

SCHELEY'S BILL OF EXCEPTIONS

The Admiral Through Counsel Objects to Findings of the Court of Inquiry.

PAPERS IN HANDS OF SECRETARY LONG

Attorneys for Admiral Sampson Are Expected to File Their Objections to the Findings of Admiral Dewey on Friday—The Claims of Scheley's Bill—Comments by Attorney Raynor.

Washington, Dec. 18.—Late this afternoon Admiral Scheley, through his counsel, filed with the secretary of the navy his bill of exceptions to the majority findings of the court of inquiry and also a letter asking to be allowed to be heard in connection with the objections to be filed by attorneys for Admiral Sampson to the individual opinion of Admiral Dewey. This action was taken after Mr. Raynor, Mr. Teague and Captain Parker, of counsel, had held a consultation throughout the day with their client.

Secretary Long almost immediately after the receipt of the communications, called Judge Advocate Lemly and the solicitor for the department, Mr. Hanna, into conference. At his conclusion the secretary said that he had no statement to make regarding any action that he might take in the premises. He, however, indicated to Mr. Teague, through the judge advocate, that he would not hear an oral argument by attorneys regarding the Admiral Sampson's protest but that he would receive a written statement.

It was expected that counsel for Admiral Sampson would file their objection to the findings of Admiral Dewey in the case today but it is now stated that such objection may not be offered before Friday.

Admiral Scheley's bill of exceptions objects to the approval of the findings of the court upon the ground that the opinions rendered and all the facts made by the majority of the court are in conflict with the overwhelming weight of evidence; and that the majority of the court in their said opinion have ignored the testimony of the applicant, and of the whole of the applicant's witnesses, and all the facts of the evidence given by witnesses for the government, which was favorable to the applicant, and have thus deprived him of rights guaranteed to him by the laws of the land and the constitution of the United States.

Claims of the Bill.

The bill claims that the majority of the court gave their opinion that Commodore Scheley had acted with the utmost dispatch and with promptness when there was no specification covering this point and without giving the applicant an opportunity to furnish evidence on it. The fact that no place was mentioned in what is known as the McCall memorandum for meeting the insurgents is regarded as a paramount reason why communication was not held with the insurgents and further that the said memorandum was sent to Commodore Scheley only for use in connection with the information which it contained relative to the location of the insurgent camp in the vicinity of Cienfuegos. The bill further contends that overwhelming evidence was presented to the court to show that a close blockade of Cienfuegos was maintained, that the majority of the court entirely ignored the material testimony proving that the British steamer Adula was allowed to enter Cienfuegos to obtain information regarding the Spanish fleet; that the order of Admiral Sampson, known as No. 7, was an imperative order for Commodore Scheley to hold his squadron off Cienfuegos whether the Spanish fleet was in that harbor or not; that the majority of the court have ignored the admitted fact that the commander of the Eagle did not communicate the situation at Cienfuegos to Commodore Scheley; that they ignored the fact that Captain Evans failed to communicate to Commodore Scheley the meeting of the signal lights on shore at Cienfuegos; that Commodore Scheley, as proved by the evidence, had no knowledge of these lights until the night of May 24, 1898; that the majority of the court are silent in their reference to masking the movements of the flying squadron in front of Cienfuegos; that the majority based their opinion as to the retrograde movement upon a statement that Commodore Scheley, before sailing from Cape Cruz and Goanives channel, whereas it is denied that there was any such positive information and that the record shows that not until three days after leaving Cienfuegos did Commodore Scheley receive definite information concerning the feasibility or practicability of coaling ships from a collier in Goanives channel; that the majority erred in stating that Commodore Scheley received no positive information from the scout ships as to the enemy's presence in Santiaago harbor because Captain Sisbee had reported to Commodore Scheley that the Spanish fleet was not in that harbor.

Question of Coaling.

The bill denies that the conditions of wind, sea and weather from May 26 to June 1 were favorable for taking coal from a collier off Santiaago. It also claims that the coal charts submitted in evidence, showing the chasing capacity of the flying squadron, have been ignored; that no reference has been made to the orders of the secretary of the navy forbidding the hazarding of American ships against shore batteries; that the majority opinion failed to contain any reference to the character of the blockade of Santiaago, although covered in the specifications; that the demonstration made by Commodore Scheley before Santiaago on May 29 and 30 was pre-determined and executed solely as a reconnaissance and not as a formal attack upon the Colon or the other vessels in the harbor; that the majority opinion of the court is ambiguous with respect to the loop of the Brooklyn in that it holds that said loop was made to avoid getting into dangerous proximity to the Spanish vessels, without stating whether such was the intention of Commodore Scheley or to his desire to preserve the ship intact and ready for further work; that the majority of the court entirely ignored the overwhelming testimony in arriving at the opinion that Admiral Scheley erred in commencing engagement on July 3 with the port battery and that the Brooklyn did not lose either distance or position with the Spanish ships in making the turn; that the majority opinion is ambiguous upon the subject of the backing of the Texas, in that it does not state whether the danger of collision was real or imaginary; that Captain Cook's testimony on this point was entirely ignored; that the finding with the Hodgson controversy has been repeatedly contradicted in the testimony; that the majority opinion that Commodore Scheley's conduct was characterized by vacillation, dilatoriness and lack of enterprise is not justified by the evidence submitted; that the majority opinion is entirely silent upon the charge, by the testimony of the judge advocate, that the majority opinion that Commodore Scheley was derelict in the discharge of his duty; that the majority of the court entirely failed to determine who was commander-in-chief of the fleet, and the testimony of the judge advocate, which finding was necessary to determine the first specification of the precept as to the conduct of Commodore Scheley; that the majority of the court have rejected the whole of the testimony on behalf of the applicant, and that by so doing has perverted the ends of justice and deprived him of his common law and constitutional rights; that he has been found guilty upon specifications substantially abandoned by the judge advocate, and that the testimony of a few hostile witnesses have been admitted. The bill concludes with the statement that the proceedings of the majority of the court were irregular; that Admiral Scheley's testimony in many particulars not considered, and that the evidence is absolutely insufficient to sustain the opinion which has been rendered, and therefore a grave and irreparable injustice has been done Admiral Scheley.

Commenting on today's action Mr. Raynor said:

"The objections that we have filed rest upon the ground that Admiral Scheley has been deprived of his rights as guaranteed to him by the laws of the land and the constitution of his country. We claim that the whole of the evidence in favor of the admiral, including his own and the testimony of all of his witnesses, has been rejected by the majority of the court and not even considered or passed upon. Such a method of procedure would not be permitted to stand for a moment before the tribunal governed by any people of common principle law or common justice. The admiral was on the stand for about four days and not a word that he uttered and not a solemn assertion that he made under the sanction of his oath, has been adverted to by the majority of the court. Such a method of disposing of a case is unparalleled in the annals of civil or criminal law. The greatest malfeasor in the land under the constitution is entitled to have his evidence considered and passed upon.

"We shall therefore, avail ourselves of every remedy that we have to impeach this appalling verdict."

Justice Jerome Pleads For Open Saloons.

Wants a Bill Passed, Because It Is the People's Will.

By Exclusive Wire from The Associated Press. New York, Dec. 18.—Justice Jerome, district attorney-elect, addressed a closed meeting of the board of trustees of the New York State Brewers' and Millsters' association today. He asked the support of the association of a bill providing for the opening of saloons, between the hours of 1 and 11 p. m., on Sundays in this and other cities of the state having a population exceeding 100,000.

The association pledged its support of such a bill. Justice then told the members present that he wanted the bill simply on the ground that it was the people's will.

If he heard that any other influence was brought to bear upon the legislature, he would denounce the measure and strenuously enforce the Raines law.

DAVID LLOYD-GEORGE PRECIPITATES RIOTS

His Eloquence Arouses the Fighting Blood of Birmingham, England.

London, Dec. 18.—David Lloyd-George, M. P., in speaking in Birmingham town hall tonight, precipitated a scene unprecedented in that city since the Aston Park riots.

The majority of the audience were hostile to the speaker and were enraged by his pro-Ber and anti-Chamberlain utterances. They rushed the police cord guarding the platform.

In the meanwhile the building was besieged from the outside by a mob of several thousand people, who smashed windows and tried to force the doors, which had been barricaded. They forced the audience with stones through the windows.

The police reserves were turned out and succeeded in dispersing the mob after repeated charges. A number of persons were injured and the town hall was completely wrecked. Not a single window was left whole.

ANTI-ANARCHY BILL.

A Measure Providing a Death Penalty for Assaults on President and Government Officers.

Washington, Dec. 18.—Chairman Ray, of the house committee on judiciary, today introduced an anti-anarchy measure, which probably will be the basis of legislation on that subject in the house. The measure is very elaborate and brings together features of the many proposals made for dealing with the subject. It provides the death penalty for assaults on the president or other executive officers.

It is made a felony to advise or teach the overthrow of the government or any interference with government officers. The death penalty also is provided for conspiracies in this country leading to the killing of a foreign king, emperor, president or other ruler.

MINE WORKERS' CONVENTION.

Officers Elected at Mahoney City Yesterday.

By Exclusive Wire from The Associated Press. Mahoney City, Pa., Dec. 18.—The convention of the United Mine Workers of the Ninth district today elected officers as follows: President—John Fahney, Shamokin. Vice President—Paul Pulaski, Mount Carmel. Secretary—George Hartlein, Shamokin.

Treasurer—W. G. Yoder, Shamokin. Members of the national executive board—Myles Douglas, Shamokin. District executive board—T. J. Richards, Minersville; Edward Harris, Lykens; John T. Williams, Shamokin; Martin Probst, Shenandoah; Joseph Lindey, Excelsior; Terrance V. McGinley, Girardville; Walter E. Walsh, Mahoney City.

Business of a routine character took up the time of the convention today. National President John Mitchell is expected to attend the meeting tomorrow.

SPANISH TREATY CLAIMS.

Commission Hears Arguments in Support and Opposition.

Washington, Dec. 18.—The Spanish treaty claims commission today heard arguments in support and in opposition to a construction of government counsel that the commission has jurisdiction under the Paris treaty, of claims growing out of the sinking of the battleship Maine.

The argument was opened by A. P. Morse, counsel for the government. He was followed by C. E. Butler, on behalf of the claimants.

THE PLANS FOR PEACE

Scheme of the Committee Appointed at the Labor and Capital Conference.

STATEMENT OF THE PROGRESS MADE

The Scope and Province of the Department Shall Be to Do What May Seem Best to Promote Industrial Peace—Committee Will Not Consider Abstract Labor Problems and Assumes No Power of Arbitration Unless Such Be Conferred by Both Parties in Dispute.

By Exclusive Wire from The Associated Press. New York, Dec. 18.—Charged with the task of drafting a scheme of plan and scope, the general committee appointed yesterday at the labor and capital conference met today in private conference to take up its work.

Among those in attendance were Oscar Strauss, Charles M. Schwab, S. R. Callaway, Charles A. Moore, Cornelius N. Bliss, Lewis Nixon, J. J. McCook, P. M. Easley, Samuel Gompers, John Mitchell, Frank Sargent and James Duncheon. It was announced that a committee on plan and scope upon which Senator Hanna, Archbishop Ireland, Bishop Potter and Messrs. Gompers, Nixon, Mitchell, Callaway, Sargent, Bliss, Schwab and Strauss had been named, would give out a statement during the day.

At the conclusion of the session the following statement was given out: This committee shall be known as the industrial department of the National Civic Federation.

The scope and province of this department shall be to do what may seem best to promote industrial peace, to be helpful in establishing friendly relations between employers and workers, by its good offices to endeavor to obviate and prevent strikes and lockouts; to aid in removing industrial relations where a rupture has occurred.

The committee represents employers and workers, organizes and sees that no laborer shall be subjected to any discrimination or unfair treatment on the ground of race, color or religion, and that no laborer shall be subjected to any discrimination or unfair treatment on the ground of race, color or religion, and that no laborer shall be subjected to any discrimination or unfair treatment on the ground of race, color or religion.

That mutual agreements as to conditions under which labor shall be performed should be entered into and that such agreements be made both in letter and spirit by both parties.

This department, either as a whole or a sub-committee if appointed, shall, when required, act as referee, to adjust and decide upon questions at issue between workers and their employers, provided in its opinion the subject is one of sufficient importance.

This department will not consider abstract industrial problems.

This department assumes no power of arbitration unless such be conferred by both parties to a dispute.

This department shall adopt a set of by-laws for its government.

Members were elected and committees were appointed. The following executive committee was elected: Chairman, Samuel Gompers and Oscar S. Straus; Treasurer, Charles A. Moore; Secretary, Ralph M. Folsom; committee on laws, Oscar S. Straus, S. R. Callaway, James H. Eckley, John J. McCook, Samuel Gompers and Harry White.

The committee on by-laws will report a set of by-laws to the executive committee at a meeting to be held about the last week in January, the date to be fixed by the chairman.

WHEELMEN MEET.

Delegates Elected to the National Assembly at Tarrington.

Philadelphia, Dec. 18.—The annual meeting of the Pennsylvania division of the League of American Wheelmen was held here today. The report of the secretary-treasurer shows that, notwithstanding the membership of the division has fallen from 5,000 last year to 1,876 this year, the organization is free from debt. Several changes were made in the constitution so as to conform to the reduced membership. The following were elected delegates to the national assembly which will likely meet at Tarrington, Conn.:

George Myler, Pittsburg; J. J. Van Nort, Scranton; M. B. Worrell and Thomas Hart, Philadelphia. These, together with the newly elected chief counsel, Samuel A. Boyle, vice-counsel of Pittsburg, and Secretary-Treasurer George M. Shelly, of Philadelphia, will make up Pennsylvania's representation at the national assembly.

Lehigh Traffic to Be Resumed.

By Exclusive Wire from The Associated Press. Hazleton, Dec. 18.—By tomorrow night, it is expected, traffic on the main line of the Lehigh Valley between New York and Buffalo, via Pottsville, will be partially resumed. Only the west-bound train, which was so badly damaged by the flood as the others, will be used and the trains of both the Lehigh Valley and the Jersey Central will be run over it. It will require at least two weeks to replace the Jersey Central bridge.

Indictments Against N. Y. Central.

By Exclusive Wire from The Associated Press. New York, N. Y., Dec. 18.—The Herkimer county grand jury today handed up two indictments against the New York Central and Hudson River railroad growing out of the round house explosion, on Aug. 19 last, in this village, which resulted in 35 deaths and great damage to surrounding property. The indictment charges the railroad with the second degree and the other violating the penal code in the negligent use and management of explosives.

"Griff" Forced to Quit the Ring.

By Exclusive Wire from The Associated Press. Chicago, Dec. 18.—Albert Griff, well known throughout sporting circles as "Young Griff," a professional pugilist, was today forced to quit the ring because of a vital affection of the heart, which may result in death to him in the next few days.

CASE OF SANTIAGO IGLESIAS.

Has Awakened Much Interest in Government Circles.

By Exclusive Wire from The Associated Press. San Juan, Porto Rico, Dec. 18.—The case of Santiago Iglesias, the labor organizer, awakens interest in government circles. The acting governor, Charles Hartzell, has called Attorney General Harlan's attention to the alleged conspiracy to raise the price of labor, on which charge Iglesias was sentenced to three years imprisonment.

Mr. Hartzell says that the matter has caused widespread comment, particularly regarding the nature of the alleged offense, and requests that the government of Porto Rico be quickly advised as to the exact character and scope of the law under which Iglesias was sentenced, in order that proper amendments may be enacted in case of any injustice resulting from the exercise of such laws.

Mr. Hartzell has also urged an early hearing of Iglesias' appeal by the supreme court so that a final determination may be had not only of the guilt or innocence of Iglesias and the other defendants, but of the existence or non-existence of the law under which they are charged.

He further suggests an appeal for the amendment of the existing laws during the coming session of the legislature.

ENCOURAGING NEWS FROM THE ISLANDS

According to Report of Commission the Federal Party Has Been Successful in Persuading Insurgents to Surrender.

Washington, Dec. 18.—Provision for a permanent civil government and for the industrial development of the Philippines is embodied in the annual report of the Philippine commission.

It is declared that the Federal party spread like wildfire throughout the archipelago, and that there are few towns in any of the provinces which have not their Federal committees. The members of the party were most active and effective in inducing insurgent leaders to surrender. It is declared by the commission that while the five provinces mentioned (Iloilo, Zamboanga, Cebu, Bohol, Samar and Mindoro) there is peace in the remainder of the archipelago. All insurgents have surrendered and, in most of the provinces except among the Lake Moros, it is entirely safe during the day for travelers unattended to go from one town to another. In other towns recent war conditions and suffering and hardship from cattle pest and locusts have developed.

The people are friendly to the civil government, and the only possible method of instructing the Filipino people in methods of free institutions and self-government is to make a government party of Americans and party of Filipinos, with ultimate control in American hands for some time to come.

In Ignorance.

Less than ten per cent of the people speak Spanish and the educated people, under the influence of Spanish teaching have but a faint conception of real civil liberty and the mutual self-restraints it involves. It is the duty of the commission to instruct the people in the possible method of instructing the Filipino people in methods of free institutions and self-government is to make a government party of Americans and party of Filipinos, with ultimate control in American hands for some time to come.

MURDERED FOR MONEY.

The Body of James B. Hay Found Buried Beside Railroad Track.

Salt Lake, Utah, Dec. 18.—The body of James B. Hay, secretary of the Pacific Lumber company, was today found buried in a shallow trench alongside the Rio Grande railroad tracks. Monday night the body of James B. Hay, secretary of the Pacific Lumber company, was today found buried in a shallow trench alongside the Rio Grande railroad tracks. Monday night the body of James B. Hay, secretary of the Pacific Lumber company, was today found buried in a shallow trench alongside the Rio Grande railroad tracks.

ADA DENNIS DYING.

The Police Are Without a Clue to the Assassin.

Washington, Dec. 18.—Mrs. Ada Gilbert Dennis, the modiste, who was assaulted in her apartments early on Tuesday morning of last week, is dying of her wounds. She has been in the hospital for several days, but she has not yet recovered. The police are without a clue as to the identity of the person who committed the crime.

Steamship Arrivals.

New York, Dec. 18.—Arrived: Havre, Havre; Naples, Genoa; La Bretagne, Havre; St. Louis, Southampton; Teutonic, Liverpool; Southampton, Antwerp; Plymouth—Arrived: Bristol, Liverpool; Arrived: Oceanic, New York; Rotterdam—Arrived: Potsdam, New York via Boston; Arrived: Plymouth—Arrived: St. Paul, New York; Arrived: Passaic, Passaic, New York for Haverhill.

Corporations Chartered.

By Exclusive Wire from The Associated Press. Harrisburg, Dec. 18.—Chartered were issued by the state department today by the following corporations: The Vampuna Electric Light company, Vampuna, Lawrence county; capital, \$25,000; Manufacturers' supply company, Philadelphia; capital, \$25,000; The Washburn Coal company, Evans City, Butler county; capital, \$100,000; Imperial Wagon company, Philadelphia; capital, \$100,000; Pittsburgh Paper company, Pittsburgh; capital, \$100,000.

THE PHILIPPINES REVENUE BILL

The Measure Is Passed in the House by a Vote of 163 to 128.

FIVE REPUBLICANS AGAINST THE BILL

Members McCall, Littlefield, Heatwole, Eddy and Stevens Vote with the Democrats, While Roberts, Davey and Broussard Join with Republicans in Supporting the Measure—The Bill Imposes Dingley Tariff Rates on Goods Entering the Philippines from the United States—Duties to Be Expended for the Benefit of the Islands.

By Exclusive Wire from The Associated Press. Washington, Dec. 18.—The bill to provide revenue temporarily for the Philippine islands passed the house today by a vote of 163 to 128. Five Republicans—Messrs. McCall, of Massachusetts; Littlefield, of Maine; Heatwole, Eddy and Stevens, of Minnesota, voted with the Democrats against the bill, and three Democrats—Messrs. Roberts, Davey and Broussard, of Louisiana, voted with the Republicans for it.

Mr. Foster, an Illinois Democrat, Mr. Warner, of Illinois, who voted against the Porto Rican bill, last congress, voted for the Philippine measure today. Mr. Grunpacker, of Indiana, who also voted against the Porto Rican bill, was absent.

In the course of the debate today, the Democrats were several times taunted with their failure to present an alternative proposition for the pending measure, but just before the vote was taken on the passage of the bill the attitude of the minority was defined in a motion to recommit, offered by Mr. Richardson, the minority leader. It instructed the ways and means committee to report the bill back amended so as to reduce the customs and internal revenue laws of the United States to a revenue basis, and to extend them to the Philippines until the latter, with the aid of the United States, should be able to set up a stable, independent government. This proposition did not command a Republican vote and the three Louisiana Democrats above mentioned voted against it. Mr. Meyer, of Louisiana, was paired against it.

The speakers today were Messrs. Hepburn (Iowa) and Dalzell (Penn.), for the bill, and Messrs. Henry (Texas), Williams (Miss), McCall (Rep., Mass.), Greene (Penn.) and McCallan (New York), against it. The bill passed today imposes the Dingley rates on goods entering the Philippines from the United States. It also provides for the collection of tonnage taxes on vessels plying between the United States and the Philippines, and that foreign vessels may ply between these ports until Jan. 1, 1905. The duties and taxes collected under the provisions of the bill shall go into the Philippine treasury, to be expended for the use and benefit of the islands.

FOUGHT DUEL TO DEATH.

Daniel Bradburn and David Fagan Engage in Deadly Combat.

Uniontown, Pa., Dec. 18.—Daniel Bradburn and David Fagan fought a duel to the death last night in a small room of Hall's boarding house where both men lived. Bradburn was killed and Fagan is in jail with a bullet wound in his side from the effects of which he may die.

Fagan had accused Bradburn of stealing money from him and the latter went down town, purchased a revolver and returning, challenged Fagan to get his gun and fight it out. Fagan immediately went to his room and got his revolver and the fight was on in deadly earnest. Mrs. Hall and Mrs. Adair were in the room and did what they could to stop the quarrel. Mrs. Hall holding Fagan and Mrs. Adair, Bradburn, Mrs. Hall not a bullet through her hand for her trouble. Shot after shot followed until each man had emptied the five chambers of his revolver. Bradburn then threw himself across the bed and was dead within 15 minutes. Fagan left the house but returned today and gave himself up, saying he was shot through the side and was dying. The two women were purchased in the affair, and at the coroner's inquest tried to make it appear that the other's companion was the aggressor. Bradburn's real name is said to be Daniel Nuss, of Cumberland, Md.

YESTERDAY'S WEATHER.

Local data for Dec. 18, 1901: Highest temperature..... 22 degrees Lowest temperature..... 12 degrees Relative humidity..... 83 per cent. S. by E. wind, variable velocity. Precipitation, 24 hours ended 8 p. m., 0.02 inch.

WEATHER FORECAST.

Washington, Dec. 18.—Forecast for Thursday and Friday: Eastern Pennsylvania—Partly cloudy and continued cold. Thursday, Friday, threatening weather, possibly snow, variable winds.