veterinarian, of London, speaking before the congress, attributed the large increase in the imported meat trade to the inspection of home killed cattle and said a meat salesman assured him that the losses from condemned meat carcasses were so great that the British dealers were forced to buy imported meat.

Mr. King dissented flatly from Dr. Koch's belief in the non-transmission of bovine tuberculosis to human beings and urged the adoption of stringent measures in this respect to insure the healthfulness of imported carcasses.

## ROCK, LIME AND STONE INTERESTS COMBINE

Company to Be Organized with a Capital of \$5,000,000 in This State.

By Exclusive Wire from The Associated Press. Philadelphia, July 25.—A combination of the largest trap rock, lime and sandstone quarries in the Pennsylvania, the Reading and the Baltimore and Ohio railroad, which has been in process of formation for some months, has, it is said, been effected, and a meeting to organize a company with a capital of \$5,000,000, to take over the different interests, will be held in a few weeks.

John W. Boileau, of Pittsburgh, who represents a syndicate back of the trust, and who engineered the deal, returned to Pittsburgh last evening after having secured options and arranged with the owners of a number of the largest quarries in this section to enter the combine.

Among those who, it is said, have given options on their properties are the John L. Dyer Quarry company, operating the largest crushed stone industry in the east, and whose quarries are located at Birdsboro and Howellville; William P. David, of Bridgeport; A. G. Morris, with quarries at Tyrone and Bellefonte; A. A. Stevens, of Tyrone; McCalmont, of Bellefonte; Ressemer Lime Stone Quarry, of Martinsburg, W. Va.; Conemaugh Stone company, Knickerbocker Lime company, with quarries in Chester county; Wm. R. Morris, of Bridgeport; Todd & Sons, of Port Kennedy; Fred J. Dyer, of Surveysville, and S. B. Twining & Co., of Lumberville.

Beside the above, who represent the largest interests in crushed lime and sandstone industries, there are a number of smaller quarry owners who have consented to enter the combine.

Twenty Round Draw. By Exclusive Wire from The Associated Press. Lowell, Mass., July 25.—Flaherty and Gardner fought a draw tonight, 20 rounds.

## PEACE MISSION FROWNED UPON

Conservative Strike Element's Representative Unable to Negotiate a Settlement.

## PEACE NEGOTIATIONS OFF

Senator Hanna Is Expected to Receive the Association Mediator Graciously and Hopes Are Entertained That He Will Do His Best to Effect a Settlement—Wilkes-Barre Car Builders Will Continue Their Strike—Machinists May Return, However—Connecticut Workmen Reinstated and Seabs Discharged.

By Exclusive Wire from The Associated Press. Pittsburgh, Pa., July 25.—The peace mission of M. M. Garland, who went to New York on behalf of the conservative element in the Amalgamated association, has failed. Mr. Garland was unable to secure from the steel manufacturers any terms on which a settlement could be made, and peace negotiations are off.

Mr. Bishop, of this city, is acting with the approval of the Amalgamated leaders and carries credentials from President Shaffer explaining the attitude of the association. "There is little doubt that Senator Hanna will receive the association's mediator graciously and it is expected he will promise to do his best towards a settlement."

About his success with the combine people much doubt is expressed. When seen tonight concerning his trip to New York, Mr. Garland refused to discuss the matter, saying: "I am not talking."

He said he made many trips to New York on behalf of the conservative element and this trip was one of them. President Shaffer said if Mr. Garland had gone to New York on a peace mission it was without his sanction or at his solicitation.

## Car Builders Will Remain Out.

Wilkes-Barre, Pa., July 25.—The striking machinists and car builders formerly employed at the shops of the Central Railroad of New Jersey at Ashley, held a meeting this afternoon to hear the report of the committee of employees sent to New York to interview the officials of the company as to the extent of bringing the strike to an end. The committee offered to declare the strike off if the company would take back the strikers in a body. The proposition was refused.

The officials of the company claimed the place of many of the strikers were now filled and if any of them wanted to return to work they would have to apply as individuals. The report of the committee was discussed at length and then the meeting voted by an overwhelming majority to remain out until such time as the company is willing to make some concessions.

It is said the machinists are not satisfied with the decision reached and will apply for their old positions by an overwhelming majority to remain out until such time as the company is willing to make some concessions.

## One Difficulty Settled.

Ansonia, Conn., July 25.—The long strike of the employees of the Farrell Foundry company was today settled today, when it was agreed that the men would return to work the new men now working in the foundry would be discharged and all of the old hands reinstated. It is announced that the company will raise the attachments which were put upon the property of the strikers at the time they were enjoined from interfering with the new men at work.

## UNION PARTY COMMITTEES.

Named by the Insurgents in Philadelphia.

By Exclusive Wire from The Associated Press. Philadelphia, July 25.—The town meeting committee of nine today adopted "Union party" as the appellation of the independent movement to elect District Attorney Rothwell and campaign for other offices. The committee is composed of: appointed committee on city and state relations, and to confer with the Municipal league and other reform organizations, and issued an address to the people of Philadelphia asking their assistance in the effort to elect Mr. Rothwell.

The committee on city and state relations is composed of: W. L. Schaefer, Franklin L. Sheppard and Samuel M. Clement, jr.

## Released from Prison.

By Exclusive Wire from The Associated Press. Chicago, July 25.—Wayland Brown, who with Dr. August M. Finger, was convicted of conspiracy to defraud an insurance company in the DeBach case, was today released from jail. The verdict sentencing him to the penitentiary was vacated and an order issuing a fine of \$500 substituted. Brown paid \$500 of the fine today, and his wife, the daughter of a wealthy Cleveland steel manufacturer, went securely for the remainder.

## Special Meeting of Superior Court.

By Exclusive Wire from The Associated Press. Philadelphia, July 25.—The Superior court today held a special meeting in this city. After handing down decisions in over 100 cases the court adjourned to meet in Philadelphia on the first Monday of October.

## Killed by Premature Blast.

By Exclusive Wire from The Associated Press. Hudson, July 25.—Joseph Kowalski, aged 35, and George Vandenk, aged 25, his laborer, were killed at Laurel Hill colliery today by the premature explosion of a blast.

## MINING COMPANIES EXEMPT.

It Is Held They Don't Come Under New Bankruptcy Law.

By Exclusive Wire from The Associated Press. Pittsburgh, July 25.—Several opinions were handed down in the United States District court today by Judge Baughman, settling questions in bankruptcy cases. In the bankruptcy cases against the Keystone Coal company, of Wilkes-Barre, the court holds that it has no jurisdiction, and dismisses the petition. The bankruptcy court approves all petitions in bankruptcy cases may be filed against corporations engaged principally in "manufacturing, trading, printing, publishing or mercantile pursuits." The court finds that congress, in naming the kind of pursuits, intended to limit the act to those named, and assuming companies are not named, the fair import of the terms of the act cannot be stretched to include them. In holding this opinion the court has reversed the referee, who found that the company was engaged in "mercantile pursuits," and was therefore subject to the provisions of the bankruptcy act. This opinion is considered of great importance.

## FREE TRADE NOW WITH PORTO RICO

Official Announcement Made by the President of the Establishment of Civil Rule in the Island.

By Exclusive Wire from The Associated Press. Washington, July 25.—The president today issued his proclamation establishing free trade between Porto Rico and the United States and declaring the organization of a civil government for the island. The proclamation, which is the first of the resolutions adopted by the Porto Rican legislature, declares that the island is set free commercially today in commemoration of the anniversary of the planting of the American flag on the island.

The proclamation is headed: "Cessation of Tariff-Porto Rico." It recites that the act of April 12, 1900, otherwise known as the Foraker act, provided that whenever the Porto Rican legislature enacted and put into operation a system of local taxation to meet the needs of the government and by resolution so notified the president, the latter should issue a proclamation and all duties on goods passing between the United States and Porto Rico should cease. As the legislature has complied with the requirements of the act in terms set out in the resolutions which are quoted in full in the body of the proclamation, that document says:

"Therefore, I, William McKinley, president of the United States, in pursuance of the provisions of law above quoted and upon the foregoing due notification, do hereby issue this my proclamation, do declare and make known that civil government for Porto Rico has been organized in accordance with the provisions of the said act of congress, and I do further declare that the provisions of the law above quoted and upon the foregoing due notification, do hereby issue this my proclamation, do declare and make known that civil government for Porto Rico has been organized in accordance with the provisions of the said act of congress, and I do further declare that the provisions of the law above quoted and upon the foregoing due notification, do hereby issue this my proclamation, do declare and make known that civil government for Porto Rico has been organized in accordance with the provisions of the said act of congress, and I do further declare that the provisions of the law above quoted and 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