

SECRET EVENING NEWS.

TRUTH AND LIBERTY

THURSDAY, NOVEMBER 7, 1901. SALT LAKE CITY, UTAH.

NUMBER 301

FIFTY-SECOND YEAR

THE CONCLUDING ARGUMENT.

Judge-Advocate Lemly Closed for Navy Department—Reviews Position for Applicant, Then Presents His Side.

Washington, Nov. 7.—Judge-Advocate Samuel C. Lemly today made the concluding argument in the Schley court of inquiry. There was no forensic session of the court and the judge-advocate did not have an opportunity to begin his address until 2 o'clock. He read from manuscript but spoke in clear and distinct tones. The first half of the address was devoted to consideration of points made by Mr. Raynor and Capt. Parker in Admiral Schley's behalf and the latter half was a general review from the government point of view of the evidence.

Referring to the testimony of Admiral Schley and Capt. Chadwick concerning the former's conversation with Admiral Sampson at Key West Capt. Lemly said:

"I ask the court to apply to the applicant as a witness the well known rule referred to with so much fervor by senior counsel, that where two witnesses testify with regard to the same matter, and one of them remembers and the other merely does not remember the circumstances of the matter or let us say the conversation, the evidence of him who remembers must be accepted. If this be done, then there is little left of the evidence given before this court by the applicant, particularly upon his cross-examination."

SCHLEY'S TESTIMONY.

"Commodore Schley has testified," said Capt. Lemly, further along in his address, "that he consulted Commodore Remy at the naval base, Key West, May 15, and at that time the latter informed him as to the movements of the Spaniards. So had Admiral Sampson on the 13th. And for what, if not to meet the enemy's fleet, was Commodore Schley sent to Cienfuegos? Not because he expected to find them already in there, as the order No. 5 and Admiral Schley's testimony will clearly show. It was simply expected that the Spaniards would endeavor to reach Cienfuegos and not that they were there."

Referring to Mr. Raynor's statement that when the report of the Spaniards being at Santiago was confirmed nothing was done to inform Commodore Schley of this until the Hawk was sent on the afternoon of May 21, Capt. Lemly said: "The Maribou was sent at 3 a. m. of May 21 with the dispatch No. 8. 'It is true,' he added, 'that this copy did not reach Commodore Schley until the 24th. When Hood, on the Hawk, was sent on the afternoon of the 21st, he carried as a separate communication the memorandum order on page one of the appendix; and this confirms Mr. Hood's testimony that at that time Admiral Sampson regarded it as practical certainty that the Spanish squadron was at Santiago.'"

THE McCALLA MEMORANDUM.

Both of counsel appear, he said, to ignore the very important parts of the McCalla memorandum. "The latter part clearly showed," he said, "Commodore McCalla's communication with the insurgents and their intimate acquaintance with matters in the reply." Capt. Lemly contended that the McCalla memorandum was delivered to Commodore Schley on the 21st and that the commodore with failure to attempt direct communication with the insurgents after its receipt.

Speaking of the charge of disobedience of orders, Capt. Lemly said:

"The applicant's disobedience if proved, will be shown to be delay in bringing himself into the presence of the enemy."

LEMLY EXPLAINS HIS POSITION.

Capt. Lemly said:

"With the conclusion of the very brief address with which I shall close the argument in this inquiry, my principal connection with it ceases and the matter is in your capable hands. I may add that, while my duties here have been arduous and necessarily somewhat painful, I am proud to have been associated with this distinguished court, which in its passing upon the most important question ever considered by a naval court—a question as I defined it in the early course of the proceedings, between the applicant and the morale of the service—is entering upon my duties as judge-advocate of the court. I had in mind advice given me by the secretary of the navy soon after my appointment as follows: 'Admiral Schley asks for a court of inquiry. A perfectly impartial court is constituted. The judge-advocate and any counsel asked to appear are to act and their duty in this respect is plain in court to prosecute anybody or to find anybody guilty, but to bring out the facts and aid the court in its duty. I have endeavored to follow this advice without fear or favor. If I have appeared to fall in maintaining that impartial attitude which I feel and have always felt towards the applicant, it is because aggression, however natural, on the part of earnest counsel begets aggression, and for the further reason that in many instances throughout the investigation honest difference of opinion has compelled me to be earnestly contentious in order to adduce what I believed to be material facts. I deemed it not inappropriate I should here remark that the navy department in this matter has maintained an entirely neutral attitude; that I have not been interfered with by it in any conduct of the case; that, as the record demonstrates, there has been no alteration of the department's record in the light of the views of the department, and that I am confident in the view of the department, justified by the views of the department, set forth in its reply of February 6, 1899, to the Senate committee on naval affairs, referring particularly to the naval battle of July 3, 1898."

DEPARTMENT'S VIEWS QUOTED.

"Where so much was achieved in this culminating battle, and where his ship was such a conspicuous force in the fight, his conduct while in independent command prior to June 1, on record of which has been given above and which, by reason of its unimpeachable and push and in failure to obey orders, did not meet the approval of the President and the department, has yet not permitted it to stand in the way of his nomination for promotion to a higher grade for the part he took in this final triumph."

Capt. Lemly then said that the voluminous evidence had been so fully treated in all its bearings that he did not wish to enter upon a detailed discussion of it. He said that under the existing conditions of the wind and weather greater speed might have been maintained on the part of the flying squadron from Key West to Cienfuegos. It should, he thought, be remembered that Commodore Schley's orders required that the fleet should not be separated by the least possible delay.

Reference was made to the interview with Capt. Chester, of the Cincinnati, on the 21st, and Capt. Lemly said:

"Already, as appeared from their conversation, Commodore Schley, though reassured by Capt. Chester, was not satisfied with the conditions of the case and the problem of coaling at sea, demonstrating that at the very best he was breaching trouble."

SELF-CONFESSED DEFAULTER.

He is Chas. B. Thompson, Supreme Finance Keeper,

KNIGHTS OF THE MACCABEES

Amount He Took Is \$57,000—Made Confession in Letter to Supreme Commander D. P. Markey.

Port Huron, Mich., Nov. 7.—Charles B. Thompson, of this city, supreme finance keeper of the supreme tent, Knights of the Maccabees, a self-confessed defaulter in the sum of \$57,000. The order, however, is protected from loss by Thompson's surety bond.

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ADMIRAL CAILLARD LAYS HIS MARINES

Seizes Customs at Midilli Without Resistance—France Receives Satisfactory Replies From All the Powers.

Paris, Nov. 7, 5:40 p. m.—A dispatch from Admiral Caillaud has just been received, announcing that he landed his troops on the island of Mytilene this morning and occupied the customs at Midilli without resistance.

The French government has received satisfactory replies from all the powers without exception, to its note explaining the measures taken against Turkey.

An excellent impression has been created in official circles by the reply of the United States, which was couched in most friendly terms.

Official advices received here say the Turkish authorities have cut the telegraph line between Mytilene and Constantinople. Thus Caillaud was unable to communicate directly with M. Bapst, the French minister at Constantinople, and was obliged to file all dispatches at the island of Smyrna.

The French government is fairly well satisfied with the progress already made in the dispute by the naval demonstrations. The sultan has promised to settle all monetary claims and

has offered guarantees which fall little short of those demanded. France, however, will insist on full guarantees and also on the surrender of Turkey to the matter of treaty rights, before evacuating Mytilene.

International complications are anticipated, in view of the powers' response to France's note, and no trouble is expected on the island itself.

THE PORTE YIELDS.

Constantinople, Nov. 7.—The porte has demanded, and has notified M. Bapst, the French minister at Constantinople, that the French government is authorized to repair its ships, churches, convents and other institutions situated in different parts of the empire.

OTHER DEMONSTRATIONS POSSIBLE.

St. Petersburg, Nov. 7.—The newspapers here anticipate that, following the lead of France, other powers will declare claims against Turkey. The Russian newspapers generally welcome the French demonstration in Turkish waters as a set-back to the Russian terms "German pretensions in Turkey."

HELEN M. STONE CASE.

Dickinson Chagrined Because Fact He Got a Letter Got Out.

Sofia, Nov. 7.—Con-Gen. Dickinson of the United States is greatly chagrined by the fact that he had received a letter from Miss Stone leaked out. He says it is calculated to seriously affect, if not practically undo the work of the United States in Bulgaria.

On two previous occasions negotiations with the Bulgarians who abducted the American missionary were abruptly broken off by the former on account of the premature disclosure of secrets. On the last occasion the Bulgarians were regarded as being a breach of the understanding with them. Mr. Dickinson, in fact, has been very much annoyed by the disclosure of the fact that he had received a letter from Miss Stone leaked out.

The Associated Press today says that it is absolutely indispensable if Miss Stone is ever to be released, that the course of the negotiations be kept inviolably secret. It is hopeless to expect the Bulgarians to place confidence in the negotiators when they find that information which they regard as secret is constantly leaking out.

Case Against Digs De Bar.

London, Nov. 7.—The hearing of the charges against Theodore and Laura Jackson, (Mrs. Digs De Bar), was continued today before a crowded court room.

The clerk of the court informed a representative of the Associated Press that enough witnesses have been summoned to keep the case going for weeks.

There were no women in the audience today, and the hearing continued her testimony, which was largely a reiteration of that previously given.

The dramatic incident today was when Laura Jackson, in the presence of her husband, badgered cross-examination of the witness, who turned, pointing her finger at the female prisoner, vehemently denounced the conduct of her husband.

The incident aroused loud applause, whereupon the presiding judge threatened to clear the court.

The case seemed to shake the nerve of the female prisoner and her subsequent conduct of the case was not marked by the ability which she has heretofore displayed.

THE JAPANESE LOAN.

Failure to Place It in America Shocks Yokohama Stocks.

London, Nov. 7.—A dispatch from Yokohama, published in the second edition of the London Times today says the failure to sell bonds to the amount of 50,000,000 yen in America has seriously shocked the stock exchange, where an influx of foreign capital is expected.

The Japanese government has adopted a new plan to provide for the extension of the railroads and telegraphs which are now yielding a profit of 1 per cent. It proposes selling 16,000,000 yen in bonds to the Japanese government, appropriating the surplus revenue to the railroads and telegraphs and providing for graduates of bonds to the Japanese government.

Money will not be sought, except on favorable terms, as the steady influx of gold, resulting from prosperous trade, has been the stock exchange, where an influx of foreign capital is expected.

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