

MERIWETHER SENTENCED. YEAR AND REPRIMAND. Secretary Bonaparte Decries System Cause of Branch's Death.

Washington, Dec. 12.—Confinement to the limits of the Naval Academy for the period of one year and a public reprimand by the Secretary of the Navy is the sentence of the court in the case of Midshipman Minor Meriwether, jr., charged with manslaughter, violation of the third clause of the eighth article for the government of the navy and conduct to the prejudice of good order and discipline, all three charges arising from a fist fight between Meriwether and Midshipman James R. Branch, jr., on November 5. Two days later Meriwether was acquitted of the first charge and found guilty of the second and third.

Secretary Bonaparte to-day approved the findings and ordered that the sentence be approved, but that "so much of the penalty as might be attached to the academy be remitted." Early this morning the Secretary received a call from Representative Broussard, of Louisiana, from whose district Midshipman Meriwether was appointed to the Naval Academy, and made known to him the sentence of the court and the department's action thereon. Mr. Broussard expressed his satisfaction with both, and it is understood that no action by Congress will be asked in the case.

As soon as the necessary copies could be made Secretary Bonaparte ordered that the sentence of the court and his review be made public. The Secretary says there is perhaps room for some doubt whether the punishment imposed might not have been made more justly severe, and disapproves the action of the court in sustaining the challenge of Commander S. A. Stanton, as a member of the court, on the ground of prejudice and in failing to sustain the challenge of E. L. Admiral A. H. McCormick, U. S. N. (retired), on several grounds. In his review of the case the Secretary says:

Under the first charge there was but one specification, of which the material portion alleged that the accused, at a time and place specified, did then and there, with his fists, open the body and head of the aforesaid James R. Branch, jr., unlawfully and willfully assault and beat Meriwether, jr., did at about ten hours after midnight on the 5th day of November, 1905, strike Meriwether, jr., in the manner and by the means aforesaid and kill and slay the said James R. Branch, jr. The court found this specification "not proved."

The department approves these findings and this acquittal. The specification was drawn upon the information as to the cause of the late Midshipman Branch's death which the department had prior to the autopsy performed during the trial. That autopsy disclosed certain facts which might justify a reasonable doubt whether the death was in fact due to blows inflicted by the accused, there being at least a possibility that the "maneuver" of which several occurred during the fist fight in which these blows were dealt, there is ground to claim with some force that the "maneuver" and means" which the accused "did kill and slay" the deceased were not set forth in the specification. This contention the department has understood as indorsing it, but the accused, undoubtedly entitled to the benefit of any reasonable doubt, and the record discloses a state of proof which, if it did not compel, at least justified an acquittal of this charge.

Of the second and third charges, on both of which the accused was found guilty, the Secretary says there was practically no dispute of the facts and that the department has no hesitancy in approving the several findings of the court lastly above mentioned. Of the large amount of testimony offered for the purpose of showing that fights had been of frequent occurrence at the academy, and that usually no penalties whatever had been inflicted upon the participants, the Secretary says:

This evidence seems to the department altogether immaterial as affecting the guilt or innocence of the accused. There can be no such thing as a lawful custom to commit crime. The department through the laxity or want of vigilance of other persons in the service other offenders had escaped punishment and the department has no hesitancy in approving the several findings of the court lastly above mentioned. Of the large amount of testimony offered for the purpose of showing that fights had been of frequent occurrence at the academy, and that usually no penalties whatever had been inflicted upon the participants, the Secretary says:

The department has no difficulty in holding that this sentence is fully justified by the offense committed. There is, indeed, room for some doubt whether the punishment imposed might not have been made more severe, but as to this the department need express no opinion. In one respect, however, it seems proper that the sentence should be mitigated so as to permit the accused to participate in the next annual practice cruise.

Colonel James R. Branch, the father of Midshipman Branch, who is secretary of the American Bankers' Association, was seen at his home, No. 28 West 87th-st., last night. Colonel Branch declined to enter into the merits of the finding of the court martial in the case of Midshipman Meriwether, but when his attention was called to the statement that Representative Broussard, of Louisiana—Meriwether's State—had expressed himself as entirely satisfied with the sentence passed upon Meriwether, he said:

"Certainly, the friends of Meriwether, who have been doing what they could to minimize the harshness of the court's findings, should be satisfied. The sentence is certainly marked by leniency. I was urged by my friends just after the reading of the unfortunate affair to engage counsel and assist in the prosecution, but I believed that the government was coming out with the matter and would do so with eminent fairness to all the interests involved, and having ascertained this attitude, I do not feel that I can with propriety indulge in any critical discussion of the matter."

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MERIWETHER PLEASSED. Says He Will Work Hard to Redeem Record. Annapolis, Md., Dec. 12.—Midshipman Minor Meriwether, speaking of the verdict to-day, said: "I am more than happy that the court martial has declared I am not guilty of causing the death of Midshipman Branch. I do not feel that my sentence is unjust, and I intend to spend my time in hard work, so that I may make a record in the navy which will cause people to forget my part in this sad affair. The news that Meriwether had been sentenced to one year's confinement within the limits of the Naval Academy and to be publicly reprimanded by the Secretary of the Navy for his part in the death of Midshipman Branch, and that the sentence had been approved by Secretary Bonaparte was received with general approval here. The confinement will begin at once. Meriwether will be able to take part in the usual recreations, and the confinement will not be particularly irksome."

APPROVE THE SENTENCE. Naval Officers Feared That Dismissal Would Be Court's Recommendation. (From The Tribune Bureau.) Washington, Dec. 12.—The sentence in the case of young Meriwether meets with approval among navy officers, most of whom thought the court would find it necessary to recommend dismissal. The sentence is considered sufficiently severe, as it restricts the liberty of the midshipman. It has not been felt that the civil courts would find him guilty of the charge preferred by the government, and Secretary Bonaparte has given much attention to the incident, and has also gone fully into the subject of fighting at the Academy. He proposes such conduct shall be prohibited by the Academy's authorities, and to that end he is likely to issue special instructions for the guidance of officers in their administration of the affairs of that institution. The officers on duty at Annapolis find that it will be a difficult matter to regulate the conduct of the midshipmen, and that those in authority at the Academy will find it no easier to control the desires of several hundred boys than do the college authorities elsewhere.

ODE TO PIPE, THEN SUICIDE. Penniless Poet Said to Have Failed in Business in This City. (By Telegraph to The Tribune.) Cincinnati, Dec. 12.—After writing an ode to his briarwood pipe and a humorous letter to the coroner, in which he answered the questions of the stock corner's information just after the reading of the unfortunate affair to engage counsel and assist in the prosecution, but I believed that the government was coming out with the matter and would do so with eminent fairness to all the interests involved, and having ascertained this attitude, I do not feel that I can with propriety indulge in any critical discussion of the matter.

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