# THE DESERET EVENING NEWS.

FIFTY-SECOND YEAR

TRUTH AND LIBERTY

WEDNESDAY, JANUARY 29, 1902, SALT LAKE CITY, UTAH.

DEATH CALLS OSCAR H. HARDY. THE TREATY

## NUMBER 59

## SCHLEY'S APPEAL TO THE PRESIDENT

Full Text of Petition-Question of Command at Santiago Chief Point-Long's "Comment" Not Vet Ready.

unit.

Washington, Jan. 29 .- The navy de- [ iment has made public Admiral slay's appeal, delivered to the Pressat about a week ago. The depart-"comment" will be published in

day of two. admiral Senies appeals to the Presihat as the chief executive and comder-in-chief of the army and navy, ned with power to regulate and set the acts of the several executive deers thereof," and he asks that the dent review the findings of the rt. He asks this on three grounds each case basing his appeal on the at a case basing Dewey as opposed sings of Admiral Dewey as opposed at the majority report. These three must are set out compendiously in "petition," which fills about eight ed pages of a paraphlet, and is and by Admiral Scaley and by lesss Rayhor, Parker and Teague, of Biscounsel Attached to the petition are three shibits, "A," "B" and "C," each male up of copious extracts from the settmony taken by the court of inquiry ad intended to confirm the statements fact made in the petition itself.

FIRST GROUND OF APPEAL.

In this latter document the first wind of appeal is the holding of ex. Long in his endorsement on the or's fadings that "The conduct of ourt in making no finding, and indering no opinoin on those questions hat of command and of credit for the that at command and of eredit for the intery) is approved—indeed it could, with prepiety, take no other course, referee on these questions during the intery baving been excluded by the mury baring ment" on this point the petition says that the secretary of the navy was in servin stating that the court excluded stimony to show, that, as Dewey said, her was the senior officer in the bat. the santiago: was in absolute com-mial and entitled to the credit due are the glorious victory which resulted a the total destruction of the Spanish his. On this point the petition says: SCHLEY'S ARGUMENT.

'And your petitioner 'the applicant' here and court of inquiry, now files with this pendon an argument, togethevitha resume of the teatimony take turns the inquiry in so far as it mus to the question as to who was in costand at the battle of Santiago, onduct in connect

the Adula was permitted to gain information; and finally, that the passage from Clenfuegos to a point off Santiago was made with as much despatch as possible while keeping the squadron a The petition declares that thi

opinion, being at variance in certain points with the majority opinion, is the only one justified by the evidence and facts before the court, and it is asked that the secretary's approval of the majority findings be set aside and annulled in each instance where it at variance with Admiral Dewey's opinion, and that the latter's opinion should be approved, for the reasons heretofore set out in the bill of exceptions filed with the secretary of the navy. It is also asked that the President annual that portion of Seey, Long's Indorsement which states "As to points on which the presiding member differs from the opinion of the majority of the court, the opinion of the majority is approved," and that in place he sub-stitute and approve the declaration of Admiral Dewey on these points above referred to, connected with the pas-sage from Key West to Cienfuegos and thence to Santlago. The petition concludes:

#### CONCLUSION OF PETITION.

"And your petitioner most respect fully states that only by the action for which he prays in this relation can exact justice be done him within the contemplation of the precept under which the said court sat and whence it derived its authority. "All of which is most respectfully submitted.

EXHIBIT "A." Exhibit "A" is an argument and a resume of testimony concerning the question of command during the battle of Santiago and comprises fully two-thirds of the 62 printed pages which make up the petiton and exhibits. It discusses the right of the court to consider the question of command; the fact as to whether or not it actually

fact as to whether or not it actually did so; the propriety of Dewey's opin-ion in regard to that question and the action requisite to exact justice on this point. It is stated that the precept and instructions directed the court to "Thoroughly inquire into all of the in-vestigation," and it is argued that unthe general as well as under this specific authority, the court had full power to investigate, and was not re-

Spain, your petitioner expected by such action and its consequences to secure a judgment so final and conclusive as to terminate the said controversy and relieve the service of a most baneful con-(h) That in this respect his desire was shared by the navy department, which created the court and vested fu-with ample authority in the premises. (D) That under the circumstances and conditions herein set forth it became the duty of the said court to pass upon this question, to the end that the said controversy might be terminated, the

to grant those who serve it well in (e) That the said controversy can only be terminated and justice done to those to whom justice is due upon the

rendition by a body of competent juris-diction, having before it all the facts and parties concerned, of the decision upon this question, which decision shall

be final and conclusive. (f) That such a decision will result in the betterment of the service by clos-ing a deplorable controversy which now

livides the service into hostile factions.

that, further, such a decision will per-petuate in history the true facts sur-rounding one of the greatest naval con-flicts of modern times and one of the

greatest naval victories ever achieved

(g) That in asking for a court to pass upon his conduct during the war with

by this country.

truth properly perpetuated in history justice done the deserving and the good of the service conserved. JUSTICE OF DEWEY'S OPINION.

Counsel next take up the question of the propriety and justice of Dewey's opinion that Commodore Schley was in absolute command in the baitle of Santiago, and is entitled to the credit o the glorious victory, and quote many excerpts from the testimony to estab-lish the correctness of this conclusion It is recited that Sampson uignaled t "Disregard motions commander-h-chief," when he started castward that morning, theraby conferring commun-upon Schley, and the naval regulation are cited at length on this point. It i assocred that the New York did no reach the scene of the last surrende Spamsh ships until one hour and thi teen minutes after the battle ended and that, at 9:35 on the morning of July 3 the New York was out of sight or every ship of the blockading squadron but one, making it impossible for her to communicate with any of them. Counsel also cite Secy, Long's statement to the Senate that Sampson wa proceeding toward Siboney when th Spanish ships emerged, under orders from the department to confer with Shafter, and it is held that these orders detached him temporarily from his command, so that Schley was actually in command at the battle for the fol owing reasons.

WHY SCHLEY WAS IN COMMAND (a) By virtue of his rank as second in command of the squadron before Santiago.

(b) By virtue of his rank as senior line officer on the spot, authorized by the "regulations for the government of the navy of the United States" to assume command in such situations, and to direct the movements and efforts of all persons in the navy present.

(c) The absence from the scene of action during every moment of actual combat of the regularly appointed com-mander-in-chief of the American forces quired to limit the inquiry to Schley's before Santiago. (d) The fact that, under orders from rections contained in the precept. 1 is declared that it did actually investi the department, the said commander-in chief had been temporarily detached gate under this general authority, cerfrom duty as commander of the Amer. tain details of his conduct outside ican forces before Santiago, and as the specific directions and it is pointed out that the movement of the flying signed to the discharge of certain othe duties, which orders he was obeying at





OSCAR H. HARDY.

Oscar H. Hardy died at his home, 339 | and was the son of Leonard W. and west, Second North streat, in this city, shortly after 7 o'clock last evening. The affliction that claimed his life was pernicious enemia or an impoverish- time

Oscar H. Hardy was a most estimable citizen, quiet and modest but severely honest and conscientious. He enjoyed ment of the blood, a condition from which he had been suffering some time. He was only 48 years old and his death at so untimely an age is sincerely mourned by his many friends. He had for fears pursued the occupation of contractor in the hauling of ore and constructing of roads, and it is believed an able and conscientious. He enjoyed the esteem of all who knew him. In 1850 he and his brother Leonard G., founded the business now known as Barnes, Hardy & Company, and con-ducted it for several years. He served two terms in the City Council and was an able and conscientious public serthat he contracted his fatal malady vant, while in the state of Nevada two or The

The funeral will be held from

Its Bearing on the Reciprocity Schools of City and State Hold Commemor. Agreements.

**MAKING POWER** 

SEN. CULLOM DEFENDS IT

#### House Cannot Intrench Upon Prerogatives of President and Senate In the Exercise of H.

Washington, Jan. 29 .-- At the conclusion of the routine business a bill provlding for the use by the United States of devices invented by its naval officers while engaged in its service and covone accord has seized upon the time ered by letters of patent, was passed. Mr. Cullom, of Illinois, chairman of the committee on foreign relations then addressed the Senate on the constitutionality of that portion of the Dingley act which authorized the negotiation of reciprocity treaties. He said that the wording of the provision was peculiar and mixed, but it seemed plain that all treaties negotiated must have been made and ratified within two years after the passage of the act. Therefore if that act is to control it would be useless to ratify the treatles. Senator Cullom continued: "In my opinion, the fourth section of

arise on account of excessive sums, ne child was allowed to contribute morthe Dingley act, so far as it attempts to confer, limit or define the treatymaking power of the President and It is believed will be that nearly all Senate, but is unconstitutional because it comes in conflict with that clause of the Constitution which says that the President shall have power, by and with the advice and consent of the Senate, to make treaties. We do not, therefore, derive our treaty-making powers from a law of Congress and no law of Congress can in any way modify or limit these powers. The Dingley act cannot limit the time in which we shall be allowed to make a treaty." Mr. Cullom contended that the fourth

ing of the thrilling songs of the republic that serve so much to nurture the spirit and fire of patriotism. The contribu-tions to the monument fund was as freely and as cageily given as they were unanimous, and there scemed to be a regret that more was not required. The experience of Utah in this regard was parallel with her experience in the Spanish American war, viz: she wantsection of the Dingley act should be taken as a mere expression of the view of Congress and that the President did not need authority to make the trea-ties. He entered into a long discussion of the machine discussion of the proceedings of the constitutional convention relative to the treaty mak-ing power and claimed that precedents all showed such power was conferred solely upon the President and Senate The reciprocity treaty concluded with Hawaii, Mexico and Canada did not go into effect until Congress acted, but these treaties contained express provis-ion that they could not become effective

ative Exercises and Contribute Nickels to Monument Fund.

STRICKEN LEADER

IN MEMORY OF A

The schools and colleges of this city | and after the matter had been put to and throughout all the state of Utah | the vote it was decided that all would and throughout all the state of Utah . contribute to the McKinley monument fund in sums of not less than ten cents. are today holding special exercises of an Impressive nature in honor of the Several committees were then appoint-ed to collect the donations from the martyred President, William McKinley, members of the various classes. and for the purpose of reverently per-

L. D. S. UNIVERSITY.

#### Fitting Tributes to One Who Was "The Friend of Mankind."

for the holding of memorial exercises. With beautiful music by the college Governor Wells, as did the governors orchestra, happy remarks by the colof all the other states, issued a proclaege president, and noble sentiments mation designating today as the most by the speakers, Hons. A. H. Lund. fitting on which to hold exercises in John Henry Smith and Angus M. Canhonor of the late President, with special non, Mckinley day was fittingly obreference to the school children, that served by the Latter-day Saints unithey might have the chief part to play versity today. in the memorial celebration. Another

The business college assembly room was packed at 10 a. m. with students, fully one hundred of whom could find standing room only. President J. H. Paul, after the sing-

ing and invocation, announced the pur-pose of the meeting, and introduced the speakers.

The business college orchestra ren-dered, with good effect, the selection "Hearts and Flowers," and for an en-core responded with "Aunt Manda's Wedding."

Prof. Paul then called upon Student J. W. Welsh who responded with an riginal sentiment in praise of Mr. Mc-Kinley, of which the following is a por-

This day let us remember a brother late departed, a hero in life's gentlest scene, or in war's flercest turmoil, al-ways the same in peace or war, so true and staunch and fearless; a benefactor of mankind, the champion of weakness, 'It is God's way; His will be done.'

PRESIDENT LUND SPEAKS.

President Anthon H. Lund said he Was pleased with the decision to honor the memory of the late President Mc-Kinley. He spoke of the three martyr-Presidents Lincoln, Garfield and McKin-ley. Of the latter he sold that when a boy his loyalty to the cause of human freedom was shown by his early enlistment in the Union army and his he-coming a major at the early age of R.

Spanish American war, viz.: she want-ed to do more than was required of her, or that she was allowed to do. The students of the University cele-brated the day in an interesting but direction many begins of the University cele-As a warrior he was, brave and du but as a statesman and Presiden name will go down to future a tions. His policy in resisting the tition of China among avariation dignified manner befitting the occasion and the institution. The members of the faculty were present and took a

mover of his plea that the presidin immer of the said court acted which is authority and jurisdiction in noting his opinon as hereinbefore stimb, and that the majority mem-tes of said court failed in the dischange of a most important duty while upon them under the precept. is that they did not report their opinis mon the said question; that it was sustent upon such majority memhis to consider and determine all question, for the reason that only a so doing could they determine th monisty of the conduct of the said Muy in said battle, since, it being fact that he did assume command of

th

the battle of Santiago.

WHAT RECORD SHOWS.

the American forces in the battle and if he did this, in the absence of any

right so to do, then, under the naval regulations, his conduct would have

een "grossly insubordinate and calcu-

ated to weaken the lawful authority

f his proper commanding officer and

is such would have been highly cen-

urable and should have been so held

light to inquire into this subject of

command, and that the secretary of the

navy never did his disapproval of

Dewey's declaration being based "sole

WHAT COURT CONSIDERED.

number of excerpts from the official re-

estimony given by many officers, in-

the course of an interview on board ship, spoke of Sampson as being in command; Commander Heilner, Com-

mander Sharpe, Lieutenant Doyle, Cap-

ain Dawson, Lieutenant Commander

Hodgson, Lleutenant Bristol, Admiral

Taylor, Captain Cook, Liept.-Command-er Sears, Lieut, McCaulev, Lieut, Web-

friffin, Lieut.-Commander Nicholson

Jeut, Eberle, Lieut, Johnston, Captain

lark, and Admiral Schley himself. In

addition counsel includes the testimony

if some of the newspaper witnesses,

and quotes portions of his own argu-

d to discuss the subject of command

All of these, it is respectfully submit-

ted, "amounted to a formal entertain-ment and consideration by the said

court of this question, and obligated it

o find the fact and report its opinion

As to the general obligation on the

court to determine this question of command, the counesl declare that they

(a) The question has never been con-

dered and determined by a body of competent jurisdiction having before it

all the facts and all the parties inter-

affecting his personal and public char-

hould have done so because:

OBLIGATION ON COURT.

ment to the court where he was allow

ter, Ensign Marble, Lieut. Commander

Simpson, Lieut. Ackerman,

lation thereto."

leut.

thereupon.'

American forces therein engaged Maction would, in the absence of the nsurable and upon the question ach right and duty and the prosaid Schley was entitled, under the pt to a finding and an opinion m the majority members as well as the minority members of the said wi, and your petitioner respectfully ests that the said argument and me of testimony (which are at tached hereto and marked 'Exhibit A' e considered as a part of his petition and as the burste

premises." WANTS INDORSEMENT AN-

NULLED. Therefore the petitioner asks the President to annual Secy. Long's in-

essement on this point, and that he secilcally approve Admiral Dewey's matement declaring that Schley was in mmand. He says that only in this way can exact justice be done him under the precept.

### SECOND GROUND.

The second ground relates to the alhed withdrawal of the squadron at high from Santiago bay and the charatter of the blockade, and the proprety of Commodore Schley's conduct to the premises. This was one of the pints upon which Admiral Dewey medifically dissented. The petition rethe findings of the court is not det that the flying squadron did not withdraw at night and declares that findings of the court to the by this statement the court obviated necessity of expressing its opinion is to whether or not a close or adeuse blockade was established and the propriety of Commodore Schley's soduct in the premises. It is declared that under this specification-the righth-more than a majority of all witnesses were examined, thout one-third of the whole period of the inquiry was consumed in its conacts herein set forth, all of which ap lear upon the record of said court. shcurring members thereof have failed uterly and entirely to discharge the mest important duty imposed upon them by the terms of the said specifi tation, which duty was to report their spinion upon the question of whether a close or adequate blockade said harbor to prevent the escape of the enemy's vessel therefrom was stablished, and the propriety of Commolore Schley's conduct in the premis-

DEWEY'S HOLDING ASKED FOR. (b) That a doubt existing as to who was actually in command at the battle of Santiago, there arose in the navy of the United States and among the peo-Therefore Admiral Schley asks the President to annual the secretary's inforsement, which "makes valid ple at large a controversy over this failure of the majority members therepoint, which controversy, without being instigated, fostered or countenanced by to report their opinion upon that portion of tion." And your petitioner, has waged for more than three years to the great detriment the said eighth specifica-And it is also asked that there a substituted therefor Admiral Dew of the good of the service and to the "'s holding, "The blockade of Santitro was effective." Otherwise the peer declares that he will be without controversy your petitioner was made the object of most unjust accusations, or oblaion upon one of the

most important specifications. THIRD GROUND.

acter, which accusations were inspired by those who sought to establish the The third ground recites Admiral Devey's opinion to the effect that the fact that he did not command at the said battle, and that owing to said actange trom Key West to Clenfuegos was made by the flying squadron with al loadble despatch having in view the inportance of arriving off Clenfue-tes with sufficient coals that the blockcusations he has suffered much injury (d) That the said controversy brought about a condition which resulted in all th sufficient coal; that the block-

We of Cienfuegos was effective; that

.

squadron from Key West to Cienfuegos the time the battle began. was one of the subjects of inquiry not specified in the precept. Therefore, (e) The fact that being so engaged in the discharge of such detached duty counsel holds that it is an incontestible fact that the court was authorized to at the time the Spanish ships emerged from the harbor of Santiago, the comletermine the question of command at mander-in-chief found it impossible return to any point whence, personally

means of communication with the ships actually engaged in the con-It is also declared that the record of flict he might resume his authority unhe court shows that Schley did actil after the battle at every point had tually exercise the powers and assume the responsibilities of command over ended.

(f) The fact that whereas the com mander-in-chif could not and did not exercise command over the squadron at any time during the actual conflict. nonore Schley, as second in command of the American forces before Santiago, and as senior line officer on the spot during every moment of actual battle, could and did exercise authority and command over the American forces by the court." It is further stated that the court itself did not deny its actually engaged.

#### SCHLEY'S SENIORITY RECOG-NIZED.

## Further argument on this question of

y upon an erroneous statement that command is to the effect that Cook and Clark, the two ship captains present at court had excluded evidence in rethe surrender of the Colon, recognized Schley's seniority and also that Sampson's "order of battle" failed entirely as the Spanish squadron succeeded in The counsel then take up the question f fact as to whether the court did passing beyond the westernmost ex-tremity of the American vessels, All actually entertain and consider the question of command, and to deter-mine this point they submit a great of which, it is submitted, goes to prove conclusively that the individual opin ion of Dewey was eminently proper and ord of the court. These are based on wholy justified by the evidence and the naval regulations. sluding Commodore Howison, who in

#### EXHIBIT "B."

Exhibit "B" elaborates and sustains the statements in the petition respect-ing the passage of the flying squadron from Key West to Clenfuegos. The court declared that "Commodore Schley did not proceed with the utmost dis-patch off Cienfuegos." Counsel declare that the court erred in that statement: that the sading orders to the squadron did not direct it to "Proceeed with de-spatch off Cienfuegos," but the only direction on that point was that "You should establish a blockade off Cienfuegos with the least possible delay." It is declared that these left Schley discretion: that he obeyed these orders, and that there were no delays, the squadron proceeding at ten knots per hour. The petitioner declares that this passage was both expeditious and ef-fective, and Admiral Schley's conduct undeserving of censure, wherefore the majority opinion should be set aside and Dewey's opinion approved as other-wise commanders in the future will be deprived of all discretion and the ser-vice will be injured. The petitioner The petitioner objects to the majority report that "Commodore Schley did not blockade rights."

the port of Clenfuegos as close possible." And he objects to the use of the word "Close" as referring to distance alone, holding that it means "ef-fectiveness," "adequacy," and that all of the testimony showed that the blockade of Cienfuegos was adequate; to vessel entered or departed without his permission, and that all proper and customacy precautions were taken in the premises. He further declares that the court failed to state all of the per-tinent facts regarding the Adula Incident, and he asks that Admiral Dewey' rendition of that incident he accepted. aurt of those most concerned in the Lastly, in this exhibit, counsel deal with the passage from Cienfuegos to said question. (c) That in the course of the said Santiago and again object to the majority conclusion that Admiral Schley should have proceeded with all dispatch and have disposed his vessels with a view of intercepting the energy. In this connection coursel submit that the admiral' scuadron was a unit; that he admirar soundron was a unit: that he had no powers to atomize it; that in view of the prevailing ignorance of the enemy's location it would have been the acme of military folly to have disin-terrated his soundron; that the nature of the duty expected at Santiage root

hree years ago. He was born in Salt Lake City in 1854. Friday morning at 11 o'clock.

cised a proper discretion; that the Ragle did delay his squadron and that Registered disposed in that orhis vessels "were disposed in that or-der which presented the strongest ormation and best prepared the squadron to meet and engage the enemy. EXHIBIT "C."

The last exhibit, "C," is general in character and short. The findings of the court are objected to as in conflict with the overwhelming weight vidence, and it is declared that the majority have ignored the petitioner's testimony and the whole of his wit-nesses and all that part of the government testimony favorable to him. The majority, it is stated, did not give him opportunity to bring in proper and convincing evidence respecting the pass age to Cienfuegos, and, it is declared, the evidence taken on that point was lirectly contrary to the opinion ren dered. The majority criticised the petition for not communicating with the insurgents, when, in fact, McCalla's memorandum did not mention their lo cation, and the memorandum itself was given only for use in connection with certain batteries in Clenfuegos harbor. They said he should have maintained a close blockade of Clenfuegos when the overwhelming testimony proved that there was a close blockade and the judge advocate substantially abanloned any charge to the contrary. The majority ignored the uncontradicted estimony proving that the Adula was permitted to go into Clenfuegos in or-der that information might be obtained through her as to whether the Span ish fleet was then in port, it being clearly promised that the ship would come out within 24 hours. It is alleged that the majority failed to give any opinion as to the character of the blockade at Santiago, although the same was included in the eighth specifica-tion and by specific direction the court were obliged to give an opinion thereupon. It is also alleged that the ma-jority entirely failed to determine who

was in command at Santiago, a fact which was absolutely necessary to determine property the propriety of Schiey's conduct in connection with the whole campaign. Finally it is reiterated that the majority rejected all of Schley's testimony and of his witnesses though he was on the stand for many hours and subjected to the most search ing examination and "by so doing they have perverted the ends of justice."

DEPRIVED OF LEGAL RIGHTS.

It is finally stated: "That if this testimony was all false hey should have so announced; and ! all or any part of it was true, the said applicant was entitled to the benefit of and by declining to consider or pass upon it they have deprived him on law and constitutional

#### May Van Alen Engaged.

New York, Jan. 29.-Miss May Van Alen's engagement to Robert Reading Remington, is announced. Miss May Van Alen is now in London with her ather and sister, staying at the Hote Coburg, and it is probable that the will take place during the wedding will take place during the course of the summer at Newport, Miss Van Alen is very rich in her OWH right, having jointly with her sister Sarah and her brother, inherited the large fortune of her mother, who was a daughter of Mrs. Wm. Astor.

#### More Indictments for Bribery.

St. Louis, Jan. 29 .- Circuit Attorney Folk said today that in all probability more indictments would be found and bench warrants issued against several other men in connection with the Su-burban bill matter before tonight. It develops that Emil A. Meysenburg was not indicted on a charge of bribery but

meeting house



New York, Jan. 29 .-- Exercises in observance of the birthday of the late President, Wm. McKinley, were held in the public schools today. Flags were flown on all public buildings and several meetings set for today, including one of the board of aldermen, were adjourned as a mark of respect to the late President's memory.

NOT OBSERVED IN CINCINNATI. Cincinnati, Ohio, Jan. 29 .-- The anniversary of the birthday of the late President McKinley had no public observance here today. The city and county offices are open as usual, and no demonstration of flags indicated that the day is remembered. In the public schools, however, while no uniform order of exercises has been prescribed, the teachers are presenting to the pu-pils lessons from the life of McKinley. especially those relating to his boyhood and youth.

CHICAGO HONORS THE DAY.

ranks and stations honored the name of Wm. McKinley today, the anniver-sary of his birth. Flags throughout the city were at half-mast and rial services were held in many churches, schools and G. A. R. camps. All the city offices and the county courts were closed for the day. The services will culminate in a meeting at Studebaker hall tonight under the auspice of the Hamilton club, where Judge Wm. R. Day, of Ohio, will be the principal speaker.

#### OBSERVED IN MARYLAND.

Baltimore, Md., Jan. 29 .- While Mc-Kinley day was not a legal holiday in Maryland, special exercises were held today in the schools throughout the state, and the children were given an opportunity to contribute to the

rial fund. The school board of Balti-more city, for this occasion, relaxed its rule prohibiting the collection of money in the schools. At the celebration of the Union league tonight, Congressman Charles B.

Louisville, Ky., Jan. 29.-With his arm still lame from yesterday's greet-ings Admiral Schley today faced a throng at the board of trade public reception. The admiral stood at one end of the hall by the side of Marion E. Taylor, president of the board. As the people passed before the admiral Mr. Taylor introduced them and to each the admiral gave a courteous greeting After the reception Admiral took luncheon at the Pendennis club as the guest of Mr. Taylor. During the afternoon Mrs. Taylor

Vienna, Jan. 29 .- There is absolutely no foundation for the report, circulated by a newspaper here yesterday, that Count Goulowski, the Austrian-Hunthat garian minister of foreign affairs would be asked to resign because he watched the heavy gambling at the Vienna jockey club, Dec. 21 last, when \$500,000 changed hands at one sitting, and did not attempt to stop the playing, which was illegal. The report concerning the those persons present and participating terrated his squadron; that the nature on another charge growing out of that is affair, the exact nature of which the agenerous country is disposed quired all his vessels; that he exer-

done Mr. Cullom discussed the provision o the Constitution declaring that bills for raising revenue must originate in the

"From the decisions and statements of Justices Story, Miller and Harlan I cannot see how this clause would make t necessary to sumbit a reciprocity reaty to the House before it becomes The language of the clause is ffective. that all bills for raising revenue shall originate in the House, and not the bills affecting revenue, or in which rev enue may incidentally arise. A recipro-city freaty is not a bill, it is true that it reduces a duty that has been laid by law, but I maintain that the treaty-making power has authority to change any other act of Congress, and we have seen that it has been clearly held, from the decisions of Chief Jus-tice Marshall down to the present, that the President and Senate by treaty can change or modify a law of Congress." Mr

Mr. Cullom also said. "This question before us here ha been before the Senate for a hundred years. The executive and the Senate have taken one position and this is that a treaty is the supreme law of the land. That position has been sustained by the Supreme Court. On the other hand, during all these hundred years. the House of Representatives has, as ! rule, insisted that they should be con-sidered in reference to certain treaties That does not relieve us, the Senat the duty of standing for our preroga tives and our rights and insisting that the rights of the executive shall be maintained. A treaty made by the ex-ecutive and ratified by the Senate is the supreme law of the land as well as an act of Congress. If the Congress is not satisfied with the treaty it has a perfect right to repeal it, let the quences be what they may. But until such action is taken the treaty remains

### HOUSE.

Washington, Jan. 29,-When the House met today, Mr. Henry, of Connecticut, reported the oleomargarine bill from the committee on agriculture. With the report were submitted the dews of the minority of the committee and the substitute offered by them. There being no special order and no appropriation bills ready, the commit-

fees were called. Not a single committee responded, and Mr. Payne of New York, the majority floor leader, remarked sententiously floor leader, is the sension members that later on in the session member would complain that they had no opportunity under the rules to secure consideration for their bills. Mr. Honkins, of Illinois, reported the

permanent census bill and gave notice hat he would call it up tomorrow. Mr. Henry, of Connecticut, asked Mr. Henry, of Connecticut, asked unanimous consent that the oleomar-garine bill be made a special order for Monday, Feb. 3. The request met with a chorus of objections from the Demo-cratic side. Then at 12:25 p. m. the House adjourned. House adjourned.

#### Chinese Exclusion Bill Arguments.

Washington, Jan. 29.-E. J. Liver-nash, of Sau Francisco, today concluded his argument before the Senate ed his argument before the behavior committee on immigration begun last Monday in behalf of the Chinese ex-clusion bill. He had never, he said, discovered after diligent search for information, any intimation that the trade between the United States and China had decreased on account of the attitude of this government on the ex-

attitude of this government on the ex-clusion question. In response to a question by MF. Pen-rose, he said that the arguments ad-vanced by the southern cotton pro-ducers that their trade with China would be severely crippled ware not well founded because it had been proven that sentiment was not a controlling factor in trade.

factor in trade. Answering a question by Mr. Pen-rose, he said that rayments for the successful smuggling of a Chinaman into the United States range from \$50 to \$500 or \$1,000, and in the case of a woman, as high as \$2,500, where the object was to engaget her in immoral

practices.

vely interest in all that was said and At the public schools the observation

petuating his name and memory,

Today is the fifty-ninth anniversary of his birth and the entire nation with

feature incorporated into the exercises

in accordance with the Tovernor's proc

lamation, was the receiving of contri

butions from the children, for the Mc

Kinley monument fund. In order that

no embarrassment or humiliation might

than five cents to the fund. The result

the children will respond and the re-

celpts thus far exceeded the most san-

From the University of the state

down to the humblest district school in Utah the spirit of the day had

spread, and it found expression in ap-

propriate exercises embodying eulogies

of the martyred President and the sing-

ing of the thrilling songs of the republic

guine expectations.

of the day was general and enthusias Every room in every building in the city held its own exercises, the rea-son for the roomy in each building not holding joint exercises being that this week is the last of the semester and the teachers are so much involved in the work of promotions that it was deemed better to remain in their respective rooms to economize time

The Latter-day Saints' university was the scene of as interesting a program as the day perhaps brought forth in the city. As far as appearances could indicate every teacher and student attended the exercises and when their numbers were added to, by a large complement of visitors, the assembly room was crowded to its capacity, In every place where exercises were held these were distinguished for the the enthusiasm displayed and the unanimous sympathy with the occasion and everything connected with it. The truth, that it drives home, is that the

youth of Uiah are endeared to the in-stitutions of their country and to the memory of the great men whose works have glorified the republic. AT STATE UNIVERSITY.

#### Students Gather to Listen to Praise Of the Great Departed.

The assembly hall in the normal building of the University of Utah was crowded with students and members of the faculty this morning on the occasion of the McKinley memorial exercises and the speakers were listened to attentively by those present. After the exercises the students resolved to contribute to the Canton memorial fund and selected committees to collect the contributions.

In the absence of Prof. Kingsbury, who was called away to attend a funeral, Prof. J. B. Toronto presided. The hall was decorated with flags and the national colors, while the portrait of the martyred President was suspended from the north wall.

The exercises were opened with prayor on the part of Prof. J. J. Marshall, after which Hon. Thomas D. Lewis, one of the members of the first graduating class of the University, was

The speaker in a glowing eulogy to the memory of the bits President touched chieffy upon h's career as a public man. In the course of his re-marks he stated that Fresident Mc-Kinley gained his first idea upon the tariff during a debate in which he par-ticipated shortly after the war. O this occasion he was defeated, but h failed to acknowledge his discomfit and then and there resolved to stud the question. From then on he par-licipated in a number of debates but never ridiculed an opponent. This made him popular, said the apenior. Continuing he said that McKinley erved seven terms in Congress was th author of the famous McKinley bill, wa twice selected for the governorship of Ohio and twice as President of the United States, Mr. Lewis said that h first saw President McKinley at Cleve-

land, Ohlo, on Decoration Day, 1891, on the occasion of the dedication of the Garfield monument. Eleven years later he, too, was numbered among the martyred Fresidents

At the close of his remarks the stu- | with you he will rejoice forever. dent body, led by Instructor Best, sang "America" with great heartiness. Will Ray, president of the student body, then took charge of the meeting

powerful nations was one of the ndications of his fairness a manity toward the weak and the o

The speaker said that when the Spanish war broke, out he was in Europe. At first to the European nations the thought that America should fearlessly undertake a var with Spain, armed and prepared as that nation was, was regarded as a baurb. But it was not long before the nations of Europe were vying with each other in attempts to do honor to A merica. This rank of America in the first place among nations, occurred during Mr. McKinley's administration. President McKinley was noble and self-sacrific-ing to an invalid wife-a situation that made him indulgent and trustful in It was this dealing with men also. fact that brought him to the verge of financial ruin. He had trusted men and they failed. His friends offered to pay his debts; he declined their aid, and they then aided him a gainst his will. The speaker recommended the study of history as a means of ennobling the mind of the student, and he invoked the blessings of place upon the good and noble among mankind.

APOSTLE SMITH'S ADDITESS.

Hon. John Henry Smith was then introduced. He congratulated the stu-dents and faculty upon the success which they were achieving in their work, and said he could heartily en-dorse the praise of the previous speak-er, in reference to the late President of this pation. He had known Break of this nation. He had known Presi-dent McKinley at a time when public sentiment was greatly prejudiced against the people of these valleys. He was kind and considerate and seemed to have one wish only, and that was the preservation of the rights of every citizen of this republic. No body of men that have ever wielded the power to rule over mankind have done so well as that body of men known as the presidents of the United States. In the death of President McKinley, the speaker said he felt that he had lost a personal friend. The erection of monuments to men, he said, was quite generally looked upon in this country. and particularly among the Latter-day Saints, as savoring somewhat of manworship. This fealing, the speaker said, he did not share; but believed that to put before the youth of natio statues of the truly great was beneficial in every respect.

Continuing the speaker said that on the banks of the Rio Grande on the Mexican side at Cuidad, Juarez, stands a little monument in stone to linito Juarez, a Mexican patriot. Every Mexican boy, as he stands in the preso the dead hero, is ence of that image mination to main nanized with a dot liberty for which ain the principles. he struggled. Every English behopes to have a tablet in stone i mmemoration ountry, placed in herole deeds to

Westminster Abb nd is the West-The whole of minster Abbey of merican people which those and the villag American boys g ) obtain distinc s services, will be tion in their count. a monument communiorative of their

heraic deeds. The one to be ere ad to William Mo Kinley will be an intuiration to every boy who shall stand in the presence of dress Miss Elsie Barrow sang two solos in a manner that ellected ap-plause. P. P. Christensen, attorney for Salt Lake county, was the last speaker. He spoke for some time, taking as his thene McKinley as a man. Mr. Choice

theme McKinley as a man. Mr. Christ tensen said that he preferred to speak of the departed President as Major-the title so beloved by his widow and adopted children. In conclusion he said that McKinley loved the common peo-that McKinley loved the common peo-

Schirm will deliver an oration. Schley in Louisville.

tendered a reception to Mrs. Schley.

Goulowski Not to Resign.

Chicago, Jan. 29,-Chicagoans of all a part of our municipal law."

