

by President Arthur, were made public this evening. On the first charge, "Conduct unbecoming an officer and gentleman," the court finds Gen. Swain not guilty, but guilty of conduct to the prejudice of good order and military discipline. On the second charge, "neglect of duty" in failing to report the facts concerning Col. Morrow's pay accounts, not guilty. Upon these findings the court sentenced Gen. Swain to be suspended from rank, pay and pay for three years."

President Arthur, after examining and considering the findings and sentence, returned the record of the proceedings to the court with the following communication:

"EXECUTIVE MANSION, Feb. 11.—The record in the foregoing case of Brigadier-General David G. Swain, Judge Advocate-General, U. S. A., is hereby returned to the general court-martial before which the proceedings were had, for reconsideration as to the findings upon the first charge only and as to the sentence, neither of which are believed to be commensurate with the offenses as found by the court in the first and third specifications under the first charges. The attention of the court is invited to the accompanying communication of the Attorney-General, under date of the 10th inst., whose views upon the matter submitted for reconsideration, have my concurrence. (Signed):

"CHESTER A. ARTHUR."

The communication of the Attorney-General is a long review of the whole case and a criticism of the findings of the court, in which he expresses the opinion that General Swain should have been found guilty of the first charge.

The court reconvened upon the return to it of the findings, and having considered its previous action, adhered to its finding upon the first charge, remarking therein as follows: "The court, upon mature consideration, has not found the accused guilty of such degree of wrongful or deceitful conduct as to justify the finding of guilt of conduct unbecoming an officer and gentleman, and has, therefore, respectfully adhered to its findings upon the first charge, but adjudged the following sentence: To be suspended from rank and duty for one year, with forfeiture of all pay for the same period, and at the end of that period to be reduced to the grade of major in the Judge-Advocate General's department."

A record of the proceeding, having been submitted to the President, it was again returned to the court for the reasons set forth in the following indorsement placed thereon:

"EXECUTIVE MANSION, Feb. 14.—The record in the following case of Brig.-Gen. David G. Swain, Judge Advocate General, U. S. A., is hereby again returned to the general court-martial, before which the proceedings have been had, for reconsideration of the amended sentence as set forth in the proceedings had upon reconsideration of the original findings and sentence. It is apparent from the terms of the amended sentence, that it was the intention of the court to award a punishment of greater severity and more nearly commensurate with the offenses of which the accused has been found guilty than was the penalty adjudged in the original proceedings; and if the terms of the amended sentence were such as could be legally carried out, the purpose of the court in that regard would have been accomplished. The provision, however, that the accused shall, after suspension for a period of one year from rank and duty in the office now held by him, be placed in another office of lower rank in the department of which the office now held by him is a part, is impossible of enforcement by the executive alone. That office of lower rank can only be filled in the method pointed out by the Constitution, namely, nomination by the President and confirmation by the Senate, and then only in case of existing vacancy. The amended sentence, in effect, creates an office and fills it, thus at once embodying the exercise of legislative and executive functions and the approving power of the Senate. It is a necessary element of the sentences of court-martial that they shall, on approval of the appointing power, be capable of enforcement by executive authority merged with that duty. So much of the amended sentence as relates to the naming of the accused from one office to another is not of that character. At the termination of the period of suspension indicated, the accused could only be put into the office of Judge Advocate in the manner hereinbefore indicated, and a new commission, which he might accept or decline; but, if there should be no vacancy, he could not be put into it at all, and his present office could not be filled until after it should have been vacated. The constitutional power of the Executive in filling vacancies cannot be restricted to individuals; and, while the 62nd article of war authorizes the court to exercise discretion in awarding punishment, the discretion exercised must at least be bounded by the possibility of the sentence proposed being carried into effect without dependence on chance change of the laws.

(Signed): CHESTER A. ARTHUR."

The court thereupon revoked its former sentence and adjudged as follows: To be suspended from rank and duty for 12 years, and to forfeit one-half of his monthly pay every month for the same period."

This sentence the President to-day approved, with the following comments:

"EXECUTIVE MANSION, Feb. 21.

The opinion of the President as to the proper consequence of the findings of fact made by the court in the within record has already been given, and no further comment will be made upon the final sentence than to say that it is difficult to understand how the court could be willing to have an officer retained as a prisoner upon the army register, while it expressed its sense of his unfitness to perform the duties of his important office by the imposition of two different sentences, under either of which he would be deprived permanently of his functions. The idea that an office like that of Judge-Advocate-General should remain vacant for 12 years, merely to save a part of its emoluments to its incumbent, under such circumstances, would seem to come from an inversion of the proper relations of public offices and those holding them and is an idea that is ill-suited to our institutions. While holding the views now and heretofore expressed, it is deemed to be for the public interest that the proceedings in this case be not without result, and therefore the proceedings, findings and sentence in the foregoing case of Brig. Gen. David G. Swain, Judge Advocate-General, U. S. A., are approved and the sentence will be duly executed.

(Signed) "CHESTER A. ARTHUR."

Gen. Swain may be placed on the retired list December 22d, 1896. It will be noticed that the sentence of the court, as approved by the President, suspends him from office up to and beyond the date of his possible retirement.

The trial of General Swain on the charge of having violated the 60th article of war, in having sold forged issued to him for his personal use, resulted in an honorable acquittal.

The President also approved the findings and sentence of the court martial in the case of Col. Morrow, by which the latter is deprived of all right to advancement in his grade for two years.

WASHINGTON, 24.—The committee on public lands reported to the Senate, with amendments, the bill to prevent aliens from acquiring lands in the Territories. As amended it provides that hereafter it shall be unlawful for persons not citizens of the United States, or who have not declared their intention to become such, or for foreign corporations to hold real estate in the Territories. The bill also provides that no railroad, turnpike or canal corporation shall hereafter acquire or own lands in the Territories, except such as are necessary to their operation or have been granted by Congress; and all such lands, whether acquired before or after the passage of the act, which are not necessary to the operation of the companies, shall be disposed of within ten years after the passage of the act, and, if not disposed of, shall be forfeited to the United States. All property acquired in violation of the act shall be forfeited to the United States.

The bill which passed the House today, on motion of George, in relation to the Umatilla Indian reservation, is a Senate bill, but as some amendments were adopted, it requires further action by the Senate. The bill, after allotting lands in severalty to the Indians, provides for the survey and appraisal of the surplus, and for their sale in tracts of 160 acres of untimbered land and 40 acres of timbered lands, at public auction, at the land office, to the highest bidder, if an actual settler, and at a price of not less than their appraised value, payments to be part in hand and the balance on time; the funds realized to be used to aid the Indians in improving their severalty lands, and for the education and future welfare of the Indians. It appropriates \$30,000 to carry out the provisions of the bill, \$10,000 of which will be used in establishing an industrial farm and school. The bill is subject to the approval of a majority of the male adults and head men and chiefs before going into effect.

PORTLAND, Ogn., 23.—The Oregonian to-morrow will publish crop reports from the entire district in Oregon and Washington Territory lying east of the Cascade Mountains. Reports from all sections agree that the heavy fall of snow was a splendid protection for wheat, and that five-sixths of the snow when it melted was absorbed by the soil, giving wheat a remarkably good stand. The best estimates place the acreage of winter wheat at 32 per cent. above last year, and the surplus for export is put down at between 165,000 and 175,000 tons. These figures do not include Willamette valley in Western Oregon, whose surplus will approximate 200,000 tons.

CLEVELAND, 24.—In the absence of the family last evening, the house of Neal Shanks, at Nashville, Holmes county, Ohio, was partially destroyed by a dynamite explosion. The person who placed the dynamite in the house is unknown, and the people are greatly excited. This seems to be the outcome of local dissension, which originated some time ago in the burning of a house occupied by women of unsavory reputation. It has been charged in anonymous letters sent to the women that the house was fired by incendiaries. The people took sides on the question, and feeling has become very bitter. More trouble is anticipated.

OMAHA, Neb., 25.—The Locomotive Engineers congregated in this city from every division of the five branches of the Union Pacific have been accorded a formal hearing by General Supt. Smith, and the result is announced as satisfactory to both the engineers and the management. Two objectionable fea-

tures of the old rules will be expunged from the new, and an engineer will not be held responsible for accidental damage to his engine; neither is he required to sign a waiver to all claims for personal injury. The delegates will remain here a few days in consultation with Mr. Smith on other provisions of the new rules.

FOREIGN.

LONDON 21.—A rumor was current here to-day that a serious disaster had happened to the force of Gen. Buller entrenched at Abu Klea Wells, but neither the war office nor any of the several news agencies have anything to confirm the report.

The Turks at Jeddah are circulating reports that the British troops in the desert have been massacred, and that General Lord Wolseley has committed suicide.

The Evening News says: It is asserted that the Guards, ostensibly dispatched to the Soudan, are destined to land at Kuviah and thence proceed to Afghanistan. It says this report, if true, forms England's reply to Russia's advance to Herat.

LONDON, Feb. 21.—Gen. Buller's relief transports from Gakdul were expected to reach Abu Klea to-day. It is feared the retreat upon Gakdul will be attended with heavy losses. Water is scarce, camels dying from exhaustion and ammunition limited. If the Mahdi's advance should be accelerated, Gen. Buller's entire force will be imperiled.

Gen. Sir Thomas Steele, commander of the forces in Ireland, reports to the government against any reduction of the number of troops in that country, and protests that it will be necessary to increase rather than diminish them.

Pearce, correspondent of the London Daily News, with Gen. Buller, is missing.

Russia and France are backing the Sultan of Turkey against Italy. The Porte's preparation to mobilize a fleet, for the purpose of sending an expedition to Massowah, has been checked. This is reported to be due to a warning from England that a Turkish fleet would not be permitted to enter the Suez canal. Owing to the attitude of Turkey, the Italian government hold in readiness for embarkation a full corps d'armee.

LONDON, 23.—The Foreign Office has received, through the British Embassy at St. Petersburg, a communication from De Giers, Russian minister of foreign affairs. It states that no advance of Russian troops toward the Afghan frontier has been authorized by the government, and that the troops will be withdrawn to the positions they held before the frontier commission was appointed. It is reported that Bismarck is supporting the pacific policy of De Giers against the military party of Russia, who want a war with England, and that he has sent a protest to the Czar against any aggressive movement on the part of Russia.

Gladstone paid a tribute to the devotion of Gen. Gordon, saying that his one object in life was to do good to all, irrespective of race, color or creed. Gladstone repeated what Morley had said regarding Zobeir Pasha. He denied that the government had any reason last year to suppose that Gen. Gordon was in imminent danger. Gen. Gordon's own dispatches said Gladstone had led the government to believe he would retreat with the garrison southward, if possible. The government had not changed a hair's breadth from its covenant to send Gen. Gordon assistance when necessary, and when possible to do so. He referred to the statements of Gen. Gordon's Colonels, that, under no circumstances could relief have been timely as Faraz had long ago agreed to betray Khartoum as soon as the British arrived. Gladstone said he fully shared in the regret for the loss of the gallant officer, Gen. Gordon, but there was some comfort in believing that no great effusion of blood had occurred at Khartoum. England's mission in Soudan was the safety of Egypt. The government might have committed errors of judgment, but, throughout, it had acted with honesty of purpose. He felt satisfied that no other course was open to them. He referred to the better government and other reforms established in Egypt, and said that there was no longer any danger of a rupture with France, which had cordially assisted in a measure, which, he hoped, in a few days, to see formally completed, and which should save Egypt from bankruptcy. If Sir Stafford Northcote wanted to establish a good, stable government in the Soudan, such covenant was not compatible with common prudence, because it meant the establishment of a British Christian government over Mohammedans. This would entail an endless struggle, for the people were courageous by birth and were made reckless by fanaticism. The government declined to enter into any covenant not reasonable and prudent. Even without the determination to "smash" the Mahdi, the Suakim expedition was necessary to secure the retirement of the troops. If the House thought the government had failed in its duty, the latter would cheerfully accept the verdict, but if they believed it had acted with good intentions and without palpable errors of judgment, he hoped they would give expression to their confidence and thus strengthen the hands of the whole country in the face of the world. (Prolonged cheering.)

Several speakers of less prominence then addressed the House. Redmond said the Irish people de-

sired to see the Mahdi successful in his struggle for liberty.

Adjourned.

Secret negotiations are being carried on between the government and the Irish party in regard to the terms on which the Irish members of Parliament will support the government in a division on the question of a vote of censure.

KORTI, 23.—A dispatch from Abu Klea says: Gen. Buller, who arrived here on the 15th, from Gubat, commenced at noon, the 15th, systematic shelling of the Arab lines. Two well directed shots did the enemy great damage—one exploded among a group engaged in placing a howitzer on the summit of a hill, east of our sailor's fort, and the other removing a whole gun carriage. Lord Charles Beresford also did the enemy great injury with the Gardner guns. The honors of the day, however, fell to Major Wandrop, who, with 13 men, stole cautiously round the enemy's right and found they had only a few hundred riflemen on the hills and no reserve spearmen. Wandrop's men, keeping out of sight, sent volleys at a range of 800 yards into the enemies' flank. Leaving one man at this point to continue firing, he took the 12 others and, as quick as possible, pursued the same tactics at three successive hills, giving the Arabs the impression that fresh troops were arriving. The Mahdi's forces became panic-stricken, ceased firing and decamped toward Metemneh, taking their guns and dead and wounded with them. A few Arab scouts only were left, three miles off, to watch movements. There has been no sign of the enemy since.

ST. PETERSBURG, Feb. 23.—The police at Dorpat, in the southern Russian province of Livonia, recently made an important seizure of Nihilist documents. They included several thousand copies of terrorist manifestoes which had been printed on a secret press and put up in envelopes to be sent to branch organizations and various local and Imperial officials. There were several letters which proved the complicity of a student named Pereleoff, who had formerly been charged with connection with Nihilist's plots, but had been amnestied by the Government. A party of soldiers was sent to arrest Pereleoff. They found him at his lodgings, but as soon as they entered he snatched up a pistol and shot himself through the heart. In his rooms were found poison, weapons, money and a quantity of dynamite. Many other arrests have also been made.

LONDON, 24.—The steamer Allegheny from Cardiff for Galle, lost her crew Thirty persons in all were drowned.

KORTI, 24.—Gen. Brackenbury expects to reach Abu Hamed to-morrow.

Suakim, 24.—Gen. Davis with two hundred troops arrived to-day.

LONDON, 24.—The navy estimates for 1896 are 12,396,500 pounds. This is intended to meet ordinary expenses and provide for the construction of 73 new vessels including eleven iron-clads.

LONDON, 24.—The arrival of Gen. Brackenbury's column at Abu Hamed will become an important event for the British, since there will then, for a few weeks at least, be a possible line of communication with Korasko, above the second cataract. This line is two hundred and thirty-five miles long and there is only one point at which water is found, but steps will doubtless be taken to forward stores of water to El Murad in advance, and by forced camel march the distance can be covered in nine days at best. This line will be an important one, but anything is preferable to the isolation of the past several days.

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