

## LEMLY ACQUITS SCHLEY OF CHARGE OF COWARDICE

### The Case Now with the Court—Decision Not Expected Under a Month.

Washington, Nov. 7.—There was an unusually large attendance when the Senate court of inquiry reconvened this afternoon. Captain Lemly was upon the scene early. He was apparently primed for a great argument. In front of him upon the desk was a mass of papers and portfolios fully three feet high. From time to time before beginning his argument he consulted with his assistant, Mr. Hanna. Occupying a seat alongside of that of Lieut. Ward was Lieut. Barnes, of the Bureau of Navigation.

The court has gathered the testimony and arguments and is already at work upon its decision. That decision may not be rendered for a month. Admiral Dewey and his two associates have a vast amount of evidence to review before rendering their decision. It will require a great deal of hard work to digest the testimony and the arguments, but as decision will be prepared with the least possible delay. When framed it will be handed to the secretary of the navy, who will pass upon it and then make it public. In his concluding argument before the court Captain Lemly said:

"While prejudicial statements to the contrary have been made, the department has in the matter maintained an entirely neutral attitude. I have not been interfered with by it in my conduct of the case. As the record demonstrates, there has been no alteration of the department records. Officers on duty even in that much abused Bureau of Navigation have freely testified in behalf of the applicant."

"I am confident that the evidence adduced fully justifies the views of the department set forth in its reply of February 6, 1899, to the Senate Committee on Naval Affairs (executive document C) wherein it is said of Commodore Schley, referring particularly to the naval battle of July 3, 1898: 'Where so much was achieved in this culminating battle, and where his

ship was such a conspicuous force in the fight, his conduct, while in independent command prior to June 1, the record of which has been given above, and which, by reason of its unsteadiness in purpose and in failure to obey orders, did not meet the approval of the president and the department, was not yet permitted to stand in the way of his nomination for promotion to a high grade for the part he took in the final triumph."

The judge advocate contended that Schley made too slow a passage with the flying squadron from Key West to Cienfuegos, despite his orders from Sampson that he establish a blockade at Cienfuegos with the least possible delay, and that it should be maintained as close as possible.

Continuing, the judge advocate said: "Further delay on this trip was due to the time lost, without apparent good reason or results, in communicating on May 20, with Captain Chester, commanding the Cincinnati, the greater part of which delay might have been avoided if, instead of both vessels stopping during the communication, the Cincinnati had been directed to follow the flagship on her easterly course, pending the interview, by doing which only the time necessary for the commanding officer to pass from his vessel to the flagship and to leave the latter would have been lost."

Captain Lemly, turning his attention to the retrograde movement, said it was made by the rear admiral without consultation with the commanding officers of his squadron. Surely, in so important a matter if he had listened to their advice it would not, in any wise, have detracted from the responsibility of the rear admiral. He would have had the benefit of their advice without being bound to follow it.

In discussing the charge of disobedience of orders, the judge advocate said:

"I shall not attempt to follow the contention that the retrograde movement of May 27 did not constitute disobedience of orders. Whether the department's instructions definitely directed in positive terms that the flying squadron should remain off Santiago, or whether its desire that this should be done was simply indicated, appears to me, under all the circum-

stances, to be immaterial. Disobedience of orders may be an imperative and glorious duty, but if it be not justified by the facts it cannot be condoned by turning it into an error of judgment. This was not an error of judgment. It was an error of conduct."

Referring to the battle of July 3, Captain Lemly said: "I have never doubted, and the evidence adduced confirms my view in this respect, that the Brooklyn, as a ship did conspicuous duty. On the other hand I submit that the evidence shows that it was a captain's fight, and without disparagement of Rear Admiral Schley's personal conduct on that occasion, that there was no such concerted action of the vessels engaged as to indicate their control by any one person. All evidently strove to do their utmost and thus was accomplished one of the grandest naval victories ever won. When the Spanish fleet stood to the westward it was the duty of our vessels to follow, whether or not the signal 'follow the flag' was made, and none such has been found of record except after the Colon had surrendered."

"Under this branch of the discussion falls the turning of the Brooklyn with port helm, enlanguering, by turning in an opposite direction from the other vessels, certainly the Texas, and perhaps other vessels as well. It is clearly established that the Texas did stop, and that she reversed at least one of her guns—I believe both—to avoid collision with the flagship. This responsibility for this movement—the loop—must, in any case, rest upon Rear Admiral Schley. He himself says so."

In turning his attention to the famous Hedgehog-Schley colloquy, Captain Lemly said:

"The colloquy alleged to have taken place between Rear Admiral Schley and the navigator, Lieut. Commander Hedgehog, is not in itself of much importance, and I lay little stress upon the fact that the rear admiral, not in a malignant spirit, but in the heat of action, may have used the words 'damn the Texas; let her look out for herself,' or words to that effect, except as they may indicate a disregard on the part of the flag officer for the safety of another vessel. Farragut

under somewhat different conditions said, 'Damn the torpedoes in Mobile Bay.' Nor do I regard the navigator as having committed an impropriety in warning the rear admiral on the spur of the moment; if he so thought that there was danger of collision with the Texas. For it was a case in which urgency was required in speaking up.

In concluding, Captain Lemly absolved Rear Admiral Schley from all charges of cowardice, saying: "From my knowledge of the man, having served under his command on two cruises, I have never believed, nor do I claim from the evidence that personal misconduct—or, to call it a spade, a spade—cowardice, was exhibited by Schley in any part of his career as commander in chief of the flying squadron. But I submit, with regret, that, in the passage from Key West to Cienfuegos, while at the latter port, on route to the southward of Santiago, without settled destination in the retrograde movement, in the return to the vicinity of Santiago, and in the affair of May 31, the rear admiral exhibited unsteadiness of purpose and failure to obey orders. The characterization of this conduct is, however, for the court."

"I trust that I may be pardoned if I remind you, gentlemen, that the first importance of the matters before you is not as they relate to any individual, but as they concern the naval service. It is for you to lay down a standard of conduct to be followed in future similar cases—a standard such as that set by our great naval commanders, like John Paul Jones, Decatur, Perry, Farragut, the Perriers and others. A sense of propriety forbids my mentioning the living."

There was no attempt at applause when Judge Advocate Lemly concluded. He read his entire address from a typewritten manuscript, but without dramatic effect. As soon as he concluded the court adjourned.

There were some farewell words and congratulations over the termination of the long case. For half an hour Admiral Schley held an impromptu reception. Mr. Rayner left tonight for Baltimore. Captain Parker to his home in New Jersey. Admiral Schley will remain here for two weeks and will then go to New York City to spend Thanksgiving with Mrs. Schley and the children. He will return to Washington for two weeks. Further than that his plans are not determined. The court will begin its sittings tomorrow to go over the evidence and prepare its findings. This will require several weeks.

## NEGROES THE CAUSE OF TROUBLE

### Two Tragedies Springing from Similar Causes

Columbia, S. C., Nov. 7.—Two tragedies springing from somewhat similar causes are reported from Edgefield and Lexington, adjoining counties, and involve prominent people. Near Leeville, E. L. Asbill, a lawyer of Lexington, and for four years a member of the legislature, was killed by W. W. Sollee, a merchant of Batesburg, who also has a plantation. Sollee and one of his negro tenants could not agree about the division of the crop and the negro set the lawyer ariving along the road towards his place and opened fire on him with a 44-calibre pistol. Asbill, who is peaceable, quiet and generally popular in the legislature, jumped out on the opposite side of the buggy and ran calling for help and saying he was unarmed. He fell, shot through the back. Sollee has been arrested and there is considerable feeling.

Dr. E. L. Jones, a practicing physician, and W. H. Watson, a young planter of Edgefield, had a bloody shooting, resulting from Dr. Jones attempting to intercede in a case between Watson and a negro farmhand. Watson was shot through the body and is reported to be dying while Dr. Jones' left arm was shattered.

## OIL TRUST PAYS GREAT DIVIDENDS

New York, Nov. 7.—December 16 next will be no different from Christmas for the stockholders of the Standard Oil Company, for they will then receive a present of an 8-per-cent quarterly dividend on their holdings. The grand total to be disbursed is \$8,000,000, of which John D. Rockefeller receives one-third, or \$2,666,666.

This brings the total dividends for 1901 up to 48 per cent, or \$48,000,000, which just equals the record-breaking year of 1900. In two years the company has paid out in dividends nearly the full amount of its capital stock. There is no such record as this in the world's history. The Standard Oil Company pays more on its \$100,000,000 capitalization than the steel trust does with a capital more than ten times as great.

## A Student's Mistake

South Bend, Ind., Nov. 7.—Peter Matczke, of Cleveland, a Notre Dame student, while wrestling this morning, injured a fellow student, as he thought, fatally. In his flight over the accident he shot himself through the head, killing himself instantly.

## Visitors in Washington

Washington, Nov. 7.—Special—B. G. King, of Greenville, and Mayor Osborne, of Greensboro, are here.

William H. Rounday has been granted a pension of \$8 per month.

## DESPERATE CONVICTS BREAK FOR LIBERTY

### Twenty-Eight Prisoners Escape After Killing One Guard and Wounding Several Others

Leavenworth, Kan., Nov. 7.—Twenty-eight desperate convicts, after murdering one guard and seriously wounding several others, escaped from the new federal prison this afternoon. They are armed with fully a score of guns and revolvers taken from the guards and are now at large west of the city. Troops from Fort Leavenworth, guards from the prison and police from the city are in pursuit, but there is little hope of catching the men tonight.

The mutiny at the prison is the worst of the kind which ever occurred here. About 300 of the convicts in the federal prison at Fort Leavenworth are taken each day from the old prison to the site of the new one now in process of erection, and there worked upon the new buildings. The new prison is surrounded by a temporary stockade or fence and is guarded by thirty men. It was here that the convicts escaped today. About 3:30 o'clock four convicts marched into the office of the Superintendent, F. Hines With Hines were P. Carrou, master stone cutter, and Herman Bone, another official. The convicts were armed with three revolvers taken from guards. They cried out: "We want you; throw up your hands." The officers threw up their hands and they were then commanded to walk out of the door. The convicts marched their prisoners in front of them to the west gate of the prison, holding the revolvers against their necks. The guards on the outer walls were alarmed by this and they approached the sentry at the gate. Guard Hoffman, stationed there, raised his gun to fire at them, but as Superintendent Hines cried out to him to stop or he would murder the officers, the convicts forced him to surrender. Here the convicts, who had been joined by 24 others, took possession of the guns left at the gate by the guards who were on duty inside the walls. They secured three Winchester shot guns and a number of revolvers.

Thus armed, the gang of desperate men turned from the gate which they could not open and started for the south side of the prison site, marching in the captured officers in front of them. The guards stationed in the towers on the walls began firing at the escaping convicts. Guard Tilpart, held by the convicts, dashed from the front of them and around a corner of a building and

escaped. He was fired upon by the prisoners, but was only slightly wounded.

As the convicts rushed for the south side of the prison site the fusillade from the armed guards on the wall became furious. Only one convict was killed and one wounded by the shots. The convicts stopped at the south wall to batter down the wall of heavy upright timbers. Guard Waldrop who was stationed near by in a tower, was shooting at the convicts. The fire was returned and Waldrop fell wounded in the stomach. He raised himself and shot convict Fort dead. Another shot from a convict struck Waldrop in the forehead and he fell mortally wounded. Another convict, colored, was wounded in the fight at the wall, where they escaped. A hole was rammed through the wall by the convicts and they went out on the run. Several of their number were slightly wounded, but escaped with them. The convicts remaining in the prison cheered the escaping desperadoes, but as they were short term men they did not care to leave.

The prisoners went southwest from the city, securing several farmers' teams and buggies as they went, forcing them to give them up. As soon as they had escaped they turned loose the officers, who until this time they had compelled to walk in front of them.

The escape caused great excitement at the prison, the post and in the city. The convicts cut telephone wires from the prison and it was some time before word could be carried to the fort. The new federal prison is two miles from the fort where the old prison is located, and from which place the convicts are brought each day to work on the new prison. It is at the northwest outskirts of the city.

As soon as word could be sent extra guards from the prison and a number of cavalrymen were sent to the scene of the trouble. The prison was at once put under military rule. Over 200 convicts remained within the walls, having refused to accompany the escaping prisoners, although they could have done so. They howled and yelled in wild excitement and refused to obey the guards. A party of guards and soldiers entered the prison and herded the remaining convicts outside of the walls and then marched them back to the prison at the post.

The remaining guards and soldiers, about fifty in number, were sent on the train of the escaped prisoners.

Guard Burrows was shot in the neck in the fight and is seriously wounded. Warden McClaughy, of the federal prison, was not in the city today, but returned tonight. About fifty troopers under Captain Hughes of the Sixth cavalry is in pursuit of the convicts.

## MARYLAND IS STILL IN DOUBT

### But the Democrats Apparently Have the Best of the Situation

Baltimore, Nov. 7.—Democrats claim that they will control the Maryland legislature by 10 or 12 majority. This is disputed by the Republicans. The Democrats have the Senate by an assured majority of five with three still in doubt. The lower house is doubtful and Republicans claim that it stands at present, Republicans 46, Democrats 44, and 5 doubtful. Democrats claim that they will control the House by three majority sure. It is probable that the election of 10 or 12 members of the House will be taken through the courts, and it may be six months before the exact political status of that body is determined.

## Gotman Sure to Get There

Baltimore, Nov. 7.—The Republicans have reports from southern Maryland counties which they claim show that the grossest frauds were perpetrated by the Democrats. In Calvert county, 2,100 out of 2,500 registered voters cast their ballots. Of these 400 Democrats and 840 Republicans were counted. Eight hundred ballots, nearly all Republicans, were thrown out. In St. Marys county 900 Republican votes were thrown out and in Prince George 1,250 went overboard, 1,000 of which were Republican.

As the matter now stands the Democrats will organize both Houses of the legislature with a majority on joint ballot. They will have 56 out of 95 in the House, and 17 out of 26 in the Senate. This means the sending of Arthur P. Gorman back to the Senate.

Herring (Democrat) for comptroller, carries the state by several hundred, while Parra, Republican, for clerk of Court of Appeals, wins by over 2,000. Many of the heads of the ticket are going to take the alleged frauds into the courts, and the litigation promises to tie up court proceedings for a long time to come.

## Turkey Makes Concessions

Constantinople, Nov. 7.—The Porte has granted France's demands for authority to rebuild and repair sixteen churches, convents and other buildings for religious purposes in the various vilayets. M. Bapst, councillor of the French embassy, has been notified of this effect.

## BIG PLANT FOR BUILDING SHIPS

### Norfolk Feels Hopeful in Prospect of Establishing a Great Enterprise

Norfolk, Va., Nov. 7.—The \$5,000,000 ship-building plant and dry-docks which West Virginia capitalists propose to locate at Sewell's Point, near Norfolk, appears to be taking shape. Former Governor of West Virginia, G. W. Watkins, and several capitalists from that State arrived here today, inspected one thousand acres of land they hold an option upon, and announced they would buy the land, and at a meeting here tomorrow of others interested will probably arrange to begin work on the plant. The names of some of the best known capitalists in the United States are mentioned as among the stockholders.

Messrs. Charles A. Harrison, engineer of roadways; S. M. Newell, engineer of docks, and Wilson Worsdel, superintendent of motive power, all of the Northwestern Railway of England, spent today inspecting the terminals here of the Southern Railway and Chesapeake Steamship Company. The gentlemen came to the United States to inspect such properties with a view of familiarizing themselves with improved American transportation methods and facilities. They proceeded to Baltimore tonight and will sail for England next Tuesday. They were entertained here by E. T. Lamb, British consul and agent of the Southern Railway and Chesapeake Steamship Company.

## THE FOG IN LONDON

### Hundreds of Accidents and Numerous Fatalities Directly Caused by It

London, Nov. 7.—The fog, which has prevailed for several days, continues and is disarranging street and railway traffic. It is also responsible for an increasing number of casualties.

At one hospital alone over 200 accident cases have been treated. The bodies of 11 persons where death is directly attributed to the fog are in the mortuaries. Fifteen persons are missing from the London docks and are supposed to have been drowned. Four bodies have been recovered.

The railway and omnibus companies are suffering enormous losses, estimated at \$200,000 a day. The coast continues fog bound.

## Admiral Dewey Turns Down Sampson's Request

### Criticism of Sampson's Conduct Will Remain in the Record

Washington, Nov. 7.—Admiral Dewey declined to grant the request of E. S. Thealle, of counsel for Rear Admiral Sampson, to have certain remarks of Rear Admiral Schley's counsel regarding Sampson stricken from the record of the court of inquiry.

Mr. Thealle's letter, which was received by Admiral Dewey after the court adjourned yesterday, is as follows:

Washington, D. C., Nov. 6, 1901. Admiral George Dewey, U. S. Navy, President Naval Court of Inquiry, Washington, D. C.

Sir: While fully cognizant of and abiding by the decision of the court that Rear Admiral W. T. Sampson, U. S. N., is not a party interested, and that notice will be given the admiral when the court so considers him, I have the honor to make the following request on behalf of the admiral:

Argument by counsel being matters of record in the case and receiving wide circulation with the public, it is respectfully requested that certain remarks of counsel upon matters regarding any official acts of Admiral Sampson which have not been permitted to defend, and which the court, by an expressed ruling, has excluded from the evidence in the case, is eminently improper, and it is respectfully requested that the statement made by counsel for Admiral Schley in argument yesterday at the close of the afternoon session, to the effect that Admiral Sampson permitted the Spanish cruiser Colon to lie in sight without attack in the harbor of Santiago, Cuba, from the time of his arrival on June 1, 1898, to about 10:25 a. m. of that day, be either stricken from the record in the case, or evidence be introduced by

which Admiral Sampson may be permitted to defend such a grave accusation involving his honor as a naval officer.

It is further most earnestly and most respectfully requested that counsel in the future be restricted to the evidence adduced as regards the official acts of Admiral Sampson, and not be permitted to include matters expressly ruled out by the court and which the admiral has not been permitted to defend, thereby preventing a manifest injustice and the introduction of accusations against the admiral in the record by indirect means which was deemed improper by the court by direct means.

I enclose my authority for addressing this request to this honorable court.

I am, sir, very respectfully,  
E. S. THEALLE.

Admiral Dewey replied as follows:  
Court of Inquiry, Navy Yard,  
Washington, Nov. 6, 1901.

Sir: The court is in receipt of your letter of this date, inviting attention to certain remarks relative to Rear Admiral Sampson contained in the argument of one of the counsel for Rear Admiral Schley, viz.:

That the former named officer permitted the Colon to lie in sight without attack in the harbor of Santiago from the time of his arrival on June 1, 1898, until about 10:25 a. m. of that day, and asking that these remarks be stricken from the record or that evidence be introduced by which Admiral Sampson may be permitted to defend such a grave accusation involving his honor as a naval officer, etc.

In reply you are advised that after careful consideration of this matter the court declines to grant your request.

Very respectfully,  
GEORGE DEWEY,  
Admiral U. S. N.,  
President of the Court.

To Elisha S. Thealle, of counsel for Rear Admiral Sampson, Washington, D. C.

panied by several Virginians and by W. S. Odell of this city. General Roller is a candidate for the judgeship. He is an ex-Confederate soldier and a wealthy man.

Col. J. Hampton Hoge, who was the Republican candidate for governor of Virginia, is now in the field. L. L. Moore of Radford is said to be a candidate. One of the strongest candidates up to this time has been Henry C. McDowell of Big Stone Gap, Va., a former Kentuckian and a grandson of Henry Clay. He is loyally backed by Kentuckians.

## FIGHTING WITH FIRE

### Gen. Kitchener Will Refuse to Receive Voluntary Surrenders of Boers in Arms

London, Nov. 7.—According to advices from most reliable sources, the British military authorities in South Africa have determined upon a radical course. The failure of the burghers to respond to the proclamation of General Lord Kitchener by giving up the fight has led to the decision that no voluntary surrenders will be accepted. It is said that all burghers taken hereafter by the British will be treated as prisoners of war, and deported from the country as soon as possible after they are captured.

The War Office has received a report from General Kitchener to the effect that in the attack on Colonel Benson's force, near Bethel, the Boers were reinforced by General Louis Botha. The proclamation of the Boers in this engagement was 41 killed and 100 wounded.

A dispatch from Bloemfontein says that Commandant Kitzinger, with 200 Boers, has made several unsuccessful attempts in the last few days to cross the line near Thabun Chu from the north.

The result of the census of the civilian population of Bloemfontein, taken October 30, shows that there are 3,200 adults and two children in the town. The population is made up of Boers, Hollanders, Germans, English, Scotch, Irish, Welsh, Americans, Poles, Italians, Russians, Swiss, French, Portuguese and Austrians. There are also 113 Jews.

Cape Town, Nov. 7.—A yeoman has arrived here, who with three others was captured by Commandant Pyper in the mountains a fortnight ago. He says the Boers are well clad, have plenty to eat and are armed with Metford and Enfield rifles. Almost all of them carried three full bandoliers. Their horses are in good condition. The prisoners were well treated. They were released the day after their capture.

## British Trade Falls Off

London, Nov. 7.—The board of trade returns for October show a decrease in imports into the United Kingdom of 8½ per cent, compared with October, 1900. The chief declines were currants and raisins, which fell £98,000. Sugar dropped £435,000 and cotton £2,000,000. Exports decreased 3 per cent, of which machinery is responsible for £217,000 higher. Almost all of the goods are higher. Merchandise entered and re-exported shows an increase of 28½ per cent.

## WHOLE LEGION OF CANDIDATES

### Many Virginians Want to Step Into the Late Judge Paul's Shoes

Washington, Nov. 7.—The vacant Virginia judgeship occupied much of President Roosevelt's time today, as there were a number of Virginians who talked with him on that subject. The vacancy was made by the recent death of Judge Paul of the Western District of Virginia, and all the politicians in Virginia are much interested. The names of Democrats are being presented to the President with the same freedom as Republicans, but the President has not yet reached any conclusion.

An important Virginia delegation to

see the President today was composed of William R. Trigg, Dr. George B. Johnston and Egbert G. Leigh of Richmond, and G. F. Ryan, former speaker of the lower house of the Virginia legislature. They presented the name of Daniel Trigg of Abingdon for the judgeship and urged his appointment. Daniel Trigg is a relative of William R. Trigg of Richmond. The President made inquiries about the various candidates.

General Rosser next saw the President. It is said that he is a friend of Judge Lanesford L. Lewis. Judge Lewis is a Republican and was formerly chief justice of the Court of Appeals of Virginia. General Rosser says that as he is not a lawyer he does not care to make recommendations.

John T. Harris of Harrisonburg was a Virginia visitor. He is a law partner of George E. Sipe of Harrisonburg; a Republican, although until recently a Democrat.

Thomas Nelson Page was consulted by the President as to the same appointment. The President knows and likes Mr. Page and desired to get his views. Still another caller was Gen. John E. Roller of Harrisonburg. He was accom-