

HE AGREES WITH COURT.

President Roosevelt Submits Answer to Appeal.

Says if Schley Was Reprehensible, as Sampson Claimed, He Did Wrong to Leave Him in Command.

Washington—(Special)—The President today made public a statement of the essential sections of which are as follows:

White House, Feb. 15.—I have received the appeal of Admiral Schley and the answer thereto from the Navy department. I have examined both with the utmost care, as well as the preceding appeal to the secretary of the navy. I have read through all the testimony taken before the court and the statements of the counsel for Admirals Sampson and Schley, have examined all the official reports of every kind referring to the Santiago campaign, copies of log books, signals, books, and the testimony before the court of claims, and have also personally had before me the four surviving captains of the five ships, aside from those of the two admirals, which were actively engaged at Santiago.

It appears that the court of inquiry was unanimous in its findings of fact and unanimous in its expression of opinion on most of its findings of fact. No appeal is made to the verdict of the court on these points where it was unanimous.

I have, however, gone carefully over the evidence on these points also. I am satisfied that on the whole the court did substantial justice.

It should have specifically condemned the failure to enforce an efficient night blockade at Santiago while Admiral Schley was in command. On the other hand, I feel that there is a reasonable doubt whether he did not move his squadron with sufficient expedition from port to port. The court is a unit in condemning Admiral Schley's action on the point where it seems to me he most gravely erred, his "retrograde movement," when he abandoned the blockade and his disobedience of orders and misstatement of facts in relation thereto. It should be remembered, however, that the majority of these actions which the court censures occurred five weeks or more before the fight itself, and it seems that if Admiral Schley's actions were censurable, he should not have been left as second in command under Admiral Sampson.

His offenses were in effect condoned when he was not called to account for them.

Admiral Sampson, after the fight, in an official letter to the department, alluded for the first time to Admiral Schley's "reprehensible conduct" six weeks previously. If Admiral Schley was guilty of reprehensible conduct of a kind which called for such notice from Admiral Sampson, the Admiral Sampson ought not to have left him as senior officer of the blockading squadron on the 3d of July, when he (Sampson) steamed away on his proper errand of communication with General Shafter. We can, therefore, for our present purposes, dismiss that portion of the appeal relating to anything but the battle.

Regarding this, the point raised in the appeal is between Admiral Sampson and Admiral Schley as to which was in command and to which was entitled the credit if either of them was really entitled to any unusual and pre-eminent credit by any special exhibition of skill, genius and courage.

The appeal of Admiral Schley to me is not as to this, but the chief point he raises is an appeal from the decision of the court of inquiry. Five-sixths of the appeal is devoted to this question of command and credit, that is to the matter which the court of inquiry did not consider.

It is in effect an appeal from the action of President McKinley three years ago when he sent in the recommendations for promotions for the various officers connected with the Santiago squadron.

What I have to decide, therefore, is whether or not President McKinley did injustice in the matter. This necessarily involves a comparison of the actions of the different commanders engaged. On this point I quote extracts from the report of Admiral Phillip:

"Under the orders of Admiral Sampson the blockade was conducted with a success eliminated by the result.

"Then occurred the incident which caused me for a moment more alarm than anything Cervera did that day.

"Suddenly a whiff of breeze and a full of the frigate cleared the air, and there before us, turned up on its port helm, with big waves curling over its bow and great clouds of black smoke pouring from its funnels, was Brooklyn.

"Back both engines hard went the tube to the astonished on-lookers, and in a twinkling the old ship was racing with itself. The collision which seemed imminent, even if it occurred, was averted, and as the big

cruiser glided past all of us on the bridge gave a big sigh of relief. Had Brooklyn struck then it would probably been the end of Texas and its 300 men.

"Admiral Sampson was commander-in-chief before, during and after the action."

"Captain Clark's statement is as follows: "The credit for the blockade which led up to the fight is, of course, Admiral Sampson's. When the Spanish ships came out of the harbor the navigator of my ship saw New York to the eastward, but I received no signal of any kind from New York during the action, nor was it near enough to signal directly to me until after Colon surrendered."

"I considered Commodore Schley in responsible command during this running fight and chase so far as I was concerned, and acknowledged and repeated a signal he had flying for close action or something of the kind. As, however, the problem was perfectly simple, namely, to pursue the Spanish ships, as I had been doing before I saw Brooklyn, he did not, as a matter of fact, exercise any control over any movement or action of Oregon, nor did I perform any action of my kind whatever in obedience to any order from Brooklyn, neither as to my course nor as to my speed, nor as to my gunfire, during the fight or chase."

The following is Admiral Evans' statement: "The credit for the blockade, for the arrangements of the ships at the opening of the fight and for the first movements in the fight must, of course, belong to Admiral Sampson, whose orders we were putting into effect. When the fight began Admiral Sampson's ship, New York, was in plain sight. I saw it turning to overtake us. Throughout the fight I considered myself as under his command, but I received no orders from him until Viscaya was aground. Nor did I receive any orders whatever from Brooklyn, nor should I have heeded them if I had received them, inasmuch as I considered Admiral Sampson to be present and in command."

The following is Admiral Taylor's statement: "At the beginning of the fight New York was about as far to the eastward of me as Brooklyn was to the westward. The only signal I received from New York was at the very close of the fight, when it signalled me to return and guard the mouth of the harbor, so that nothing should come out to attack our transports."

"I received no signal whatever from Brooklyn and should not have heeded any if one had been made, as I considered Admiral Sampson present and in command."

The question of command is in this case nominal and technical. Admiral Sampson's ship, New York, was seen at the outset of the fight from all the ships except Brooklyn. Four of these five ships' captains have testified that they regarded him as present and in command.

Admiral Schley at the outset of the action hoisted two signals, "Clear ship" and "Carry in," which were simply carrying out standing orders of Admiral Sampson as to what should be done if the enemy's ships attempted to break out of the harbor.

Technically, Sampson commanded the fleet, and Schley, as usual, the western division. The actual fact, the important fact, is that after the battle was joined not a helm was shifted, not a gun was fired, not a pound of stores was put on in the engine room aboard any ship actively engaged. It was obedience of the order of either Schley or Sampson, save on their own two vessels.

It was a captain's fight. Therefore, the credit, in which each of the two is entitled rests on matter apart from the claim of nominal command over the squadron; for, so far as the actual fight was concerned, neither one nor the other in fact exercised any command. Sampson was hardly more than a record, being in fact the one grave mistake made by an American ship that day.

But after the loon had once been taken, Admiral Schley handled Brooklyn manfully and well, and Oregon were thenceforth the headmost of the American vessels—though Iowa certainly, and seemingly Texas also, did as much as any in hammering the Spanish fleet.

Under such circumstances, it seems to me that the recommendations of President McKinley were eminently proper, and that so far as Admiral Sampson and Schley were concerned, it would have been unjust for him to have made other recommendations. I feel that it was just to Admiral Sampson that he should receive a greater advance in numbers than Admiral Schley—there was nothing done in the battle that warranted any unusual reward for either.

Both Admiral Sampson and Admiral Schley are now on the retired list. In concluding their report the members of the court of inquiry, Admirals Dewey, Benham and Ramsay, unite in stating that they recommended that no further action be had in the matter. With this recommendation I most heartily concur. There is no excuse whatever from either side for any further agitation of this unhappy controversy. To keep it alive would merely do damage to the navy and to the country.

THEODORE ROOSEVELT.

A TEST OF THE MERGER.

Action Is Ordered by President in Name of Government.

Proceedings Likely to be Brought in Minnesota. Hill, Morgan and Associates Will Be Defendants.

Washington, D. C.—(Special)—Within a very short time a bill will be filed by the United States to test the legality of the merger of the Northern Pacific and Great Northern systems through the Northern Securities company. In speaking of the matter, Attorney General Knox said:

"Some time ago the president requested an opinion as to the legality of this merger and I have recently given him one to the effect that, in my judgment, it violates the provisions of the Sherman act of 1890, whereupon he directed that suitable action be taken to have the question judicially determined. A bill in equity is now in course of preparation, which will be filed within a very short time, which will ask that the merger effected through the Northern Securities company of the two roads be dissolved and such shares ordered re-exchanged to restore the stocks of the two companies to their original owners. The two railroad companies, the Northern Securities company, J. Pierpont Morgan & Co. and J. J. Hill and their associates, stockholders in the two companies, will be defendants in the bill.

"The district in which the proceedings will be instituted has not yet been determined. Most likely it will be in Minnesota."

LIKE A BOMB IN THE MERGER CAMP.

New York.—(Special)—Bankers of this city identified with the formation of the Northern Securities company were greatly surprised to learn, and at first refused to believe, that Attorney General Knox is preparing a case against the company. They pointed out that a decision in a case from the supreme court of the United States is expected on Monday next. They were unable to understand why notice of another action should be given pending this decision.

It is stated to be the intention of both the Hill-Morgan and Kuhn, Loeb & Co. and Harriman syndicates to fight the case out to the end. All the bankers seen expressed themselves as confident of the ultimate result. A long legal battle is promised, but it is understood that, no matter what the decision may be, the prominent idea that brought the company into existence will be maintained. Such contingencies as have arisen, he said, were foreseen by legal talent when the last details were arranged some months ago and provision is made for the carrying out of the community-of-ownership idea.

Charles Steele, a member of the firm of J. P. Morgan & Co., was in conference with Mr. Morgan at his residence as to the effect of the action of Attorney General Knox.

"This opinion came as a great surprise to all of us," he said. "No such action was expected and there has been an absolute quiet since the argument of the case of the state of Minnesota before the supreme court of the United States.

"After this bill in equity, as suggested by Attorney General Knox, has been filed we will be prepared to speak of our line of defense. At present we are wholly in the dark, but I will say that a long legal battle will ensue."

"We had not heard that President Roosevelt had asked for the opinion of the attorney general in the matter, and, although we have heard it from several sources in the last few hours, I am inclined to doubt the report."

THINK THAT ROOSEVELT BLUNDERED.

Washington, D. C.—(Special)—Comment on the president's decision in the Schley case goes to confirm the statement made early in the controversy that no two men could go through the testimony and arrive at the same conclusion.

In forming his opinion, the president admits he has not examined merely the evidence adduced at the trial, but that he has utilized magazine articles and sought expert statements from those who participated in the campaign. The result is a rebuke to both Schley and Sampson, far more severe on the first than on the second.

The battle of Santiago he characterizes as a "captain's battle," and the inference to be drawn from his review of it, is that nothing occurred which entitled any participant to "unusual rewards," unless an exception be made to Commander Wainwright, to whom, with Captain Clark of the Oregon, is given an honorable mention.

Navy department officers, of course, are dissatisfied, believing that with each sentence of comment, the president has unwittingly furnished food for further bickering. Partisans of Schley and Sampson alike criticize the findings.

Altered His Will.

Indianapolis, Ind.—(Special)—The late Isaac D. Lemmon intended to bequeath \$500 to the Edwin Ray Methodist church, and he drew his will to that effect. Shortly before his death he attended service at the church and heard a sermon not of his liking. Immediately thereafter, as developed in the filing of the will, he added a codicil revoking the bequest. He never summoned to anyone the subject of the sermon or what the minister said that aroused his ire.

IOWA STATE LEADS IN HIGH PR

Washington, D. C.—(Special)—The census bureau in a report on domestic animals, fowls and bees in the United States on June 1, 1900, announces that all the domestic animals in the United States have a probable value of at least \$2,200,000,000. Of this amount the value of the animals on farms and ranges constitute over 93 per cent and those not on farms 7 per cent.

The census bureau received no reports on the value of animals, but estimates it at \$215,192,928. The total value of all domestic animals on farms and ranges was \$2,981,054,115, against \$2,208,767,513 in 1890. There was a gain in all parts of the country except in the North Atlantic states, where there was a decrease of horses, sheep and swine, making a total decrease of 3 per cent in value.

The live stock on farms in the United States follows: Calves, 15,230,333; steers, 13,253,182; bulls, 1,315,566; heifers, 7,182,914; cows for milk, 11,583,232; goats, 1,131,476; horses, 16,592,664; mules, 3,271,687; asses and burros, 95,600; sheep, 91,691,511; swine, 62,766,168; goats, 1,871,252.

Since 1890 the number of sheep decreased everywhere except in the west. The increase there was more than sufficient to balance the loss elsewhere and made the number of wool-bearing sheep for the nation 11 per cent more than in 1890.

The number of horses on farms increased except in the North Atlantic states. The gain over the census of 1890 was 20 per cent if the colts are included with the totals of 1900, and 12 per cent if excluded.

The mules on farms increased generally. The dairy cows on farms and ranches in 1900 numbered 4 per cent more than the milk cows reported in 1890. Under the term milk cows were included in 1890 more cows than those reported in 1900 as "cows kept for milk" or "dairy cows."

The real gain, therefore, is approximately 25 per cent.

Meat cattle, other than dairy cows, increased generally. Swine increased 9 per cent, although there was a slight decrease in the North Atlantic division. In the South Atlantic division the value of domestic animals increased 14 per cent to \$184,152,273 in 1900. In the north central division the value increased 27 per cent to \$1,529,306,487. In the south central division the increase was 70 per cent to \$58,255,887 and in the western 93 per cent to \$261,452,353.

Iowa leads all the states in the total value of its live stock, while Texas ranks second. The former has an investment in live stock of \$271,841,934, and the latter has \$236,227,434. Texas, however, has the greatest number of meat cattle, mules and goats, but the average value of these and other animals being less than in Iowa the pre-eminence in value rests with the latter named state.

IOWA CHILDREN MUST GO TO SCHOOL.

Des Moines, Ia.—(Special)—The lower house of the Iowa legislature has passed the most stringent compulsory education law placed on any statute book and a law that has been carefully thought out by the educators of the state. This is the bill introduced by Dunham which was virtually prepared by the committee on schools and textbooks, with the assistance of the state educational department and the State Teachers' association. The bill provides that all children between the ages of 7 and 14 must attend some school at least twelve weeks each year, and this may be either a public, private or parochial school. There is provision for truancy schools and truant officers to enforce the law and provision for registration of the school attendance and securing certificates of attendance without expense and for excuse where such seem necessary. The bill was slightly amended so as to still further guard against interference with private and parochial schools and to render it impossible under any circumstances to make trouble for them.

The house also passed a bill to consolidate the funds for the support of the School for the Blind at Vinton and to give a \$22 per month per capita support for nine months in the year. This institution has been closed a part of the year on account of the appropriations not being in proper form.

NOTED NEBRASKA INDIAN IS DEAD.

Pender, Neb.—(Special)—One of the best known characters of the Omaha agency died Tuesday of a complication of diseases and old age in the person of John Fremont, as he was known to the white people, or Chas-a-Nin-Gah as the Indians knew him.

He was a member of the council held in 1854, which ceded all of eastern Nebraska except that portion retained as the reservation to the white men, and in that year went to Washington to see President Pierce. During the civil war he assisted the United States government in the war with the Sioux.

Just a few days before his death he married according to the white custom the Indian woman with whom he had lived as man and wife for many years. He died that no controversy might arise over his property, which amounts to considerable.

Long Line of Electricity.

Helena, Mont.—(Special)—The largest and longest transmission of electricity in the world has just been completed by the Missouri River Power company, transmitting power from its dam and plant at the Missouri river to Butte. The length of this line is sixty-five miles, crossing the main range of the Rocky mountains at an altitude of 2,700 feet and a spur of the main range at an equal height. At present this line conveys 12,000 horsepower.

TO GATHER STATISTICS.

Real Estate Convention of Nebraska wants a New State Law.

State Labor Bureau To Gather Statistics Concerning the Wealth of Agricultural Products.

Fremont, Neb.—(Special)—Near the close of the meeting of the Real Estate convention held at Fremont on the evening of Feb. 14th, the following resolutions were offered by Mr. Leach, of Antelope county, and passed unanimously:

Resolved: That we favor a state law for the gathering of agricultural statistics by the State Labor bureau, covering substantially the following points:

First—The acreage seeded to grain, hay and other crops—officially gathered and reported to the head of the bureau, on or before the first day of June, and by him compiled and published by the first of July of each year.

Second—That a census shall be taken on or before the first of November, which shall be compiled and published by the first of December of each year, showing the yield of grain and other crops, and the value and number of livestock of all kinds.

As the time was so short the resolutions could not then be discussed. Subsequently, at the banquet table, Mr. Buchanan referred to the resolutions and expressed the regret that the time was too limited for a full discussion of them, suggesting that they were of vital importance. He stated that he had listened with interest to all the discussions, resolutions, and had discovered how it was proposed by the real estate men to attract the emigrant when he arrived, how they were going to secure his payments of delayed indebtedness, and all of the other matters pertaining to his care after he arrived; but they had failed in the most important feature of the discussion, which was, "how to get him?" These resolutions, adopted at the close of the evening session, embodied practically all that had been said upon that subject; and, as it was well to catch the rabbit before you skinned him or could rest him, it was equally vital to get the emigrant before you could treat with him on the question of selling him land or getting his money. Hence, it seemed to him most important that some means should be devised by which a systematic effort to entice the people of neighboring states to come to Nebraska and see, and then buy. He further stated that if the resolutions as passed were carried out in good faith and actively, they would supply the oversight. The resolutions recommended the passage of a law which shall make it the duty of the statistical bureau at Lincoln to provide the requisite blanks and have certain representative persons in each township in the agricultural portion of the state (say east of the 99th or 100th meridian) gather statistics from the 1st to the 15th of May, showing the acreage planted to the various crops, the acreage devoted to hay, the number of cattle, horses, hogs, sheep, etc., in each township. This report should be peremptorily be in the hands of the statistical bureau before the 15th of May, and should be compiled and published by the bureau by or before the 1st of June. This would show the exportation for the state's products. Then, the more important feature was the gathering by the same local statisticians under the same jurisdiction, between the middle of October and the 1st of November, showing the actual products of the various cereals, of hay, and the stock industry throughout the same period. These statistics should be peremptorily in the hands of the State Statistician in time to have them compiled and published by the first of December at farthest. The reasons he gave were, first, that the farmer in the neighboring state whom we are seeking to influence to come to Nebraska, is practically idle during the winter months from the 15th of December until the middle of February, and will not read anything after that time, because his spring work will have commenced, or be commencing, or he will be arranging for it to commence. Third, if he is a renter, or if he is not a property owner in the neighboring state, he will make his arrangements by or about the 1st of March for the succeeding year. Hence, matter placed in his hands after that date could not and would not influence his movement for another year at least. Fourth, if this information is not placed in his hands within the time mentioned, he will not read it and cannot read it until the succeeding winter, it will be ancient history to him, and he will not read it at all. So that it is vital to the interests of Nebraska immigration to have these statistics which are essential to influence immigration, placed in the hands of the prospective settler as current history of the year just closed. It is useless for him to be supplied with this information a year late. Again, it is important for the reason that when we have a leg-

islature it is the duty and pleasure of the governor to submit to the legislature a message which shall cover recommendations as he may have made on the various subjects of interest to the state. If he has not the statistics in time to make these recommendations, of course, it is useless to make them at all. But if he has current statistics of statistics current for the past year just closed, he can study them during the month of December prior to the delivery of his message upon the first of January. Then, again, if these statistics are published and are placed in the hands of the prospective legislators during the month of December, he will come to the legislature posted, and with statistics properly digested. He will be prepared to submit suggestions or endorse recommendations by the governor as to what should be done to encourage immigration, whereas, if he has no statistics, he is dependent upon imaginary necessities and the immediate interests of his own particular township or locality.

Mr. Buchanan further stated that there were some 200 real estate men from the various localities in the state present, if they coincided in the view of the resolution for which they had just voted, it certainly would be of a desirable and important that they should take the pains to inoculate their several communities with this idea, and when their legislator, or prospective legislator, was nominated and elected, that he should be influenced to realize that this sort of a law was of vital importance to the state, and seek to secure its passage, and it certainly would rest with the real estate agent present to exert their influence locally to this end. Without such a law and without such statistics and efforts of the real estate convention just held would be of minor importance. This is certainly the key to the situation and ought to be impressed upon everybody forcibly.

One thing further Mr. Buchanan suggested as an aid to the end sought, which was, that as there are some five hundred or more papers published throughout the state, if the real estate men would take it upon themselves to provide their newspaper each week with an sample of successful farming or stock raising in the community, it would no doubt be published readily, and as there were some copies of every paper in the state sent to former homes of the editors in neighboring states, this item of actual results in farming throughout the agricultural portion of the state would necessarily be read by many in neighboring states where it was important this information should go. Thus, with five hundred such examples being published throughout the state every week, one in each newspaper, and there being fifty-two weeks in the year, it meant more than 25,000 examples of this kind throughout the year being given to foreign states of successful work in Nebraska by the farmer and stock raiser, and that it would seem that it would be of immense advantage that those 25,000-for-a-year examples should be given, and their influence must necessarily be felt on the immigration to the state.

These remarks by Mr. Buchanan were well received.

Magnets Under a Crap Table.

Vincennes, Ind.—(Special)—E. W. Roberts, an electrician, created a sensation in the suit against Matthew Kelly and Dallas Tyler, charged with causing the downfall of Richard Davis, former bank cashier, by unfair gambling schemes. He testified that at the direction of Kelly, he placed new battery in the saloon and a justed two saucer magnets under the bar, where it is alleged that Davis lost \$50,000 throwing craps. The electric work was done at midnight, and witness was warned by Kelly not to mention it.

Skull Stops the Bullet.

Superior, Neb.—(Special)—Whit Yetter, a young German living at west of Superior, was examining "unloaded" revolver the pistol was charged, with the usual result, a bullet, a 38-caliber, struck him in forehead between the eyes and embedded in the bone. A doctor summoned from the city. He chafed Yetter and dug out the bullet, which is as flat as a nickel about as large. Yetter's skull cracked a little by the shot. He had a hearty dinner while awaiting the arrival of the doctor.

Eight Years For Banker Gouled.

David City, Neb.—(Special)—A. G. Gould, the Bellwood banker, who was acquitted \$200,000, was sentenced to eight years' imprisonment. When arraigned Gould pleaded guilty to the forgery of eleven notes, ranging in amount from \$150 to \$1,400. He threw himself upon the mercy of the court, saying that if released he and his friends would soon make up his defalcations. He admitted the forgery of \$60,000 in notes, but said he could not tell whether or not that was the total amount of his forgeries.

Information from Denver indicates that the Guggenheim Exploration company has secured control of the lead fluxing ores of the country and is in a position to dictate prices.

STARK OPPOSES IRRIGATION BILL.

Washington, D. C.—(Special)—The irrigation measure now before the house is opposed by Congressman Stark, who declares he will not vote for it until Nebraska's interests are protected.

He will endeavor to amend the bill so that 35 per cent of the reclamation fund will be used for the construction and examination of works for the storage, diversion and development of waters. Further, that 75 per cent of

the money raised in each state or territory shall be expended in that state or territory.

He believes that the Platte river should be placed under the control of congress, that Wyoming might not use all the water before it gets into Nebraska.

Agnes, the 16-year-old daughter of G. W. Barr, was killed at Mason City, Iowa, by the accidental discharge of an old shotgun which her brother was cleaning.

MOMENT MEETS A REVERSE.

—A detachment of the 1st Cavalry (United States) was engaged in a battle with the Boers on the 1st of February, near the town of Mafeking. The Boers were defeated, and the 1st Cavalry was victorious. The Boers were killed, and the 1st Cavalry was captured.

son's column. The latter, while moving on Nigel, February 12, engaged a force of Boers at Klipdam. The Boers were defeated, and the 1st Cavalry was victorious. The Boers were killed, and the 1st Cavalry was captured.

The Boers were killed, and the 1st Cavalry was captured. The Boers were killed, and the 1st Cavalry was captured.

The Boers were killed, and the 1st Cavalry was captured. The Boers were killed, and the 1st Cavalry was captured.