

# THE OMAHA DAILY BEE.

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## SCHLEY UNDER FIRE

### Embarkment of Questions Fails to Dumb the Admiral in Any Way.

### RIGID CROSS-EXAMINATION BY LEMLY

### Rayner Calls Judge Advocate to Account in His Inquiries.

### WITNESS SUBJECTED TO UNDUCE CRITICISM

### Not Having Power He Could Not Issue Battle Plan.

### NOTHING SENSATIONAL IN THE TESTIMONY

### Admiral Gives Plain Account of Operations Before Santiago and of Motives Which Led Up to the Situation.

WASHINGTON, Oct. 28.—The cross-examination of Admiral Schley began today before the court of inquiry and hardly more than a third of the ground was covered when the court was adjourned at 4 o'clock. After Admiral Schley concludes tomorrow two other witnesses will be called in his behalf, Admiral Barker and Captain Thomas Borden. The latter was an officer of the Marine corps aboard Brooklyn.

The judge advocates will then bring his witnesses in rebuttal, of whom there are understood to be more than fifteen, and it is probable that Admiral Schley's counsel will call witnesses in sur-rebuttal.

The crowd present today, while hardly so large as on Friday last when Admiral Schley told the story of the battle of Santiago, showed an unaltered interest in the proceedings. Nothing sensational developed and the only outburst in the court occurred when Mr. Rayner, Admiral Schley's counsel, objected to a line of inquiry of the judge advocate designed to criticize Admiral Schley's alleged failure to formulate a plan of battle with the declaration that as Admiral Sampson was in command his junior had no right to plan an order of battle.

Admiral Schley concluded his direct examination, which continued only about ten minutes after the court convened this morning with a statement of the effect of the fire of the respective fleets at Santiago, showing that 35 enemy ships were sunk by the enemy were scored by Brooklyn's five-inch guns, while his ship received 70 per cent of the hits from the Spanish ships. Captain Lemly's cross-examination was very searching. Admiral Schley, however, appeared to be unaffected throughout the examination, frankly admitting on several occasions that he could not remember little details after the lapse of three years.

### Time Limit Specified.

One line of inquiry which the judge advocate tried to press, to show that Admiral Schley did not proceed "with dispatch" from Key West to Cienfuegos, by attempting to cross-examine him as to the time between Key West and Cienfuegos, was curtailed by a decision of the court, which confined the questions to the time subsequent to May 19, the day on which the flying squadron left Key West.

The judge advocate in his cross-examination dwelt upon the interview between Admiral Sampson and Commodore Schley at Key West before the departure of the flying squadron at which the latter testified that Admiral Sampson instructed him not to expose his ships to shore batteries until the Spanish fleet had been destroyed. He also dwelt on the fact that Admiral Schley issued no written order of battle, on the question of coaling of Cienfuegos and the steps Schley took there to ascertain the presence of the Spanish fleet.

He was cross-examining the witness on matters connected with the cruise of the squadron from Cienfuegos to Santiago when the court adjourned. The retrograde movement, the firing upon Colon and the battle of Santiago, which constitute the main parts of the receipt, were not touched upon today.

### Cross-Examination.

Admiral Schley concluded his direct testimony and the judge advocate then began the cross-examination.

He was asked to read the consultation before the flying squadron sailed to the southward. In reply Admiral Schley said that Captains Higginson, Jewell, Sands, Cook and Marx were present. He explained that they had discussed the order of battle if the Spanish fleet were met and also the question of place below the water heads of the over-water torpedoes.

"Was there any other consultation with the captains?"

"Yes, of Santiago, for the purpose of explaining the formation of the blockade and the method of attack in case we met the Spanish fleet."

The judge advocate then questioned Admiral Schley as to the identity of the Cubans who had informed him at Hampton Roads that the portion of Cuba, west of Havana and Cienfuegos, was well held by the Spanish soldiers. He replied that he could not give the names, that they were Cubans who had come to him as commander of the flying squadron to give him that information.

He was then closely questioned as to who was present in the cabin of New York at Key West when he talked over the campaign with Admiral Sampson. Admiral Schley replied that Captain Chadwick had been present part of the time.

"When was this?"

"On May 18."

### Talked Over Instructions.

"Did Admiral Sampson exhibit to you any or all the instructions he had from the Navy department?"

"No. He simply spoke of his confidential instructions from the secretary of the navy."

Admiral Schley said he and Admiral Sampson talked of many things. It was a rather long conference and he repeated that he could not recall whether Captain Chadwick was present all the time.

Captain Lemly read article 271, which provides that the commander-in-chief shall, if possible, before going into action, supply every captain with a plan of battle, showing thereon the position each shall occupy.

"Yes," said the witness, in reply to Captain Lemly's question if he had complied with that article. "I do not understand that it is necessarily written. I think that order is sufficiently carried out when a commander-in-chief decides to place his crews in the order of battle and informs each of what he proposes to do."

"Do you think, admiral, that you can supply every captain with a plan of battle and do that at an oral conference," asked Captain Lemly.

"I do not think that is absolutely necessary," replied the witness. "There are

## AUSTRIA FRIENDLY WITH ALL

### Reference to Foreign Affairs Speech of Emperor Francis Joseph.

### STANDARD

### With the exception of remarks regarding commercial treaties the above constituted Emperor Francis Joseph's sole reference to international affairs when he personally opened the newly elected Hungarian Diet today. The speech from the throne dwelt upon the necessity for comprehensive legislation in all fields in order to raise the standard of intellectual and material development and for a permanent settlement on a reciprocal basis of the economic questions pending in different parts of the monarchy.

### NEW OFFER FOR BALLOONIST

### Deutsche Enters Another Agreement to Reward Dumont for Successful Aerial Machine.

### PARIS, Oct. 28.—The morning papers publish correspondence between M. Santos-Dumont, the Brazilian aeronaut, and M. Deutsche, in which the latter offers and the former accepts 25,000 francs without prejudice to the Deutsche prize for a dirigible balloon, the award of which remains the subject of future decision by the aeronaut commission, which will meet November 4.

### TO BOLSTER UP THE MARINE

### Chamber of Deputies Discusses Plan to Aid France's Mercantile Interests at Sea.

PARIS, Oct. 28.—The Chamber of Deputies today began the discussion of the ministerial project, aiming at the revival of the decaying French merchant marine. The project provides that any iron or steel vessel, exceeding 100 tons, gross tonnage, engaged in international trade and flying the French flag, shall receive an annual subsidy in proportion to its tonnage until it is twenty years old. A larger subsidy is accorded to vessels fulfilling similar conditions built in France and under fifteen years old.

### WILHELM MAY RUN AMUCK

### Kaiser Threatens to Smash Things if Commercial Treaties Are Not Negotiated.

BERLIN, Oct. 28.—The German press is agitated in lively fashion by the following utterance, attributed to Emperor Wilhelm: "If no commercial treaties are negotiated I shall smash everything to pieces."

### IMMENSE FRAUD IS CHARGED

### Federal Officers Say J. M. Fisher & Co., Boston Brokers, Have Bunkered the Public.

BOSTON, Oct. 28.—In connection with what the United States marshals declare to be one of the biggest frauds they have ever had to do with in this city, members of the firm of J. M. Fisher & Co., brokers, are to be arrested on the charge of using the United States mails in a scheme to defraud.

It is alleged that \$1,000,000 has been gotten in this way since January, 1900. The method of the firm is said by the authorities to have been very simple. People all over the country, it is alleged were written to and told what excellent returns could be expected. Pools were formed and those desirous of getting rich quickly were induced to invest their money in three weeks. It is said, investors would be advised that a pool had been formed on some well known stock and that as stock had gone down and the market had been swept, more money was necessary immediately to save the stock. After having put in two or three times the investment became suspicious and called the attention of the authorities to the matter.

### CONSOLIDATION ACT VALID

### Judge Hancey in Circuit Court Holds that Gas Companies Had Right to Merge.

CHICAGO, Oct. 28.—Judge Hancey in the circuit court today declared valid the gas consolidation act of 1897 by which a number of gas companies were merged into the People's Gas, largely because of the matter before the court was a petition "by the people" and State's Attorney Dineen for quo warranto proceedings to compel the People's Gas, Light and Coke company to show by what authority it operated, the complainant averring that the consolidation act was invalid. Judge Hancey vacated a previous order by Judge Tuley allowing the bringing of quo warranto proceedings and dismissed the case. In so doing he said the question was not so much one of the right of the people as of individual right. Were the consolidation act unconstitutional, the court declared, the people would not be benefited, as the ten original companies would resume business under their old franchises, when the price of gas ranged from \$1.25 to \$2.50 per 1,000 feet instead of \$1.10 as at present. The case will be appealed.

### SHELL EXPLODES IN GUN

### Artillery Captain and Five Privates Injured While Experimenting with New Piece.

LEAVENWORTH, Kan., Oct. 28.—By an explosion of a Colt's automatic firing gun at Fort Leavenworth today, Captain Charles T. Menopier and five men of the Twenty-eighth battery of field artillery were wounded, three severely. The gun, a new one, was being tested and was allowed to become too hot. When a shell came into the breach after firing the shell exploded, tearing out the breech, fragments of which struck and injured the men.

### Mineers Pick Up Shovels.

### BUTTE, Mont., Oct. 28.—All the mines of the Amalgamated Copper company, which were closed temporarily by the recent break in one of the concentrators, were opened today and the 1,000 men who have been idle went back to work.

## URGES MICHAEL'S PROMOTION

### General Manderson Presents the Name to President for Advancement.

### SENATOR MILLARD MAKES THE REQUEST

### Nebraska Is Proposed for Third Assistant Secretary of State—Oxnard Tells Roosevelt of Beet Sugar's Rights.

### (From a Staff Correspondent.)

WASHINGTON, Oct. 28.—Chief Wilkie of the Treasury department, chief service received information today from officers of the bureau of persons in various eastern cities who are believed to be members of a gang which have been passing counterfeit pennies in large numbers for some years past. The persons arrested in making coins, for five years past about the charge of making those pennies; of M. Levine at New York, who it is alleged, bought tools from which dies for casting pennies are made and against whom Mr. Wilkie says a charge of conspiracy to aid in counterfeiting will be made; of Rosie Lerner at Baltimore, where Mr. Wilkie says, is under indictment by the New York grand jury for passing counterfeit pennies and who has been a fugitive from justice.

In Boston the officers captured a complete plant consisting of machinery and materials for making coins. For five years past about 5,000 counterfeit pennies per week have been received at the subtreasury at New York.

BOSTON, Mass., Oct. 28.—A counterfeiting establishment for pennies was found in Cambridgeport, where a negro was today brought here today by Cornelius Mison, who, with his mother, left from near Franklinton this morning. He stated that the negroes were up in arms and threatening to exterminate the whites.

The scene of the trouble is at or near Baittown, where a negro was burned last week for criminally assaulting a white woman. This was not the cause, however, of the murders yesterday, in which three white men and eleven negroes were killed and several wounded. Mr. Mison said and talked with many men from the scene and they said that more and worse trouble was expected today, as armed men were flocking to the scene and it was reported that the blacks were equally active in preparing for a battle.

### SHOWS THE POPE'S INTEREST

### He Exalts Rector Conaty of the Catholic University as Titular Bishop of Samos.

WASHINGTON, Oct. 28.—Right Rev. Thomas J. Conaty, D. D., rector of the Catholic university, today received the brief from Rome referring upon him the honorary appointment of titular bishop of Samos, a famous port in the Ionian archipelago in the Grecian sea and under the jurisdiction of the archbishop of Rhodes.

The consecration will take place at the Catholic university here Sunday, November 24. The ceremony, occurring so soon after the meetings of the university trustees and of the archbishops of the country, will be a notable event. A large number of church dignitaries from all parts of the United States will be present. Cardinal Gibbons, chancellor of the university, will be consecrator. The sermon will be preached by Rev. Thomas J. Shahan, D. D., professor of ecclesiastical history at the university.

The new dignity is now interpreted as an expression of the pope's deep interest in the university, the appointment coming directly from him to Cardinal Rampolla, Bishop-Elect Conaty will continue as rector of the university.

### CHINA LEARNS WESTERN WAYS

### Board of Administration Adopts Conservative Methods in Bringing Orient Up to Date.

WASHINGTON, Oct. 28.—The State department has received from Minister Conaty at Peking a translation of a series of preliminary regulations adopted by the recently organized Chinese Board of National Administration charged with reorganizing that government on modern and efficient lines. The sentiments expressed are conservative, says Mr. Conger, and it is made plain that there is no intention to imitate the too brisk pace set by the reformers of 1898, but instead to study western methods and without adopting western civilization as a whole, to adapt to Chinese conditions such institutions as seem likely to add strength to the state.

### Holidays at the White House.

WASHINGTON, Oct. 28.—Secretary Cortelyou today made public the following program of receptions and dinners at the White House for the season of 1902: January 1, Wednesday, New Year's reception; January 2, Thursday, cabinet dinner; January 7, Tuesday, diplomatic reception; January 10, Friday, diplomatic reception; January 15, Thursday, supreme court dinner; January 23, Thursday, congressional reception; January 30, Thursday, army and navy reception.

### TINPLATE OFFICIALS QUIT

### President Reed and Vice President Arms Retire, Succeeded by Graham and Leeds.

NEW YORK, Oct. 28.—In a circular sent to stockholders, issued today, announcement was made of the retirement of President Daniel G. Reed and Vice President Warner Arms of the American Tinplate company. In explanation of these resignations it was said that Mr. Reed found it necessary to devote the greater part of his time to the affairs of the United States Steel corporation, of which he is a director and member of the executive committee. Concerning Mr. Arms it was said he desired to retire from all active business. The new president of the company is W. T. Graham, who was first vice president. W. H. Leeds, who resigned as third vice president, was elected first vice president and Frank Dickerson was made second vice president. Mr. Dickerson was the general sales agent of the company and will retain his position in connection with his new post.

### ASSOCIATION IS INSOLVENT

### M. P. Wells So Affairs in Asking Receiver for Building and Loan Concern.

ATLANTA, Ga., Oct. 28.—A bill has been filed in the United States district court for a receiver for the Interstate Building and Loan association of Columbia, Ga. The bill was filed on application of M. P. Wells of Edgefield, S. C., and others on the charge that the association is insolvent. The assets of the concern are stated to be about \$50,000. The officers of the association claim this amount more than the liabilities. The Interstate Building association has stockholders from Virginia to Texas. Other stockholders have filed a supplemental bill asking for an examination of the accounts of the concern. Ancillary bills will be filed at once in all states interested. Judge Parker of the United States circuit court in giving the order of the concern until tomorrow to make the usual response.

### Blow Struck at Polygamy.

HARRISBURG, Pa., Oct. 28.—An anti-Mormon mass meeting was held today in Grace Methodist church, at which Rev. Dr. A. W. Wesley, D. D., chairman of the state senate in behalf of the Women's Interdenominational alliance, formally opened the campaign for the prohibition of polygamy in all the states and territories.

## MANY BAD PENNIES TURN UP

### Secret Service Agents Being Believed to Have Flooded Country with Spurious Coins.

### DISPUTE AT REFRESHMENT STAND BRINGS ON SERIOUS RACE RIOT.

### FIVE HUNDRED WHITE MEN UNDER ARMS

### Lynching of Colored Assaultant Causes Ill Feeling Which Results in Bloodshed, with More to Follow.

NEW ORLEANS, Oct. 28.—The Picayune's Amite City special says: "Three white men and eleven negroes killed in a race riot in the starting news received tonight from Washington Parish. Your correspondent has just conversed with a man from Franklinton, who confirms this information, but he knows nothing of what has happened since yesterday evening.

The first attack of the race riot was brought here today by Cornelius Mison, who, with his mother, left from near Franklinton this morning. He stated that the negroes were up in arms and threatening to exterminate the whites.

The scene of the trouble is at or near Baittown, where a negro was burned last week for criminally assaulting a white woman. This was not the cause, however, of the murders yesterday, in which three white men and eleven negroes were killed and several wounded. Mr. Mison said and talked with many men from the scene and they said that more and worse trouble was expected today, as armed men were flocking to the scene and it was reported that the blacks were equally active in preparing for a battle.

### Creer Lott, a negro, was running a refreshment stand and a constable, a white man, name not given, went to him and asked for his license. He had none and became impudent, cursed the constable and defied him. The constable withdrew and secured assistance. He returned with several white men, when the negro rushed out and fired point blank into the crowd, killing Joe Seals and Charles Elliott. The whites returned the fire and killed Lott.

A negro preacher named Connelly rushed out of a house with a gun in his hands, attempting to shoot and was killed. His daughter was also killed, though, it is said, she was accidentally shot in the shooting which followed another white man was killed and E. H. Thompson wounded and seven or eight negroes killed. The shooting had no direct connection with the burning of the negro Moses in that section last night, but it is undoubtedly a sequel to that tragic event. Since that time it is reported that the negroes have been holding nightly meetings, preparing to attack the whites.

Baittown is about twenty miles from Franklinton in a sparsely settled section. It is almost entirely cut off from the outside world. Franklinton is twenty-seven miles east of this place and there are no telegraph or telephone lines.

### Negroes Shot at Church.

A dispatch from Columbia, Miss., says six negroes were shot to death at Live Oaks church, about three miles from Baittown, that one white man was killed and another was wounded and that two negro women and a child were burned almost to cinders in Lott's restaurant, which had been fired by the whites to dislodge Lott and others who were firing at the whites from behind the scenes. The negroes have taken to the woods and no further trouble is apprehended at present.

### MINNEAPOLIS SEES REAL SNOW

### Recent Doubtful Fall Outdone by One of Plainly Discernible Flakes.

MINNEAPOLIS, Oct. 28.—The first appreciable snow of the season fell today shortly before noon. About a month ago a few flakes were seen in this city on a fleecy stuff was easily distinguishable in the air. The snow melted immediately on reaching the pavement and later a drizzling rain fell.

### SURPRISE FOR UNDERTAKER

### Overzealous Official Takes Charge of Supposed Corpse Not Yet Safely Over Sty.

NEW ALBANY, Ind., Oct. 28.—While an undertaker was today preparing to lift upon a cooling board the supposed dead body of Mrs. Julia Bullock of this city Mrs. Bullock revived. She had been pronounced dead by a physician and had lain for several hours with no apparent signs of life. She is still alive.

### PRESIDENT DENIES THE SALE

### Merrill Emphatically States that 'Prisco System Has Not Purchased His Road.'

MOBILE, Ala., Oct. 28.—Colonel Frank Merrill, president of the Mobile, Jackson & Kansas City railroad, denies emphatically the reported sale of that road to the Prisco line and furthermore says there are no negotiations on foot for the sale of the Mobile, Jackson & Kansas City road.

### Movements of Ocean Vessels Oct. 28.

At Liverpool—Arrived: Parisian, from Montreal; Saratoga, from Montreal; Sailed: Corean, for Philadelphia via St. John.

Copenhagen—Arrived: Hekla, from New York; Sailed: Minnaha, from New York.

At Gibraltar—Arrived: Lahn, from New York; Sailed: Niles and Gave.

At Cherbourg—Arrived: Kaiser Wilhelm der Grosse, from New York via Plymouth, from New York.

At Glasgow—Sailed: Mongolian, for New York; Romanyan, for Montreal.

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At Holy Head—Passed: Dominion, from Portland, Me., for Liverpool.

At London—Arrived: Minnaha, from New York; Sailed: Montevideo, for Montreal.

At Philadelphia—Arrived: Noordland, from Liverpool via Queenstown; Carthagenian, from Glasgow and Liverpool; At New York—Arrived: Manlius, from London; Cymric, from Liverpool; Rotterdam, from Rotterdam; Furiosa, from Glasgow; Minneapolis, from London.

## BLACK AND WHITE LIE DEAD

### Dispute at Refreshment Stand Brings on Serious Race Riot.

### FIVE HUNDRED WHITE MEN UNDER ARMS

### Lynching of Colored Assaultant Causes Ill Feeling Which Results in Bloodshed, with More to Follow.

### SEEKS PAPERS IN OMAHA

### Falling to Find Them, Attorney Strives Up a Breach by His References to Judge Webster.

### DENVER, Oct. 28.—(Special Telegram.)—An attack, or an alleged attack, upon Judge Webster of Omaha brought on a tilt between attorneys Charles J. Hughes, Jr., and Caldwell Yeaman in Judge Palmer's court this morning. The original papers in a case which involved some of the property of the Denver Union Water company are missing and it was intimated, or Mr. Yeaman thought so, by Mr. Hughes that Judge Webster of Omaha knew where they were and was purposely keeping them hidden in order to prevent the Denver Union Water company from using them.

Judge Webster is well known in Denver, where he addressed the Bar association here two years ago, and Attorney Yeaman essayed to defend his character and reputation before Judge Palmer.

Yeaman became much excited and said it was not becoming an attorney to use them to assail the character of Judge Webster and hint that he had willfully and maliciously withdrawn papers in the case and was hiding them.

"I'm not here to defend or assail Judge Webster," said Attorney Hughes in reply, "and the fact that he might have been a member of the supreme court or that he would be an honor to the United States senate does not affect the fact that the original complaint in this case is missing. Of course it is unfortunate if accidental. We have sent a man to Omaha to look for these papers. They are not on file with the clerk of the federal court and he does not know where they are. There is only one man who had a copy of this complaint and he refused to permit its inspection unless Judge Webster ordered it."

### ENTOMBED MINER SET FREE

### Victim of Cavein Subsists for Sixty-One Hours on Fresh Air Via Narrow Cell.

SALT LAKE CITY, Oct. 28.—After being entombed in the Highland Boy mine at Bingham, Utah, for sixty-one hours, Charles Nutting was taken out today by the rescuing party that has been constantly at work since the cavein occurred. He was alive but very weak when found. The space in which he was imprisoned was so small that he was unable to stand. A plentiful supply of fresh air, however, served to prolong life.

One other man, William Anderson, is still in the mine and the rescuing party will continue its work until he is found. There is no hope, however, of finding him alive.

### METHODISTS EXPULSION MINISTER

### Tennessee Conference Believes A. B. Cherry Burned His House to Get the Insurance.

NASHVILLE, Tenn., Oct. 28.—The Tennessee conference in session at Pulaski has expelled Rev. A. B. Cherry from the ministry and membership of the Methodist Episcopal Church South. Rev. Cherry was charged with fraudulently collecting insurance on personal property in the destruction of which he is alleged to have been a co-venturer. The report was signed by all the members of the trial committee. Counsel for Rev. Cherry immediately gave notice of an appeal to the general conference.

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## CONDITION OF THE WEATHER

### Forecast for Nebraska—Fair Tuesday; Excess Showers in Eastern Portion; Wednesday Fair and Colder; Winds Southerly, Shifting to Northwesterly.

Hour.	Temp.	Hour.	Temp.
5 a. m.	52	2 p. m.	72
6 a. m.	52	3 p. m.	73
7 a. m.	52	4 p. m.	73
8 a. m.	51	5 p. m.	71
9 a. m.	51	6 p. m.	70
10 a. m.	55	7 p. m.	70
11 a. m.	60	8 p. m.	69
12 m.	61	9 p. m.	68

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