

FIFTY-SECOND YEAR

# SCHLEY'S APPEAL TO THE PRESIDENT

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

Washington, Jan. 29.—The navy department has made public Admiral Schley's appeal, delivered to the President last week ago. The department's comment will be published in a day or two.

Admiral Schley appeals to the President as the chief executive and commander-in-chief of the army and navy, and asks that he will review the findings of the court of inquiry and the court of honor, and make such recommendations as he may deem proper. He asks that he will review the findings of the court of inquiry and the court of honor, and make such recommendations as he may deem proper.

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## DEATH CALLS OSCAR H. HARDY.

Estimable Citizen Succumbs to Impoverished Condition of the Blood—Funeral on Friday.



OSCAR H. HARDY.

Oscar H. Hardy died at his home, 329 West Second North street, in this city, shortly after 7 o'clock last evening. The affliction that claimed his life was pernicious anemia or an impoverishment of the blood, a condition from which he had been suffering some time. He was only 45 years old and his death at so unimpaired an age is sincerely mourned by his many friends. He had for years pursued the occupation of contractor in the hauling of ore and constructing of roads, and it is believed that he contracted his fatal malady while in the state of Nevada two or three years ago. He was born in Salt Lake City in 1854, and was the son of Leonard W. and Sophia Goodridge Hardy. He leaves a wife and three children who feel most sorely stricken. The community extends its sympathy to them at this time.

The funeral will be held from the Twenty-second ward meeting house Friday morning at 11 o'clock.

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 of evidence, and it is declared that the majority have ignored the petitioner's testimony and the whole of his witnesses and all that part of the government testimony favorable to him. The memorandum did not mention the information that he had obtained directly from the petitioner's testimony. The majority criticized the petition for not communicating with the insurgents who, in fact, had been in communication with the petitioner's testimony. The memorandum did not mention the information that he had obtained directly from the petitioner's testimony.

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## THE TREATY MAKING POWER

Its Bearing on the Reciprocity Agreements.

SEN. CULLOM DEFENDS IT.

House Cannot Infringe Upon Prerogatives of President and Senate in the Exercise of It.

Washington, Jan. 29.—At the conclusion of the routine business a bill providing for the use by the United States of devices invented by its naval officers while engaged in its service and covered 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 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 treaties. Senator Cullom continued:

"In my opinion, the fourth section of the Dingley act, so far as it attempts to confer, limit or define the treaty-making power of the President and Senate, 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 power from a law of Congress and no law of Congress can in any way modify the treaty-making power of the President and Senate. The Dingley act, therefore, cannot limit the time in which we shall be allowed to make a treaty."

Mr. Cullom contended that the fourth section of the Dingley act should be taken as a mere exercise of the view of Congress and that the President did not need authority to make the treaties. He entered into a long discussion of the history of the constitutional convention relative to the treaty-making power and claimed that precedents all showed such power was conferred 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 provisions to the effect that they should be in force from the date of their ratification. Mr. Cullom discussed the provision of the Constitution declaring that bills for raising revenue must originate in the House, and that the Senate may only amend or reject them.

"From the decisions and statements of Justices Story, Miller and Harlan I cannot see how this clause would make it necessary to submit a reciprocity treaty to the House before it becomes effective. The language of the clause is that all bills for raising revenue shall originate in the House, and not the bills affecting revenue, or in which revenue may incidentally arise. A reciprocity treaty is not a bill. It is true that it reduces a duty that has been levied by law, but it does not create a new duty. It is a mere modification of an existing law. The President and Senate by treaty can change any other act of Congress, and we have seen that it has been clearly held, from the decisions of the Supreme Court down to the present, that the President and Senate by treaty can change or modify a law of Congress."

Mr. Cullom also said: "The question before us here has been before the Senate for a hundred years. The executive and the Senate have taken one position and this is that a treaty is a contract between two nations, and that position has been sustained by the Supreme Court. On the other hand, during all these hundred years, the House of Representatives has insisted that a treaty is a law, and that it should be considered in reference to certain treaties. That does not relieve us of the duty of standing up for the prerogative of the Senate and insisting that the rights of the executive shall be maintained. A treaty made by the executive and ratified by the Senate is the 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 Congress repeal it. But until Congress acts, the treaty remains a part of our municipal law."

HOUSE. Washington, Jan. 29.—When the House met, reported the omnibus bill from the committee on agriculture. With the report were submitted the views of the majority and minority of the committee on the bill. There being no special order and no appropriation bills ready, the committee were called.

Not a committee responded, and Mr. Payne of New York, the majority floor leader, remarked sentimentally that later on in the session members would complain that they had no business to do. The House then adjourned.

Chinese Exclusion Bill Arguments. Washington, Jan. 29.—E. J. Livingston, of San Francisco, today concluded his argument before the Senate committee on immigration begun last Monday in behalf of the Chinese exclusion bill. He had never, he said, discovered after diligent search for information, any intimation that the trade between the United States and China had increased on account of the attitude of this government on the exclusion question.

In response to a question by Mr. Penrose, he said that the arguments advanced by the southern cotton producers that their trade with China would be severely crippled were well founded because it had been proven that sentiment was not a controlling factor in trade. Answering a question by Mr. Penrose, he said that the arguments advanced by the southern cotton producers that their trade with China would be severely crippled were well founded because it had been proven that sentiment was not a controlling factor in trade.

## IN MEMORY OF A STRICKEN LEADER

Schools of City and State Hold Commemorative Exercises and Contribute Nickels to Monument Fund.

The schools and colleges of this city and throughout all the state of Utah are today holding special exercises of an impressive nature in honor of the martyred President, William McKinley, and for the purpose of reverently perpetuating his name and memory.

Today is the fifty-ninth anniversary of his birth and the entire nation with one accord has seized upon the time for the holding of memorial exercises. Governor Wells, as did the governors of all the other states, issued a proclamation designating the day as the McKinley day, and in each state with special reference to the school children, that they might have the chief part to play in the memorial celebration. Another feature incorporated into the exercises in accordance with the Governor's proclamation, was the receiving of contributions from the children, for the McKinley monument fund. In order that no embarrassment or humiliation might arise on account of excessive sums, no child was allowed to contribute more than five cents to the fund. The result it is believed will be that nearly all the children will respond and the receipts thus far exceeded the most sanguine expectations.

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 appropriate exercises embodying eulogies of the martyred President and the singing of the thrilling songs of the republic that serve so much to nurture the spirit and fire of patriotism. The contributions to the monument fund was as freely and as eagerly given as they were unanimous, and there seemed to be a regret that more was not required. The students of the University celebrated the day in an interesting but dignified manner befitting the occasion and the institution. The members of the faculty were present and took a lively interest in all that was said and done.

At the public schools the observation of the day was general and enthusiastic. Every room in every building in the city held its own exercises, the teachers and the students taking part. The teachers are so much involved in the work of promoting that it was deemed better to remain in their respective rooms to conduct the exercises. The latter-day saints university was the scene of an interesting program as the day perhaps brought forth in the city. As far as appearances could indicate every room 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 there were distinguished for the enthusiasm displayed and the unanimity of sentiment with the faculty and everything connected with it. The truth, that it drives home, is that the youth of Utah are endeared to the institutions 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 Deceased. 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.

The speaker in a glowing eulogy to the memory of the late President touched chiefly upon his career as a public man. In the course of his remarks he stated that President McKinley gained his first idea upon the tariff during a debate in which he participated shortly after the war. On this occasion he was defeated, but he failed to acknowledge his defeat and then and there resolved to study the question. From then on he participated in a number of debates but never yielded an opponent. This made him popular, said the speaker. Continuing he said that McKinley served seven terms in Congress upon the floor of the House of Representatives. He was called away to attend to military duty, and was elected to the governorship of Ohio and twice as President of the United States. Mr. Lewis said that he first saw President McKinley at Cleveland, Ohio, on Decoration Day, 1891, on the occasion of the dedication of the Garfield monument. Eleven years later he, too, was numbered among the martyred Presidents.

After Mr. Lewis had finished his address Miss Elsie Barrow sang two songs in a manner that elicited applause. P. P. Christensen, attorney for Salt Lake county, was the last speaker. He spoke for some time, taking as his theme McKinley as a man. Mr. Christensen said that he preferred to speak of the deceased President as Major—the title so beloved by his widow and adopted children. In conclusion he said that McKinley loved the common people and despised no one. At the close of his remarks the student body, led by Instructor Best, sang "America" with great heartiness. Will Ray, president of the student body, then took charge of the meeting and after the matter had been put to rest it was decided that all would contribute to the McKinley monument fund in sums of not less than ten cents. Several committees were then appointed to collect the donations from the members of the various classes.

L. D. S. UNIVERSITY. Fitting Tributes to One Who Was "The Friend of Mankind." With beautiful music by the college orchestra, happy remarks by the college president, and noble sentiments by the speakers, Hons. A. H. Lund, John Henry Smith and Angus M. Cannon, McKinley day was fittingly observed by the Latter-day Saints university today. 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 singing and invocation, announced the purpose of the meeting, and introduced the speakers. The business college orchestra rendered, with fine selection, "Hearts and Flowers," and for an encore responded with "Aunt Manda's Wedding." Prof. Paul then called upon Student J. W. Welsh who responded with an original sentiment in praise of Mr. McKinley, of which the following is a portion: "This day let us remember a brother late departed, a hero in life's gentlest scene, or in war's fiercest turmoil, always 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 Andrew H. Lund said he was pleased with the decision to honor the memory of the late President McKinley. He said that the three martyred Presidents Lincoln, Garfield and McKinley, of the latter he said that when a boy his loyalty to the cause of human freedom was shown by his early enlistment in the Union army and his becoming a major at the early age of 21. As a warrior he was brave and dignified, but as a statesman and President his name will go down to future generations. His policy in resisting the domination of China among avowedly powerful nations was one of the indications of his fairness and his humanity toward the weak and the oppressed. The speaker said that when the Spanish war broke out, the European nations thought that America should fearlessly undertake a war with Spain, armed and prepared as that nation was with the resources of the world. But it was not long before the nations of Europe were vying with each other in attempts to do honor to America. This rank of America in the world, placed among nations, occurred during Mr. McKinley's administration. President McKinley was noble and self-sacrificing to an invalid wife—a situation that would have driven any other man to despair. 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 as well as that body of men known as the Latter-day Saints 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 a monument to his memory was a fitting tribute to his memory. He was generally looked upon in this country, and particularly among the Latter-day Saints, as a savior somewhat of mankind. He did not share the belief that he put before the youth of nations the status 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 Ciudad Juarez, stands a little monument in stone to Donito Juarez, a Mexican patriot. Every Mexican boy, as he stands in the presence of that image of the dead hero, is inspired with a determination to maintain the principles of liberty for which he struggled. Every English boy hopes to have a tablet in stone in commemoration of heroic deeds for his country, placed in Westminster Abbey. The whole of Europe and the West-minster Abbey of America people, and the villages in which those American boys and men dwell, will be made a monument commemorative of their heroic deeds. The one to be erected to William McKinley will be an inspiration to every boy who shall stand in the presence of it; and when the boys remember that he started from the very depths, and by devotion, industry, and perseverance, that their names may live with his. You who contribute a nickel toward the erection of this monument will have joy therein; and when William McKinley shall awake in the morning of the resurrection, and know the evidence of love for him shown by you, with you he will rejoice forever. Long applause followed the concluding sentences of Apostle Smith's address, and the President of the University called upon the school to sing.