

Schley's Protest

(Continued from Page One.)

Commodore Schley during the progress of the investigation, namely, that | he did not mask his movements in de- to the character of the blockade of parting from in front of the port of Santiago, although the same was in-Cienfuegos, but in using ardois sig- cluded in the eighth specification of nals he revealed the destination of his the precept, and by specific direction squadron to the enemy on shore, de- the court was obligated to give an spite the fact that by overwhelming opinion thereupon. weight of testimony this charge was entirely disproved.

til the 27th of May, three days after leaving Cienfuegos, when Captain Charles S. Cotton visited the flagship to the harbor of Santiago. Brooklyn, did Commodore Schley reing ships from a collier in Gonaives wholly ignored by the majority of the

the presence of the enemy's fleet in the enemy. harbor of Santiago utterly ignores the

was not in the harbor of Santiago. the court and the report of facts is en-Wise and Jewell to communicate the modore Schley.

14. That the report of facts submitted by the court states that the conditions of wind, sea and weather from noon or May 26 to June 1 were favorable for taking coal from a collier at sea off Santiago, when this statement evidence of the witnesses for the gov-

15. The tables prepared by governbefore the court, showing the coal supadverted to in the report of facts.

proved in evidence, forbidding the lyn and the Texas. hazarding of American ships against shore batteries, and the court has de | Cook, a witness called by the judge

It will not burn with ordinary

cided against the applicant upon the seventh specification of the precept. of the Brooklyn to the Texas at the without, in the slightest degree, re- time of the Brooklyn's turning, has ferring to this important evidence.

17. The majority of the court have entirely failed to give any opinion as

18. The majority opinion of the court that Commodore Schley should 11. The majority of the court have have endeavored to capture or destroy based their opinion in reference to the | the Spanish vessels at anchor near the retrograde movement upon a state- entrance of Santiago harbor on May ment made in their report of facts that | 29 and 30 and that he did not do his Commodore Schley, before sailing from utmost with the force under his com-Cienfuezos, received reliable informa- man! to capture or destroy the Colon tion that ships could be coaled in the and other vessels of the enemy on May vicinity of Cape Cruz and Gonaives 31, is wholly at variance with the orchannel, and it is now respectfully ders under which Commodore Schley tion, dilatoriness and lack of enterdenied that there was any such posi- was acting before Santiago, said or- prise, is in no wise justified by the tive testimony in this case. Every wit- ders, as is attested by No. 8. dated May ness, with one exception, who was ex- 21, 1898, and sent by Admiral Samp- could only have been arrived at by the amined on the subject disavowed all son to Commodore Schley, restricting action of the court in wholly ignoring knowledge in reference thereto, and his operation to the establishment and all of the evidence of Commodore the uncontradicted testimony of Cap- maintenance of a blockade of the port tain F. E. Cook establishes the fact of Santiago if the enemy should be summoned in his behalf and all that that the official charts, with which found therein; and also said opinion is portion of the evidence of witnesses the flagship Brooklyn was supplied, utterly and absolutely at variance called by the judge advocate which and upon which Commodore Schley with the overwhelming weight of tes- was favorable to the said Commander elled to rely for information, timony which clearly established the schley. showed coaling at Cape Cruz to be fact that the affair of May 31 was preneither feasible nor practicable, and determined upon and executed as a rethe records clearly show that not un- connoiszance and not as a formal attack upon the Spanish vessels, nor upon the land batteries at the entrance | course of the public investigation and

19. The majority opinion of the ceive definite information concerning court is ambiguous and indeterminate, the feasibility or practicability of coal- in that the court holds the turn of the Brooklyn to starboard was made to channel, all of which facts have been avoid getting her into dangerous proximity to the Spanish vessels, without court in formulating their said report stating whether evasion of such dangerous proximity was due to the per-12. The majority of the court in sonal fears of Commodore Schley or to stating in its report of facts that Com- | a desire on his part to preserve the modore Schley received no positive in- | ship intact, and ready for further work formation from the scout ships as to in the effort to win a victory from the

20. The majority of the court have overwhelming testimony in proof of entirely ignored the overwhelming testhe fact that Captain C. D. Sigsbee did | timony submitted in the case in arrivactually report to Commodore Schley, ing at the opinion that Commodore and to others, that the Spanish fleet Schley erred in commencing the engagement on July 3, with the port bat-13. The opinion of the majority of tery, the evidence in the case clearly establishing the fact that in the executirely silent on the subject of the prov- | tion of the standing order to "close in en and admitted failure of Captains and attack in harbor entrance" it was impossible for the Brooklyn, without information they had received in ref- turning away from the enemy, to open erence to the presence of the Spanish | the engagement except with her port ficet in the harbor of Santiago to Com- battery, and the evidence also clearly establishes the fact that the turning of the Brooklyn in the manner and direction in which she did turn, did not cause her to lose either distance or position with the Spanish vessels the contrary opinion of the court upon this subject being arrived at only by has been directly controverted by the disregarding all of the evidence of fered in behalf of Commodore Schley.

21. The majority opinion of the court is ambiguous and indeterminate ment e-perts and admitted in evidence in that, while stating that the Brooklyn's turning caused the Texas to stop | will appear from the argument in the ply of the vessels of the flying squad- and "to back her engines to avoid posron, with reference to their chasing sible collision," said opinion does not capacity, proceeding at full speed with state whether the danger of such colforced draught, have not even been lision as comprehended by the ninth the opinion and report of facts renspecification of the precept was real or | dered, have selected the testimony of a 16. There has not been the slight- imaginary, whereas the overwhelming few hostile witnesses, and upon that est reference made by the majority of | weight of testimony clearly established the court to the orders of the honor- the fact that at no time was there and report of facts, discarding all the able secretary of the navy, offered and | danger of collision between the Brook-

22. The testimony of Captain F. E.

Five to Four Decision

(Continued from Page One.)

storm of indignation. It helped to produce a new alignment of parties. The republican party was then struggling for existency, and this decision at once made the party a power. It at once broke the old democratic party into two wings, those who followed the majority of the judges of the supreme court and those who would not.

In 1856 we had what might be called a five-to-four opinion which was soon

Are we now at a point where the five udges of the supreme court will soon of Chief Justice Taney found themselves, when Abraham Lincoln and his the Beaumont oil field today. followers came into power in the White house and in congress?

Turn whichever way we will, Tariff vs. Free Trade is the overshadowing tion of a president in 1904.

JNO. L. DE HARS. New York City.

advocate, in reference to the proximity

been ignored, and not even adverted to

23. The majority of the court have

assumed that the testimony of Lieu-

tenant Commander A. C. Hodgson, not-

withstanding its repeated contradiction

in reference to the alleged conversa-

tion regarding the proximity of the

Texas at the time of the Brooklyn's

turning, is true, and have entirely ig-

contrary, without even referring to it

the Santiago campaign, prior to June

1, 1898, was characterized by vacilla-

duty and unmindful of the regulations

for the government of the navy of the

United States in that he did not pre-

scribe and promulgate anticipatory or-

26. The majority of the court have

entirely failed to determine as to who

was in command of the American

naval forces engaged in the battle of

Santiago, the finding of which fact was

absolutely necessary in order to de-

termine properly the first specification

and have entirely ignored the testi-

subjected to the most searching exam-

ination, and by so doing they have per-

verted the ends of justice. That if

this testimony was all false they

should have so announced, and if all or any part of it was true the said ap-

plicant was entitled to the benefit of it,

and by declining to consider or pass

upon it they have deprived him of his

common law and constitutional rights.

have found the applicant guilty upon

specifications which were substantially

abandoned by the judge advocate, as

show that the majority of the court, in

testimony have based the said opinion

other testimony in the case, without

making the slightest reference to it, as

they were directed by the precept to

sons herein given, hopes to be able,

during the further investigation of

this inquiry, to adduce serious and im-

portant reasons why the majority opin-

ion of the court should not be ap-

31. The applicant is prepared to

show that the whole proceedings upon

the part of the majority of the court

have been entirely irregular; that his

rights have been prejudiced and ig-

nored: that his testimony in many

more particulars than have been here-

in cited has not been considered, and

that the evidence is absolutely insuf-

ficient to sustain the opinion which has

been rendered by the majority of the

court. That a grave injustice has been

committed, which would become irre-

parable and be perpetuated unless this

opinion of the majority of the court

self and his witnesses properly con-

sidered and passed upon, and that the

proceedings be remitted to the court

for that purpose, and that he be given

such other and further relief as he is

entitled to in the premises.

should be disapproved.

The applicant, besides the rea-

28. That the majority of the court

ders of battle.

in their statement of pertinent facts.

in the statement of pertinent facts.

Divided We Fall

"Fusion" is not the right word. "Co-operation" and "proportional representation" would be better. It is hard to give up or "fuse" honest convictions. United we win. Divided we lose. So it looks to a very humbie

SUBSCRIBER. Brownsdale, Minn.

An Astonished Jap

nored the testimony of Commodore Marquis Ito, the Japanese statesman, Schley and Captain F. E. Cook to the said while in St. Paul recently that of all the American customs that impressed him as peculiar the free trans-24. The majority opinion of the portation extended by the railroads of court that Commodore Schley's conthis country seemed most odd. duct in connection with the events of

"Why," said he, "should a railroad give away tickets? Every bit of mile- It has risen, until it can see at last age to them is the same as a piece of cloth to a dry goods firm. In Japan Of the better time every one has to pay for his transporevidence submitted in the case and tation. I never rode on a Japanese railroad for nothing in my life."

When the marquis and party decided to proceed east from St. Paul over the And the toilers have come into their Schley, ali of the evidence of witnesses Milwaukee line the officials of the road extended to the distinguished Japanese and his companions the courtesy of the The world has waited its coming long line and informed Mr. Ito's private sec- Through the drear, dark centuries of retary that the tickets and the private car would cost nothing. The secretary was visibly embarrassed and shook court is inconclusive in that it is enhis head dubiously as he left the office tirely silent upon a charge preferred of the company to convey the startling by the judge advocate during the information to his master. Short! afterward Marquis Ito appeared at the By the seers of old, claimed by him to come within the railroad office and insisted on paying purview of the first specification, tofor the tickets and the use of the spewit: That the said Commodore Schley was derelict in the discharge of his

"I have no claim on your esteemed company," said the oriental. "I should not feel right in traveling over your most excellent road without paying for the great pleasure.'

And so the Milwaukee officials were obliged to carry the marquis and his party over their line in the same way as if they were just plain, every-day And under the clouds is a golden Ame: icans.

Late Oil News From Texas

of the precept as to the conduct of (NOTE-In compliance with Commodore Schley in connection with quests we have received, we publish the events of the Santiago campaign. some of the latest news from the Beau-27. The majority of the court have mont field, in this column. There is rejected the whole of the testimony ofunquestionably a deep interest in this fered on behalf of the applicant and subject, especially among persons who have not adverted to such testimony, have been considering investments in oil stocks. No doubt such items will mony of the applicant himself, who be of interest to the general public.) was on the stand for many hours and



FROM A PHOTOGRAPH OF A SPIN-DLE TOP (BEAUMONT) GUSHER

NOTES AND COMMENT. The St. Louis exposition management have given Texas oil a big boost by deciding to use it as fuel during the exposition.

It is pretty safe not to buy stock in any company unless its incorporators are well known for business integrity and sagacity, and unless they are will-

wide attention from experts, as a cer-ain producer of a high grade of lubricating oil, with valuable by-prod-

By securing both a Beaumont gusher and a few hundred acres of land in

few days most of the stock was subscribed. The shares are sold on guar- the agreement concerning the building STUDENT'S DARING FEAT antee at par, 10 cents a share and non-

The fiscal agents of the company are Lyons & Starr, Youngerman Buildreceived a circular containing full in-

To those who have idle money we would strongly advise to put in surface or ground tanks capable of holding from 100,000 to 500,000 barrels and fill up with Spindle Top oil. Every barrel that comes out of the hill is worth a gold dollar. The Beaumont oil does not "die" like Pennsylvania find themselves in a minority as the oil and needs no "liveling up." There majority judges, under the leadership never was such a chance for money to make the returns that is offered by

The shipments December 13 of 169 cars, or 1,098,500 gallons of oil, part having been shipped by water, made a record-breaker. It has arrived at that issue of the hour. It is now up to stage of business that only shipping congress. Next year, unless wisely facilities are needed, not orders for decided by the pr esent congress, it oil and investors in our local oil stocks will be up to the people in the elec- now see they were wise in placing tion of the next congress, and if not their money in same. There are still wisely decided by the next congress, it a great many opportunities to get in will be before the people in the elec- on the ground floor, as all stocks are advancing rapidly. We have personally looked over the books of several companies that could easily pay from 6 to 11 per cent monthly on their capitalization. In a word, we would advise our readers to buy, and that quickly.-Beaumont Oil Bulletin.

Educate Your Bowels.

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Coming to Their Own

Labor is slowly winning its way. From the depths of slavery in the past

The dawn sublime That will break o'er the night greed and crime, When every throne

Has been outgrown

wrong.

slave, When scourged through life to a wel-It has been foretold

To whom as the scrool of Time un rolled. ppeared the light

Of the Age of Right As it troke afar on the Future's height.

And now at last, it is drawing near. The promised signs in the East ap-

Upon the hills is a graying tinge fringe. There is seen afar

A yellow star, That shines above the horizon's bar, And a morning breeze Curls over the seas,

To break in laughter amid the trees. There are tremors that through the valleys run,

Like news of the yet unrisen sun. There's a radiance seen on the moun-

Like the first, faint blush of a blowing roce. There are signs of hope Where the dawn-gates ope And a dash of light on the grassy

While clear and strong Comes a burst of song, For the birds are passing the word along.

They say to the world: "Awake, awake the dawn of ages is soon to 'Tis coming, 'tis coming, the longedfor day, When the reign of evil shall pass

away. Lift up your eyes And with glad surprise Behold the signs of the new sunrise. Foretold on the page Of the seer and sage

As the harbinger of the Golden Age. Send out the word to the hosts of

light: Let all the children of truth unite. Let the trumpets sound and the battle

Till the toilers come to their heritage: Till the world is freed From the tyrant, Greed

And his daughters, Ignorance, Crime and Need;

Till each man shall be. As God meant him, free, Erect in the sunlight of Liberty. —J. A. Edgerton.

Senator Teller

Without printing a word that Sena-

tor Teller said in defense of his position or giving one of the reasons assigned by him for voting against the ratification of the last Hay-Pauncefote treaty, the hirling editors of plutocracy all over the country are pourguarantee.

The small stockholder should know
exactly what he is buying and should
not part with his money until he gets.

The small stockholder should know
exactly what he is buying and should
the beginning Broadly speaking that not part with his money until he gets the beginning. Broadly speaking that view is that the United States should not enter into a treaty with Great Nueces county, Texas, is attracting Britain or with any other European nation in regard to what we should or should not do on the isthmus of Panama. His opinion was that the United States ought to abrogate the Clayton-Bulwer treaty, thus removing the British claim to interfere in any way in the affairs of the isthmus, and en-Nueces county, a company would be in the affairs of the isthmus, and en-pretty sure to get the cream of the oil ter into no new agreement or obligations of any kind. We should then be in a position to build the canal where we pleased and as we pleased and to pay for it and run it, subject only to friendly agreement with the trong, clean men. In fact, it is so at- | Central American countries. In a word, ractive and straightforward that in a he wanted to exclude Great Britain

from even nominal participation in of the canal. The senator voted against the treaty knowing very well that his vote would not defeat it and merely as a matter of principle. An attempt to ing, Des Moines, from whom we have place him in an attitude of opposi-



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NO DUTY ON CORK LEGS.

Cripple Held Up. but Quickly Released by Customs Officers. People who travel and have occasion

Joseph Leffkofsky of Detroit went and is looked upon wonderingly by the abroad three months ago. He returned townspeople. Whitehead does not recently to New York on the steamer seem to think he has done anything Deutschland with a cork limb. He lined up in the saloon to pass through | telling of his experience. the Dingley inquisition, says the Philadelphia Press. A deputy collector ask- is that it was accomplished at night, ed impressively:

abroad, and, if so, how much did you He was prompted to try the ascent of pay for it?"

bought a cork leg, for which I paid \$17 in Berlin."

declaration. When the ship reached bibed freely. On the way home, as the her pier, a customs inspector was wait- party passed the Soldier's monument, It has been the dream of the cringing ing to perform his duty, but relented. "Hold on a minute," stammered the inspector. "Maybe I shan't have to examine your leg."

to send my leg in bond to the public ing it was impromptu. stores."

NEW WAY TO CALL PAGES. Electr'- Buttons Supplant Old House Custom of Handelapping.

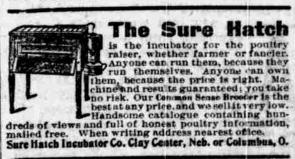
the hands to summon a page has passelectric annunciators were put in use. says the New York Times. There is and another behind the Democratic

are profoundly disgusted with the grasp on the naked rock. woolgathering.

Desires Martini Music.

A French general has inaugurated a plan of permitting and even encouragarranged that any soldier who can play on any of the smaller musical instruments shall be provided with such instrument at the expense of the state.





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Climbed Up Dizzy Height While Yale Men Stood In Awe.

HAD ONLY THE SLIGHTEST HOLD.

J. A. Whitehend Scaled the Sheer Side of East Rock, a Four Hundred Foot New Haven Cliff - Fingers Torn and Bruised-Will Try Steeper One.

The feat of W. S. Merrill, Harvard, '04, who ate three steaks, two mutton chops and two dishes of peas and drank two pints of apollinaris water and two cups of coffee the other night for a three dollar wager, is dwarfed in the estimation of the other students and the residents of New Haven by the recent feat of J. A. Whitehead, a student at Yale, in climbing the East rock, a granite cliff nearly 400 feet high, in front of which stands the Soldiers' monument, says the New York Evening Telegram.

The rock is a sheer precipice and for a hundred feet offers only the slightest hold for foot or hand, but Whitehead climbed to the top of it, where he fell almost exhausted, while the shouts of several hundred students and others who had gathered to watch his perilous ascent rang indistinctly in his

Whitehead risked his life in climbing the face of the precipice, for a misstep at any stage of his upward progress after he had gone twenty feet to buy such articles will feel relieved to would undoubtedly mean death. He is learn that cork legs are on the free list. regarded as a hero by his classmates very remarkable and is diffident about

An odd feature of the performance when young Whitehead did not care to "Did you purchase any article have too large a crowd watching him. the cliff by hearing other students tell-"I did," replied Mr. Leffkofsky. "I ing of the impossibility of doing it.

Whitehead was with a party in the city that had been at a restaurant Down went "one cork leg" on the where liquid refreshments were im-

"I'd like to see the man who could climb that rock," pointing to East rock. "Would you?" said young Whitehead. The law was consulted, with the de- "Well, I'll gratify your desire." He cision that cork legs are "family sup- thereupon approached the side of the plies" and tariff free. Leffkofsky was cliff and began a laborious ascent. It is understood that he had intended to "I went away with \$3,000 and have perform the feat before, but wanted to only \$3 left." said he: "might have had make it more remarkable by pretend-

Some of the students tried to dissuade Whitehead from making the ascent, but he only laughed at their

Slowly, inch by inch, the plucky student climbed. He would rest at every The ancient practice of clapping new foothold he got. Before he got up very far his fingers were torn and ed away from the house of representa- bruised by the rock, but he couldn't tives in Washington. The other day turn back even if he had, wanted to, which he didn't.

It was a weird picture, his tall form one at the back of the Republican side apparently glued to the side of the precipice and the crowd below watching with breathless interest made in When a member pushes a button, a the dark. The men watching Whitesmall red disk appears in the annunci- bead were almost afraid to move or ator, bearing a number which shows talk, fearing that the slightest commowhere the page is wanted. The boys | tion would cause the student to lose his

change. They have to keep their eyes | Gradually the plucky young fellow fixed on the thing all day. There is forged his way up. Fifty feet he got, no noise to attract their attention, and and the crowd could hardly repress a if they take their eyes off for a minute cheer. Seventy-five feet he laboriously the disk may appear while they are climbed, and then in a short time. which seemed an age to the watchers, he reached the top and fell exhausted. while the shouts of the crowd below awakened the echoes of the night and drew many others to the scene.

His was the first performance, acing soldiers to sing when on the march, | cording to the oldest inhabitants. Otha privilege which has been strictly de- ers in years gone have tried it, and in nied until recently. It has also been at least one instance the attempt has resulted fatally.

Mr. Whitehead, whose home is London, has come to Yale to prepar for a course in civil engineering agl will shortly enter the Sheffield Sciatific school. He served with the British South African police during the Ber

He said modestly of his climb:

"I went to the summit by the pad last Sunday and climbed down trice to familiarize myself with the ace. On Monday I made the ascent. The first twenty feet was really a lift cult distance, the hardest of the dmb. The rock for that height leans toward one, and with my fingers I had tchold on tightly to the ledges and the lift myself up. Half way up there is a ledge of six inches width. I sattlown on it and looked down. The senery was so fine that I felt well repair The remainder of the climb to the ammit was easier.

"Twice I almost slipped andlet go my hold. It was not easy, buil was surprised to be told that it hill been considered impossible.

Mr. Whitehead intends to ttempt the ascent of West rock, on the other side of the city, which is sti more difficult to elimb.

"Private" Allen's Latest tory. "Private" John Allen, who a not in congress now, went up to th capitol the other day and sat in the buse lobby for a time, says the Nw York World's Washington correspondent. "I was walking along the stree yesterday." he said. "and I hearda negro man and his wife quarreling The woman said something particulty exasperating, and the man, shaing with anger, retorted. 'Don't you alk that way to me, woman, or I'll shash you in the face.' 'If you do,' the oman replied. 'I kin hear you sayig, "Good mornin', jedge!"'"

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Wherefore, the said applicant most It is always bright and glossy. respectfully prays that approval of the opinion of the majority of said court of inquiry be withheld, and that said opinion be disapproved and that he may be afforded the opportunity to have the testimony of record of him-

Read Admiral, U. S. N. (Retired).

How Are Your Midneys ;

obbs' Sparagus Pills cure all kidney ills. Sa. Add. Sterling Remedy Co., Chicago or N.

Counsel for the Applicant.

W. S. SCHLEY.

ISIDOR RAYNER,

JAMES PARKER