

SCHLEY OBJECTS.

His Counsel Files Reasons for Setting Aside Verdict.

THEY USE PLAIN LANGUAGE.

The Officers of the Court Are Charged With Being Impressed With Testimony of "Hostile Witnesses."

Admiral Schley through his counsel Wednesday filed with the secretary of the navy the 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.

THE GROUNDS FOR COMPLAINT. The bill assigns the following grounds in support of the objection: The majority of the court have given the opinion that Commodore Schley should have proceeded with the utmost dispatch at Cienfuegos when there was no specification covering this subject, and when the applicant did not have sufficient opportunity to bring in proper and convincing evidence in support of his case, and when the only evidence taken by the court on this subject was directly contrary to the opinion rendered.

2. The majority of the court have held that the applicant should have endeavored to open communication with the insurgents at the place designated in the memorandum by Commodore McCall, delivered to him on the morning of the 23rd of May 1898, when in fact, there was no place mentioned in said memorandum as being a place at which a camp of insurgents was located.

3. The majority of the court have arrived at the opinion stated in the foregoing paragraph without regard to the fact, which was proven by an overwhelming weight of testimony, that the said McCall memorandum was sent to Commodore Schley only for use in connection with the information it contained relative to certain batteries at, or being constructed in the vicinity of the entrance to the harbor of Cienfuegos, as stated by the order No. 6, dated May 19, 1898, and sent to Commodore Schley by Admiral Sampson.

4. The majority of the court in the opinion rendered hold that Commodore Schley should have maintained a close blockade of Cienfuegos, when by overwhelming testimony it was proven that a close and effective blockade of that port was maintained, the judge advocates being emphatically acknowledged in charge to the contrary.

The majority of the court in the opinion rendered have entirely ignored the uncontradicted testimony proving that the British steamer Adula was permitted to go into the harbor of Cienfuegos, and that information might be obtained through her as to whether the Spanish fleet was then in that port, it having been clearly established that the captain of the said British steamer Adula promised and agreed before permission was given him to enter the port that he would bring his ship out in fewer than 24 hours and furnish the information desired.

6. The majority of the court, in the opinion rendered, have entirely failed to refer to dispatch No. 7, permitted to have been sent by Admiral Sampson to Commodore Schley, the construction of which was agreed upon in the argument of the case, to wit: That it was an imperative order for Commodore Schley to hold his ground off Cienfuegos whether the Spanish fleet was or was not in that port.

7. The majority of the court in the opinion rendered have entirely ignored the admitted fact that the commander of the Bagle failed to communicate the situation at Cienfuegos to Commodore Schley.

8. The majority of the court in the opinion rendered have entirely ignored the uncontradicted evidence in the case that Capt. Robly D. Evans, knowing the meaning of the signal lights on Board at Cienfuegos, failed to communicate his information concerning them to Commodore Schley.

9. The majority of the court in the report of the facts submitted in the case that the signal lights on shore at Cienfuegos were seen by Commodore Schley on the night of May 22d, 1898, when in fact the overwhelming weight of both oral and documentary evidence proved that Commodore Schley saw and had knowledge of these lights only on the night of May 23rd, and at no other time.

10. The majority of the court in the opinion rendered are silent on the subject of the following charge preferred by the judge advocates against Commodore Schley during the progress of the investigation, namely, that he did not seek his movements in departing from in front of the port of Cienfuegos, but by using Adulo's signal he revealed the destination of his squadron to the enemy on shore, despite the fact that the overwhelming weight of testimony in this case, every witness with one exception who was examined on the subject disavowed all knowledge in reference thereto, and the uncontradicted testimony of Capt. F. E. Cook established that the fact that the official reports with which the flagship Brooklyn was supplied, and upon which Commodore Schley was compelled to rely for information, showed sailing at Cape Cruz to be neither feasible nor practicable, and that the records clearly show that not until the 27th of May, three days after leaving Cienfuegos, when Capt. Charles S. Cotton visited the flagship Brooklyn, did Commodore Schley receive any definite information concerning the feasibility or practicability of sailing from Cape Cruz.

him to come within the purview of the first specification; to wit: That the said Commodore Schley was derelict in the discharge of his duty and unmindful of the obligations for the government of the navy of the United States in that he did not prescribe and promulgate anticipatory orders of battle.

12. The majority of the court in stating in its report of facts that Commodore Schley received no positive information from the scout ships as to the presence of the enemy's fleet in the harbor of Santiago utterly ignore the overwhelming testimony in proof of the fact that Capt. O. D. Bigelow did actually report to Commodore Schley, and to others that the Spanish fleet was not in the harbor of Santiago.

13. The opinion of the majority of the court in the report of facts is entirely silent on the subject of the proven and admitted failure of Captain Wise and Jewell to communicate the information they had received in reference to the presence of the Spanish fleet in the harbor of Santiago to Commodore Schley.

14. That the report of the facts submitted by the courts states that the conditions of wind, sea and weather from a noon on May 26 to June 1st, were favorable for taking coal from a collier at sea off Santiago, when this statement has been directly controverted by the opinion of the witnesses for the government.

15. The tables prepared by government experts and admitted in evidence before the court showing the coal supply of the vessels of the flying squadron, with reference to their chasing capacity, proceeding at full speed with forced draught, have not even been referred to in the report of facts.

16. There has been the slightest reference made by the majority of the court to the orders of the honorable secretary of the navy, offered and proved in evidence, forbidding the hazarding of American ships against shore batteries, and the court has decided against the applicant upon the seventh specification of the report, without, in the slightest degree, referring to this important evidence.

17. The majority of the court have entirely failed to give any opinion as to the character of the blockade of Santiago, although the same was instituted in the eighth specification of the report by specific direction the court was obligated to give an opinion thereupon.

18. The majority opinion of the court that Commodore Schley should have endeavored to capture the Spanish vessels at anchor near the entrance of Santiago harbor, on May 23 and 30, and that he did not do his utmost with respect to the capture of the Colon and other vessels of the enemy, on May 31, wholly at variance with the orders under which Commodore Schley was not before Santiago, said orders, as is stated by No. 5, dated May 21, 1898, and sent by Admiral Sampson to Commodore Schley, restricting his operations to the establishment and maintenance of a blockade of the port of Santiago, it is said should be found therein, and also said opinion is utterly and absolutely at variance with the overwhelming weight of testimony which clearly established the fact that the fact of May 31 was predetermined upon and executed as a reconnaissance and not as a capture, and that upon the Spanish vessels nor upon the land batteries at the entrance to the harbor of Santiago.

19. The majority opinion of the court is ambiguous and indeterminate in that the court holds the turn of the Brooklyn to starboard was made to avoid getting into dangerous proximity to the Spanish vessels, without stating whether evasion of such a dangerous proximity on his part was due to the personal fears of Commodore Schley, or to a desire on his part to preserve the ship intact, and ready for further work in the effort to win a victory from the enemy.

20. The majority of the court have entirely ignored the overwhelming testimony submitted in the case in which the opinion that Commodore Schley erred in commencing the engagement on July 3 with the port battery, the evidence in the case clearly establishes the fact that in the execution of the standing order to "close in, attack in harbor entrance," it was impossible for the Brooklyn, without incurring away from the anchorage, to open the engagement except with her port 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 opinion of the court upon this subject being arrived at only by disregarding all the evidence in behalf of Commodore Schley.

21. The majority opinion of the court is ambiguous and indeterminate in that while stating that the Brooklyn's turning caused the Texas to stop and to back her engines to avoid possible collision, said opinion does not state whether the danger of collision as comprehended by the 9th specification of the report was real or imaginary, whereas the overwhelming weight of testimony clearly established the fact that no time was there danger of collision between the Brooklyn and the Texas.

22. The testimony of Capt. F. E. Cook, as herein called by the judge advocate, in reference to the proximity of the Brooklyn to the Texas at the time of the Brooklyn's turning, has been ignored and not even adverted to in the statement of pertinent facts.

23. The majority of the court have assumed that the testimony of Lieutenant Commander A. O. Hodgson, notwithstanding its repeated contradiction in reference to the alleged conversation between Commodore Schley and the Texas at the time of the Brooklyn's turning, is true and have entirely ignored the testimony of Commodore Schley and Capt. F. E. Cook to the contrary, without even referring to it in their statement of pertinent facts.

24. The majority opinion of the court that Commodore Schley's conduct in connection with the events of the Cienfuegos campaign, prior to June 1, 1898, was characterized by excellent judgment and lack of enterprise, is likewise justified by the evidence submitted in the case and could only have been arrived at by the action of the court in wholly ignoring all of the evidence of witnesses called by the judge advocate, which was favorable to the said Commodore Schley.

25. The majority opinion of the court is inconclusive in that it is entirely silent upon a charge preferred by the judge advocate, to wit, that the fact of the capture of the Texas and the capture of the Adula and the capture of the Adula and the capture of the Adula.

THE STATE CAPITOL.

FACTS ABOUT THE BUILDING NOW Nearing Completion.

OF INTEREST TO MANY.

When and How the Work Was Begun, The War Period, The Resumption of Operation.

The splendid granite edifice which is the official domicile of the State of South Carolina, after having been 60 years in building, is at last nearing completion. Designed originally to cost \$5,000,000 and intended, as some of the political patriots of the State aver, to serve as the capitol of the southern Confederacy, it is today but a remembrance of the conception of John R. Neiracoe, who designed it. As it stands, it has cost the State of South Carolina \$2,500,000. It is intimately associated with many tragic incidents in the State's history, and has become a relic of the historic structures of the country.

At the session of the general assembly of 1850, when the State was in the throes of the first great agitation of the secession question, which ended in the affirmation of the right of a State to secede, the legislative committee on the State house reported that the State records were in danger of destruction by fire, and recommended that a fireproof building be erected for the safe-keeping. In consequence of this report, the appropriation bill that year contained a clause authorizing the use of the proceeds of the sale of lots in the city of Columbia for this purpose. No bill authorizing the erection of a new State house was passed, although it is clear that it was the intention of the legislature to erect a new building for the erection of a creditable public building. Judge O'Neal gave the credit to Hon. Benjamin Hunt of "leading the legislature imperceptibly into the scheme of building a new State house."

The cornerstone of a two-story building was laid December 15, 1851. This building, which occupied the square then occupied by the old State house, fronting on Main street, the old building then standing at the corner of Senate and Assembly streets. It was a modest structure, intended to serve as a wing of the projected capitol. It was about completed at a cost of \$250,000 and some of the records had been removed to it in the summer of 1854, when the commissioners in charge noticed cracks in the door and window frames. These defects, becoming more pronounced, the commissioners employed John R. Neiracoe, then residing in Baltimore, as consulting architect, and he advised that the building was unsafe and was one of the foremost perils of his time. Archbishop Neiracoe absolutely condemned the structure, and under his advice, it was razed to the ground, only a portion of the foundations being left, which now remain under the west wall of the present capitol. It was then that Neiracoe designed the structure which now stands, and the general assembly gave sanction to an issue of bonds for the "continuation of the construction of a new State capitol. The adjoining square was purchased, and the building located upon its present site.

In anticipation of the approaching great conflict the work was feverishly pushed until a train wreck on the road stopped it. A train wreck on the road to the granite quarries on the river, and hundreds of laborers were employed quarrying and dressing the huge pieces of granite required. When the work of building was thus rudely stopped, the intended architect exchanged his drawing instruments for a rifle and did valiant service in the army of the Confederate States.

On that momentous day of February 16, 1865, when the army commanded by Gen. W. T. Sherman reached the heights across the Congaree river overlooking Columbia—as O'Neal's—Mayor Goodwin surrendered the city, as it was absolutely defenseless. Notwithstanding this hopeless condition the city was shelled and the water canal, wide as it was, was completed to the freezing point, with the mark of every gun. Several shells struck the bare window openings, and five struck the building, but made little impression upon its massive walls.

The old State house was one of the 1,400 buildings destroyed by Gen. Sherman's army, and the granite as it was flaked off by the fire which destroyed the old building, and the marble and other material for the building on the ground. The architect estimated the value of that destroyed by Gen. Sherman at \$7,000, besides the mutilation of the beautiful marble in the place on the front and rear porches which still remain. A mine was prepared under the building to completely destroy it, when a report reached the city that a wing of the army above Columbia had been attacked by Hampton's cavalry. Gen. Sherman ordered the powder removed, with the remark that it would be a useless waste of ammunition, and that he would "leave the people as poor that they would never complete it, and that the army would depart from the city, that in smoking the powder would be a waste of money.

Work continued in a desultory manner until 1869, when it was entirely discontinued, until the session of the general assembly of 1900, when \$1,000,000 was appropriated for the work. A new being made, under plans of Architect Frank P. Milburn. A new design was adopted in lieu of the original one, and the granite work upon the old building is pronounced by experts to be without exception the finest in the United States, not excepting splendid buildings of the national government at Washington. The massive square area in the lower corner area is a fine block of granite, and the arches in the front are known as the "arches of the State." It is estimated that the cost of the present building is \$2,500,000.

There were six skirmishes in various parts of Batangas province Wednesday. The insurgents did not make a single stand. Many Filipinos were killed. The Americans had on a few men wounded. Additional reports have been sent to Gen. Bell, who is carrying on an aggressive campaign in Batangas and Laguna provinces.

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TEN PEOPLE KILLED.

Tons of Molten Metal Fused Upon Helpless Victims.

HORRIBLE DEATH SCENES.

A Pittsburg Gas Furnace Exploded and Caused the Terrible Destruction of Life and Property.

Ten men were burned to death and four injured by an explosion of gas at the No. 4 furnace of Jones & Laughlin, Pittsburg, Pa., Thursday. The explosion was caused by a slip in the furnace, the gas and flames belching up through the bell. The men were on the furnace platform, 85 feet above the ground. There were 10 men on the furnace when the explosion occurred. Fifteen of them were caught in the flames. Two of them escaped with slight injuries. The other four were the regular men employed as top fillers and escaped without injury.

The explosion was caused by the gas becoming enclosed in a crust of cinder forming at the bottom of the furnace. A wheelbarrow containing gas had been sent up to the men and when they went to dump it into the bell of the furnace they pushed it over too far and it rolled into the hopper. The barrow weighed 800 pounds and was too heavy for the men to raise. The 15 laborers, all Hungarians, were the only men on the night shift. Had it not been for the barrow accident no one would have been hurt, as the regular men know how to protect themselves at such times, as similar explosions are of frequent occurrence.

This explosion occurred in one of the big blast furnaces. The men were at work at the top of the furnace over 120 feet from the ground. Gas, which had accumulated in the furnace, exploded and tons of molten metal and slag were thrown over the unfortunate men on the top of the structure. All the men made a rush for the elevator, but it had gone down and there was no escape. To jump meant certain death, and to remain on the platform was just as certain doom.

Tons of molten metal and flames fell upon the men and burned nine of them to death. Their bodies fell to the roof of the mill, 85 feet below, every bone was broken and an unrecognizable mass of human flesh.

Ordinarily only three men work on top of the furnace, and this morning about 6:15 o'clock one of the heavy iron wagons used in taking up the ore to the top of the furnace got stuck on the top of the structure and the three men went up to it. A few minutes later, but they could not move the number 300, and they were until they were trying to get the wagon unstuck that the fatal explosion took place. All the men at work on top of the furnaces were Slavs and Poles.

Eye witnesses say that it was the most horrible sight they ever witnessed. They say that when the explosion took place there was one great loud report, and the heavy iron wagon, loaded with a chest of flames, shooting the men on top of the furnace running about, gesticulating wildly. The flames and hot metal looked like a volcano in action. Five of the men were blown off the top of the furnace and three are still living. The men on the outside, others on the inside, and their clothing was burned off. Two of the victims hanging on the outside held on, and remained tenaciously clinging to the railing until their fingers were burned off. They then fell to the roof of the mill, dead. Seven of the victims were found dead on the top of the furnace.

These were completely denuded of clothing by the flames and their bodies were burned almost to a crisp. Hundreds of predeceiters on Second avenue had narrow escapes from death when the explosion occurred. Tons of ore, coke and hot cinders, some weighing almost three pounds, rained down on Second avenue and many had to run into houses and others for protection. No. 389 of the Howard street division was passing just as the time the gas let go. The coke and other material falling on the car, which had 25 passengers aboard, caused a panic and any jammed off and more would have followed had not the coolness of the conductor saved them. None of the passengers were in the least injured, but all were badly scared.

Over two tons of the debris fall on Second avenue and a force of 60 men was put to work to clean it off the tracks. Traffic was impeded, but within a half hour after the accident all the tracks were cleared. The people residing about the furnace and for blocks on either side were badly frightened. They fled from their homes and a few minutes after the report had sounded throughout both thousands of people gathered about the furnace.

Clive T. of the victims were found in the stook yards of the plant, 250 yards from the furnace. They were horribly burned, but had they not been they would have been killed by such a force. Every bone in their bodies seemed to be broken.

The most distressing feature of the accident was the burial of a man named Frankovic. He was seen by the thousands of people on their way to work to run to the platform railing and leap into the air. He was a man of flames as he went through the air. He fell to the stook yard shed and literally burned to death before the eyes of the crowd fifty feet below, who had no way to reach him.

The Biggest Fool Yet. T. M. Exam, a farmer living near Centerville, Tenn., went home and when his wife objected to his shooting into the floor about his feet, she "berated" him. He carefully lifted the bed with the assistance of his children and then blew out his own brain.

Killed by a Star. Miss Harriet Murphy, one of the best known young women of Pittsburg, Pa., was murdered in her home by a burglar Wednesday morning. The assassin entered through the rear of the house. The disorderly crowd witnessed a desperate struggle. Miss Murphy was treasurer of the Hinsley House Fund, a popular charity. The money is missing.

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SCHLEY HAS FRIENDS.

And They Propose to See That He Gets Justice.

War Traitors.

SO SAYS GENERAL CHAFFEE.

They Pretend Friendship But All the While Secretly Support the Fight Against American Rule.

"History affords no parallel of a whole people thus practically turning war traitors, and in the genius of no other people was ever found such masterful powers of secrecy and dissimulation, but it is needless to say that no powerful State was ever erected or ever can be erected upon such immoral and unenlightened foundations."

This statement is made by Gen. Chaffee, military governor of the Philippines, in a review of one of a number of "four martial cases in the islands, the records of which have been received at the war department."

The case which brought forth this comment from Gen. Chaffee was one wherein seven natives were tried jointly in a charge of murder. The accused were soldiers in the insurgent army and after defeat by the American army in their attempt to overthrow the show of open opposition of the half-uniformed guerrilla bands, and took up this residence in Taytay in Morong province, Luzon, a place protected by an American garrison. Then, following the promised policy of the insurgents, they proceeded to organize a "civil" force, and in this disguise a population within the lines of the army of occupation had been authorized to establish civil government, the band came forward under the leadership of a resident padre, elected and secured their election as municipal officers of Taytay and entered upon their duties as a regular municipal authority. Then ensued a remarkable attempt to serve two masters. In all lawful matters they served with due appearance of loyalty the American government, while at the same time they labored secretly and diligently in the interests of the insurrection. This dual form of government, says Gen. Chaffee, excited the attention of the American military officials like Manila as well as the smallest places. The municipal officers of Taytay next entered upon a series of murders and continued their work until the growing number of mysterious disappearances from the community led to the discovery of the perpetrators by the American authorities.

On an undeniable truth, says Gen. Chaffee, "it is out of this class of hundreds of like cases of murder that the average native of these islands has not more than the mere transient impression of the fact that such a man and no one else was the author of the crime."

The seventh native, Leonardo Posoy, a regularly ordained priest, asked for and was granted a separate trial. Gen. Chaffee pronounced this a case of no value, saying that "the confessional does not lay upon any priest or layman, the obligation of pressing knowledge of crimes committed by third parties, the summation of which could have prevented without violating the secrecy of the confessional." In this case, it is stated, the knowledge of the crime was not disclosed to the priest's notice and was not through the confessional. His secret was committed to imprisonment for years.

Murdered and Robbed. The body of James B. Ray, secretary of the Pacific Lumber company, was found Wednesday morning in a shallow stream alongside the Rio Grande, near Sixth and Pittsburgh streets, Salt Lake City. Monday night Ray called at the home of Peter Mortenson, a contractor living at 2210 Walnut avenue and collected \$3,800 which Mortenson owed the Pacific Lumber company, and then left in the afternoon. Ray had returned to camp, not owing to leave that night, but to sleep at night. He gave a receipt to Mortenson for the money and left the latter's house with the remark that he was going to take the money to Manager G. E. Rimney of the lumber company. Since that time nothing has been heard of Ray until Wednesday when his body was found. The money was gone and in the case of Ray's body was a great jagged wound. Ray was 31 years of age and was prominent in Mormon church work. He came to Salt Lake from Australia several years ago. Peter Mortenson was arrested Wednesday afternoon charged with being connected with the murder. Mortenson, it is stated, gave the police their first information in regard to the location of the body. He denies all knowledge of the crime.

An Uprising Feared. The authorities in Manila evidently fear a rising, for Manila papers report that artillery is being placed in places about the city heretofore practically unprotected except by small infantry guard detachments. Gatling guns have been placed in the headquarters of the department of Southern Luzon and it is understood that a small post will take up a position in the lagoon at the foot of the Alifan mountain. Old Fort Santiago too, is bristling with guns. Two rapid fire guns have been mounted on the ramparts, one of them commanding a full sweep of Calle Zaldia and the river front. A small Gatling has been mounted on the Buffalo. Gen. Chaffee's private launch.

She Blinded Him. Carl Lindsay, an employe of the American Lumber and Brass Company, at Trenton, N. J., was made blind by hydrochloric acid, thrown in his face by a young woman who worked at the same place. Lindsay had a dispute over a piece of work and became enraged the young woman picked up a pan of the acid and hurled the contents at Lindsay, striking him full in the face. In addition to