A CARNIVAL OF VICE

London Times Correspondent Reiterates Statement About New York.

CITES ITS OWN PAPERS IN PROOF

Burglaries, Assaults and Even Murders Are Frequent.

ROBBERIES ON PARK ROW

LONDON, October 28.—The Times this morning prints the following New York dispatch:

"Yours of Thursday regarding the condition of New York has been telegraphed back here and has raised a storm of protest. Commissioner of Police Murphy calls it 'wicked lies and maliciously false.' Commissioner Murphy has so characterized every attack on the police since he became commissioner, but in this case he is supported by the newspapers, even by those most bitterly opposed to Tammany. One paper calls the dispatch 'fiction,' and the attitude of the other papers is similar. There never was a better illustration of the American characteristic, which has been noted by many visitors to the United States, that so long as the criticisms of anything American are printed in the United States nothing is said. But outside criticism is denounced. The very papers which declared the dispatch to be a lie have been printing articles representing the condition of New York as being deplorable. On Thursday one evening paper gave a list of the burglaries which had been committed in a few days, in a single section, with the heading: 'What Burglars Are Doing While Tammany's Police Sleep.'

Reports of Robberies Suppressed.

"Another paper the same day said: 'Reports of robberies are suppressed by wholesale. As a matter of fact, the police are afraid to make arrests. There are five precincts within a short distance of headquarters in which robberies and hold-ups are the rule rather than the exception. It is a fact that the police have orders not to make arrests between now and election, unless absolutely compelled to do so.'

"Then follow details of a number of cases of crimes down town. In one case the victim shouted for the help of a policeman who was twenty-five yards away, but the officer turned and walked in an opposite direction.

"A morning newspaper yesterday printed a column article headed 'Assaults, Thefts and Even Murders Fail to Move the Police.' It is said that if the complaints of crime committed on Park row made to policemen were only reported at the stations, the thoroughfare would be shown to be as vile a resort as the Five Points during its most evil days. Then follows a detailed, long list of recent robberies on Park row."

MR. CRIDLER'S RETIREMENT.

Has Not Yet Formally Resigned His Position.

While Mr. Thomas W. Cridler has not yet formally resigned his position as third assistant secretary of state, there is a perfect understanding between Secretary Hay and himself on the subject and Mr. Cridler will leave the service of the State Department when he has concluded his arrangements with the Louisiana purchase exposition commission. It is understood that it is only some small matters of detail connected with this arrangement that delays the formal tender of the resignation.

MISSION OF PRESIDENT BUSH.

Seeking Attendance of Officials at Lincoln Day Celebration.

Mr. William Lincoln Bush, president of the Marquette Club of Chicago, has arrived in Washington and is seeking to secure by personal solicitation the attendance of some of the officials here at the annual Lincoln day banquet of the club February 12. When he passed through Chicago on his last trip eastward, Mr. Roosevelt, then Vice President, while unable to attend the October dinner, expressed a willingness to go to Chicago on the occasion of the Lincoln day banquet.

PIETRO LANZILLI'S CLAIM.

Wants $78,261.45 From Guatemala for Alleged Trespass.

Mr. Pietro Lanzilli, formerly of Guatemala, but now a resident of this city, has filed a claim at the State Department against the government of Guatemala for $78,261.45 for alleged "trespass upon his person and property by the officers of the Guatemalan government and for breach of contract and denial of judgment."

SEVERE STORM AT VANCOUVER.

Steamers Forced to Seek Shelter From Rough Sea.

VANCOUVER, B. C., October 28.—The severest storm of the season broke over the northern coast last week, and for three days shipping was nearly at a standstill. Skagway steamers were forced to seek shelter, and the steamers New England and Capitano, which have arrived here, report that the sea was the roughest seen on the north coast for a year.

At Port Essington, just above the Indian village of Inverness, the building of the Church of England was demolished and half a dozen other buildings were blown over.

RAPIST'S VICTIM DIES.

Annie Etter of Reading, Pa., Succumbs to Her Injuries.

READING, Pa., October 28.—Annie Etter, aged fifteen years, who was found in a lot early yesterday morning bruised and bleeding, died at the Reading hospital today without having regained consciousness. Public opinion is wrought up to a high pitch against George Gans, who, after being placed under arrest, made a partial confession. Gans admits that he met the girl on Saturday evening and took a trolley ride with her. He then pretended to see her safely home, but, it is alleged, lured her through an alley into the lot. She resisted his advances and was horribly beaten.

AUTOMOBILES FOR THE ARMY.

Broke Down After Four Days' Run From New York.

General Bates, Lieutenant Colonel Rober and other gentlemen who have been testing a new rapid-transit automobile with a view to ascertaining its value as an article of war equipment, returned to Washington last night, having been four days on the road from New York. They came with the machine to within twenty-five miles of Washington, but as one of the boilers gave out at that point they were compelled to make the remainder of the trip by stage and trolley. General Bates will make a report to the Secretary of War, embodying the views of each of the gentlemen who made the trip.

RELATIONS STRAINED.

Two Organizations Contend Over Right Claimed by Both.

The rival claims of the members of local Stone Masons' Union, No. 2, and the Journeymen Stone and Marble Cutters' Association, involving the right to cut rough broken range stone for the construction of a building at the Soldiers' Home, have resulted in strained relations between the two organizations. It is stated that the stone and marble cutters objected to that class of work being done by the stone masons, and informed them that it is exclusively the work of members of that organization.

The masons, however, persisted in doing the work, and it is stated that the stone and marble cutters, at a meeting held last week, decided to refuse to work on the job after last Saturday, which decision was carried into effect. The members of the association, it is said, will not return to work until the stone masons cease to do the work cited.

It is probable that a joint meeting of committees representing both organizations will be held this week, when an endeavor will be made to settle the differences at issue.

MANNING SELLS OUT.

Parts With His Stock in Base Ball Club to Postal of Detroit.

It was announced this afternoon that negotiations were in progress whereby Mr. James Manning, past owner and manager of the Washington Base Ball Club, would sell his interest to Mr. Fred Postal of Detroit, who has owned a considerable block of the stock.

The present understanding is that Mr. Manning will sever all connection with the Washington club and that Mr. Postal will later choose another manager.

The policy of strengthening the club will be continued, the salary list ranging about one-third higher next year than last season.

THE GAYNOR CASES.

Assigned for Argument in Supreme Court November 11.

The cases of Benjamin D. Greene, John F. Gaynor, William T. Gaynor and Edward F. Gaynor were today assigned for argument in the United States Supreme Court on the 11th of November. These men were charged with conspiring with Capt. Oberlin M. Carter to defraud the United States.

The present proceeding is a habeas corpus case coming to the Supreme Court from the district court for the southern district of New York, where a writ was denied. The purpose of asking the writ is to prevent the removal of Greene and the Gaynors to Georgia for trial.

Only one decision was rendered in the United States Supreme Court today. It was of the case of Fred A. McMasters, administrator of F. E. McMasters, formerly a resident of the state of Iowa. The case involved the question as to whether an insurance policy goes into effect on the date of the application for it or when the policy is delivered.

In this instance the application was made on December 12, 1893, and the policy was delivered December 26, 1893, when the premium was paid. Provision was made for a day of grace of a month in the matter of the payment of the second policy.

McMasters died January 18, 1895, six days after the expiration of the month of grace, if it was to be computed from December 12, or eight days before its expiration, computing it from the 26th of December, the anniversary of the delivery of the premium.

The Supreme Court decided that the grace began one year after the delivery of the premium, thus holding the policy to be good. The opinion of the circuit court of appeals for the eighth circuit was reversed.

BENNING ENTRIES.

Horses to Run in the First of the Handicap Races.

The following are the entries for the first of the handicaps to be run at the coming fall meeting of the Washington Jockey Club at the Benning track, and give some idea of the class and size of the fields which may be expected at this meeting:

New grand-stand hapdicap for three-year-olds and upward, seven furlongs—Buckley & Bailey, ch. g. Toddy; J. S. Bratton, gr. c. Prosper La Gal and br. g. Meddlesome; W. C. Daly, ch. c. Himself; W. C. Eustis, b. h. Knight of Rhodes; F. R. Hitchcock, blk. f. Guesswork; T. J. Healey, b. g. Carbuncle; M. L. Hayman, ch. f. Annie Thompson; M. Jordan, b. g. Tingal; J. Grant Lyman, br. g. Unmasked; J. A. Manahan, b. c. The Rhymer; J. J. Mackessy, b. f. Curtsey; M. J. Maloney, ch. g. Ohnet; J. J. McCafferty, ch. c. McAddie, b. c. The Puritan and b. g. Potente; McCorkle & Mehone, b. f. Louisville; J. W. Pangle, br. h. Flax Spinner; Reardon & Murphy, b. c. Alard; P. S. S. Randolph, b. f. The Amazon; B. Schreiber, br. h. Bannockburn; Sullivan and Harris, ch. c. Isla; H. B. Taylor, b. h. Lexington Pirate; Tracey & Co., b. f. Scarlet Lily; the Pepper Stables, ch. f. Roxane and b. c. Lord Pepper; R. T. Wilson, jr., b. f. Lady of the Valley.

Suit for $12,500.

Thomas W. Smith today filed suit at law against Chester A. Snow to recover $12,500, claimed to be due the plaintiff in connection with the sale of certain real estate.

Private of Class One.

Major Richard Sylvester, the superintendent of police, has recommended to the District Commissioners that John C. Roussin be appointed a private of class one on the police force, vice Latchford, removed.

Adverse Report.

W. A. McFarland, superintendent of the water department, has submitted an adverse report to the District Commissioners upon the request of citizens that a water main be laid in Linthicum place east of 32d street. He says there is no sewer available and that the street is not dedicated as far as it is desired to run the water main.

Asks for Jury Trial.

Harry Craig was today arraigned in the Police Court on the charge of stealing $8 from Frank E. Davis and a watch, valued at $25, from Mary L. Miller. He asked for a trial by jury and was held by Judge Scott in bonds to appear when wanted.

Youthful Violators of Law.

William Anderson, aged seventeen, and Fanny Parker, who is younger, pleaded guilty in the Police Court today of violating the Edmunds law. Judge Scott fined the boy $20, with sixty days in jail in default of payment, and by request of the girl's father sent her to the girls' reform school.

Death of Convent Sister.

Sister Mary Baptista died Saturday morning at the infirmary of the Georgetown Convent of the Visitation after an illness of several weeks. The deceased was seventy-nine years and nine months of age. She was a native of Virginia, her mother and father having been also born in the state. To the world she was known as Miss Mary Linton. For fifty-six years she had been in the Georgetown convent. The funeral was held yesterday morning at the convent chapel, the arrangements being under the direction of Mr. J. T. Clements. Rev. Father Becker, S.J., of Georgetown University, assisted by Rev. Father Devitt, S.J., celebrated a mass of requiem. The pallbearers were the Messrs. John A. Heenan, Joseph C. Murray, Samuel Collins, John Horrigan, Theophilus Clements and William Stohlman. The interment was in the convent burying grounds.

Wills Submitted for Probate.

The will of Albert Smith, dated September 3, 1890, was filed Saturday for probate. His estate is left to his wife, Laura Ellen Smith, who is named executrix.

By the terms of the will of John A. E. Mooney, dated April 21, 1899, and filed for probate, the following bequests are made: To his daughter, Sarah W. Mooney, $5,000, and the balance to be derived from the sale of a homestead in Michigan to be divided among his sons, William W., Edward B. and Frank P. Mooney; to his wife, Mary Mooney, the income of $4,000; to his grandson, $1,000, to be held in trust.

The will of Georgiana Richmond Frothingham, dated the 8th of last July, was filed today for probate. Her estate is left to her husband, George P. Frothingham, who is named executor.

Building Permits Issued.

Building permits were issued today as follows:

Washington Litholite Company, to build two frame sheds in rear of 1st and M streets northeast; cost, $300.

D. B. Clark, to rebuild wall of stable in rear of 219 4½ street northwest; cost, $175.

E. Schwinghammer, for repairs to 407 7th street southwest; cost, $50.

Joseph B. Moore, for repairs to 1209 R street northwest; cost, $40.

Geo. M. Young, repairs to 1530 33d street northwest; cost, $30.

T. P. Hill, repairs to 333 and 335 Wilson street northwest; cost, $30.

CROSS-EXAMINED

(Continued from First Page.)

Cienfuegos with the least possible delay? Was that blockade established with the least possible delay? A. Cruising as I was in the squadron we made against the current about as much speed as the squadron as a unit could.

Q. What was your speed between Charleston and Key West? A. I do not recall that. I think we prescribed a speed of about twelve knots. After I left Charleston some of the ships, I think the Massachusetts, complained about too much speed, but the conditions there were different. We did not have a two or two and a half knot current. I could make a speed of ten or twelve knots according to the revolutions of the engine, but the current might reduce that speed to eight or nine knots.

Q. I am referring to the speed set at Key West—it was twelve knots, was it not? A. Yes. But I do not think we made anything like that.

Q. What was the speed set for between Key West and Cienfuegos? A. I could not recollect that unless I saw the log book. I could not recall it.

The judge advocate referred to the log book of the Massachusetts in regard to the speed that that vessel was making. A signal from the Massachusetts in relation to the steaming powers of the vessel with the boilers then on was read, and the witness said the signal probably referred to the use of coal. The signal showed that they were making ten knots.

Q. (By the judge advocate): There was a difference of two knots between Charleston and Key West and between Key West and Cienfuegos. A. Apparently, yes.

Q. Your orders to proceed to Cienfuegos instructed you to proceed with the least possible delay, did they not? A. I do not recall that any ships that joined me afterward did very much better.

Q. What speed was the Scorpion capable of? A. That would depend upon the weather. She took fire from her electrical apparatus or from her boilers, I do not recall which, during that trip.

Q. Capt. Chester came on board May 20? A. The day after we left Key West.

Q. Why did you not take him with the Cincinnati with your fleet instead of delaying from 12:40 a.m. until 12:05 p.m., when your orders were to proceed with the least possible delay? A. It was necessary to ascertain from him what his information was. We did not know where he had been or what his orders were.

A reference to the log of the Scorpion showed that the fire the witness had spoken of was caused by the electrical apparatus, but the fire did not occur during the period of delay referred to by the judge advocate. The judge advocate read from the log of the Scorpion showing that on the 21st of May, at 2:45 p.m., the Brooklyn had slowed down to four and one-half knots. He wanted that explained.

The witness said that they slowed down until midnight because they could not have arrived at Cienfuegos before daylight, and he preferred to steam slowly because going faster would have answered no purpose. He assumed that they steamed slowly until midnight.

The Meeting With the Marblehead.

He said that when he sighted the Marblehead in the Yucatan channel he did not know that vessel was from Cienfuegos until he communicated with it.

Being asked why he did not communicate personally with the Marblehead instead of through the Eagle and Scorpion, as was done, he said that he assumed that the commanding officer of the Marblehead, Capt. McCalla, if he had any important information would give it to him, as it was his duty to communicate any fact of importance to him.

Asked if it was the duty of the junior officer to communicate to his senior without the order of the senior officer, he replied that it unquestionably was the duty of the junior to volunteer any information that he had. He said that Capt. Chester when he met him knew nothing about the situation at Cienfuegos. His talk with him was chiefly in regard to coaling, as Capt. Chester had been cruising in West Indian waters and the witness wanted all the information in regard to coaling. Capt. Chester had told him that his own coal supply was so low that he would have to replenish it in a day or two.

"I told him," said the witness, referring to his conversation with Capt. Chester, "that I was not authorized to take him with me and make his vessel a part of my squadron, and if he would be obliged to return almost immediately for coal he would do no good there."

The witness said that Captain Chester had not informed him in regard to any information that Captain McCalla had given, referring to the situation at Cienfuegos. He did not think he even mentioned the name of Captain McCalla in that conversation.

Asked if he could indicate the source of his information in regard to the gunboats reported at Cienfuegos, the witness said that he had heard that from some Cuban gentlemen with whom he had conversed at Key West.

Conversation With Sampson.

The witness was questioned at further length in regard to his conversation with Admiral Sampson at Key West before the flying squadron left for Cienfuegos, and in which conversation he was given instructions in relation to his duties. He said that the orders given him to proceed were as he had detailed in his examination in chief. He said they talked of a great many subjects. Admiral Sampson showed him orders about the two commands on the north and south sides of Cuba, and the witness asked the admiral which of these two he would select, and the admiral said he would take the north or the Havana squadron. They then talked of the orders of the Secretary relating to the Spanish fleet and its whereabouts, and spoke of fortifications on the coast of Cuba, and Admiral Sampson informed him that there were guns of the Krupp type in use there. His impression from what Admiral Sampson said was that the coast was heavily fortified.

"He stated," the witness said, "that the instructions were that the battle ships should not be risked by any engagement with the shore batteries until the fleet of Cervera had been met. I think I can remember why that order was given, because——"

The judge advocate—"I don't think we want that. You did not give the order."

The witness—"I had something to do with that matter."

Capt. Parker—"Let's settle this matter before we go any further. The witness has a right to his statement."

The judge advocate—"I want to ask you whether you did——"

Capt. Parker—"I think he has a right to give what he knows about the issuing of that order."

Statement Ruled Out.

The judge advocate objected and finally Admiral Dewey said that they did not care to have that anyway.

The judge advocate again questioned Admiral Schley in regard to his conversation with Admiral Sampson on board the flagship New York at Key West. A number of questions were asked to discover the length of his interview with Admiral Sampson and he said that it lasted three-quarters of an hour, perhaps more, but he could not be sure of that.

Orders of Secretary Long, dated May 17, 1898, were then read by Mr. Hanna for the information of the witness. The first of these orders referred to the information that the department had just received that the Spanish fleet would arrive at some port in Cuba where it could communicate by railroad with Havana, and indicating that Cienfuegos answered these requirements.

Q. (by the judge advocate) Had you seen these dispatches and were you familiar with them when you had your conversation with Admiral Sampson? A. He had mentioned them to me.

Duties of Commanders.

Q. Were you familiar with the naval regulations of 1896 as to the duties of the commander-in-chief in time of war? A. Yes.

The judge advocate then read article 267 of the 1896 regulations, which reads: "The commander-in-chief, when preparing his fleet or squadron for sea in time of war, shall furnish to the commanders of squadrons and divisions and captains of single ships copies of all orders, instructions, private signals and such other information as will enable each, so far as possible, to understand his duties in action and at all other times."

Q. Have you complied with that, admiral? A. I think I did.

Q. How and in what manner? A. By issuing instructions and signals.

The judge advocate then called the attention of the witness to paragraph 289, which reads: "He shall, if possible, before going into action communicate to his chief of staff, his squadron and division commanders and the captains his secret orders, private signals and other information that will materially assist them if called upon to assume chief command."

The question was asked after reading this paragraph if it had been complied with. Admiral Schley answered: "I do not remember to have complied with it."

Plan of Battle.

The judge advocate then read section 291: "He shall, if possible, before going into action supply every captain with a plan of battle and assign thereon the position each shall occupy. Division commanders shall not change these dispositions unless it should become necessary at a time when signals or ships are observed."

Q. Did you comply with that? A. Yes, I think that order was sufficiently carried out when the commander-in-chief placed his crews in the order of battle and informing each of the purposes desired. I think that was carried out substantially.

Q. Do you think you can supply every captain with a plan of battle and do that orally? A. I did not think any plan of battle necessary with general instructions to each.

At this juncture Mr. Rayner interrupted the cross-examination and wanted to know if the precept contained the words "written instructions."

The judge advocate: "In that relation it does not. But it says 'Supply every captain with a plan of battle.'"

Mr. Rayner: "Does it say written?"

The judge advocate addressing himself to Mr. Rayner: "Do you think you can supply a plan of battle in conversation?"

Mr. Rayner: "I can't, but I think the admiral can, and it has been done time and again."

At this remark a general applause broke out, which was quickly quieted, however, by the sentries.

The judge advocate then continued his questions, saying, "At 9:45 a.m. on May 30 you sighted a man-of-war, as shown by the Brooklyn's log, and cleared for action. What plan of action had been determined on?

Admiral Schley answered: "I should not say that any instruction would be necessary in a fleet meeting an enemy."

He said that the smoke indicated that there was only one ship.

The Judge Advicate—"As a matter of fact there was more than one vessel. That was developed afterward. Others might have developed in the same way."

Mr. Rayner Objects.

Mr. Rayner—"I am going to object. There is no specification on this, and I want to submit to him (meaning the judge advocate), as much as the court, that this section referring to the instructions and supplying every vessel with a plan is not in the specifications of the trial. There is no specification here that he has disobeyed any regulation of the navy. I am confident that if he had disobeyed them it would have been in the specifications. But there is not a sentence which charges him with disobeying the regulations of the navy."

Mr. Rayner procured a copy of the naval regulations, and after looking at the sections cited, he continued:

"I do not see the words 'written instructions' anywhere. While I do not want to object to the most rigid cross-examination, I want to make the objection that this instruction could not mean written instruction, and that it is not based on the precept."

The Judge Advocate—"So far as the specifications are concerned, one of the early features of the precept is the conduct of the blockade during the Santiago campaign and thereafter, and if it applies, I think the question is proper."

Mr. Rayner—"I shall object to it. When is that plan of battle to be supplied? At what point and time? He could not have supplied a plan of battle at Key West or Cienfuegos that was to take place at Santiago. There was not a moment of time between June 1 and July 3 that he had a right to supply any plan of action. What right had he to supply any plan while the commander-in-chief was there, and how could he supply it unless it was done on the morning of the battle? Now, there is not a word in the specifications that relates to it."

Mr. Rayner here read the specifications, and continued: "It would have been easy enough to put that in and then we could have tried him on it."

He characterized the naval regulations referred to as ambiguous. He continued: "The principle of law which lies at the foundation of the whole matter is that you must bring to the attention of the parties charged with an offense the proposition which you are to try him on. We have had no opportunity to go into that. We have never talked with the admiral on the question."

Continuing, he said: "I think that 'follow the flag' is a good order of battle. How often has that signal been given in the past? It was the only signal at Trafalgar."

The Judge Advocate—"You are confining yourself to July 3, are you?"

Mr. Rayner—"What I would like you to tell me is what time there was between June 1 and July 3 when Admiral Schley could have given orders for a battle."

The judge advocate: "He should have had a prescribed and illustrated order of battle, under that clause of the naval regulations and of the precept which I have read."

The court here announced a brief recess to consider the matter of admitting the testimony.

Questions Limited by the Court.

After reassembling, Admiral Dewey announced: "The court decides that all questions hereafter shall be confined to between the 19th of May and the 1st of June, relating to the organization, management and control of the squadron when he was actually commander-in-chief."

The judge advocate then asked Admiral Schley whether he had carried out the instructions of the naval regulations during the time prescribed by the court, and the latter answered, "I think that was done thoroughly."

The judge advocate: "But it was not done in writing?"

Admiral Schley: "I did not do it in writing because I did not think it was necessary."

The judge advocate then asked the admiral to take the signal book of the Brooklyn and look at the entry of May 22 at 5:35 a.m.

The admiral read the entry, which told of a signal being made to the Texas to clear for action.

The judge advocate wanted to know what that meant, and Admiral Schley explained that the ships were at all times ready for action, with the exception of the awnings, which were used as protection from the sun, and proper railings to keep from falling overboard.

The judge advocate—"Admiral, did you inform the commanding officers under you of the confidential instructions which you had received?"

Regarded Instructions as Confidential

Admiral Schley—"No, because I held them as confidential."

The judge advocate—"Did you inform your chief of staff, and was Capt. Cook your chief of staff?"

Admiral Schley—"Capt. Cook was hardly my chief of staff because of his duties as captain of a ship."

The admiral explained that he made the flag lieutenant perform duties as chief of staff at times, but that Capt. Cook was always in his confidence, and he said he may have communicated the dispatches to him, but he did not recollect.

Questions then followed as to whether Capt. Cook was not afterwards made chief of staff.

The exact time of the arrival of the squadron at Cienfuegos was then taken up by the judge advocate, and many questions asked referring to the communication of Admiral Schley to the Senate committee.

The admiral said that that communication was written purely from his recollection, and that he had no documents at hand when he prepared it.

Statement Made From Memory.

"I would like to explain about the preparation of this executive document," said Admiral Schley, referring to his communication to the Senate committee on naval affairs February 18, 1899. "I was in New York the 14th of February during the great blizzard and that detained me there four days. I received a telegram from a senator from my state informing me that an executive document had been sent to the Senate in relation to the campaign and informing me that the Senate would like to hear from me on the same subject. I got over to Washington, and I only had a very few days before the adjournment of Congress, and I was obliged largely to make up my statement from memory. But I am pretty well convinced that my memory is pretty good, because I do not think I made any serious or important error in its preparation. These were the circumstances attending the preparation of that statement and from that fact I may have perhaps made some slight errors."

The judge advocate questioned the witness in relation to his letter of May 30, 1898, to the department in which a reference was made to his arrival at Cienfuegos. He wanted to know on what date that letter stated that he had arrived at Cienfuegos and he replied on the morning of the 22d.

Q. Which was the closer blockade—at Cienfuegos or at Santiago? A. My impression is we were a little closer, I think, in the neighborhood of three or four miles, at Cienfuegos. At Santiago we were probably from three and one-half miles to five and one-half miles out at times, but at night we were closer in in both cases.

Q. I do not mean close in, referring to the distance, but close as used in referring to a blockade. A. I think we were a little closer at Santiago.

The witness explained that on account of the configuration of the coast line at Santiago it was possible to make a closer blockade than at Cienfuegos. In reply to a question he said that he did not announce his arrival at Cienfuegos on the 21st in his letter of May 30, but announced his arrival off the port.

Q. (By the judge advocate): At the blockade of Cienfuegos, did you issue any order to the squadron relative to the conduct of the fleet if the Spanish fleet should attempt to enter or come out of the harbor? A. No, except that I was in personal command and at the head of the column. The squadron was always in the line of battle, and its broadside batteries were always on the channel.

The judge advocate referred to the testimony of the witness in which he said that the apparent disorder in the fleet in front of Cienfuegos was resorted to as a ruse to encourage the Spanish squadron if it was in the harbor to come out. He asked him whether he informed the captains of his vessels of this ruse.

The witness replied that he did not know that he did so inform them except that he spoke to people on board of his own ship. He could not remember whether he had told Capt. Cook in regard to it. He had had many conversations with Capt. Cook.

The judge advocate wanted to know whether if Admiral Schley had not stopped his squadron when he met Capt. Chester, had not slowed down at 2:45 p.m. on May 21 and had not stopped at midnight before reaching Cienfuegos whether he would not have arrived there on the 21st.

The witness said that he did not think that would have made much difference in his arrival. He did not think it would allow him to arrive as early as the question indicated.

Q. When did it first occur to you that the firing you heard on approaching Cienfuegos was a salute? A. When I heard it—at the time.

Q. When did you notify any one else of this firing? A. I think, my impression is, it was on the following day, the 22d. I think there was a signal to that effect.

Q.—Was not that signal made on the 23d? A. Possibly the 23d. But there was a signal made, I know. (Examining the log of the Brooklyn.) Yes, on the 23d. That recalls the circumstance of the arrival of the Adula, and this fact gave the firing which we had heard on the previous day significance.

Speed of the Spanish Fleet.

Q.—If the Spaniards had really left Santiago on May 20 and had reached Cienfuegos on the 21st, as you then supposed possible, would they not have made better time than you did going in the opposite direction?

Mr. Rayner objected to this question and said it was asking an opinion of the witness. He said that so far as he was concerned he would like to have the opinion of the witness on the length of time it took Cervera to cross the ocean.

The Judge Advocate—"We can give you facts on that subject."

Mr. Rayner—"They went at about eight knots an hour."

The Witness—"I don't object to expressing an opinion."

Mr. Rayner—"We have the historical fact of the time it took the Spanish squadron to cross the Atlantic and how many knots an hour they made. But how can this witness base an opinion of the time it would have taken for the squadron to go from Santiago to Cienfuegos. They did make eight knots an hour crossing the Atlantic. But what has that got to do with what the Spanish ships would do in this latter case?"

The judge advocate said that he didn't care to press the question.

The Afternoon Session.

When the court convened at 2 o'clock the judge advocate continued his cross-examination of Admiral Schley.

He first spoke to him regarding the hearing of two guns early on the morning of the 21st of May, and asked the admiral to read from the log of the Brooklyn of that occurrence. After he had done so the judge advocate said:

"There were two guns fired?" A. Yes.

The log showed that the ship had cleared for action on that occasion.

The judge advocate then turned his attention to the naval regulations again, and said: "I understood you to say that you did not communicate to the captains of the fleet the confidential communications you had received regarding risking the vessels. I ask you if you did not know that the regulations required you to communicate these matters?"

Admiral Schley answered: "Yes, it does require me, but I supposed this was the secret order of the commander-in-chief himself."

Q. (By the judge advocate): They were communicated to you? A. Yes; and I regarded them as confidential.

Receipt of Dispatch No. 7.

The judge advocate then asked the witness to look at executive document B, referring particularly to that part of it which referred to the receipt of dispatch No. 7, and asked him what he could state regarding the receipt of that dispatch.

The witness answered: "I do not remember, and I think I stated in my direct testimony that I did not remember."

The admiral said he fixed the receipt of the dispatch in his memory by the departure of the Scorpion to the east on the 23d.

Q. But you did receive a copy on the 22d? A. Yes, but it evidently escaped my memory. As I said, the only way I could fix it was by the departure of the Scorpion.

The judge advocate said these two copies seemed to be original, and that there was no receiving stamp on them. He said this after looking at the original papers on file.

The witness answered that he could not account for there not being a receiving stamp on the dispatches. He said that it was always his custom, on receiving a dispatch, to send it at once to his secretary, whose duty it was to put the receiving stamp on it.

"I do not know why it was not done in this case," he continued.

Q. Was there any book kept of letters received. A. I cannot say. I think Mr. Wells' usual habit was to file these in the file boxes in the order of their coming. My recollection is that he kept a record of communications which passed through his office, but whether he kept a record of receipt of such communications I am unable to say.

The judge advocate then stated that in the communication of the witness to the Senate committee the admiral had stated that this particular dispatch was received on the 23d, and had confused the situation. He then asked the question if it was received on the 22d was the situation confused.

Admiral Schley replied that he wrote the communication to the Senate from memory, and remarked that he did not know whether that confused the situation or not.

Speed to Cienfuegos.

The time made by the fleet between Key West and Cienfuegos was then taken up by the judge advocate, who asked the admiral how he accounted for the much better time made by the Iowa, which left Key West later and had orders to report at Havana.

The admiral's reply to this was that the current could have a great deal to do with it, as the current in shore where the Iowa went could help her along.

Mr. Rayner interrupted here and said that there was nothing in the precept which allowed the investigation of the procedure of the squadron from Key West to Cienfuegos. He said that if this matter was to have been examined all of the previous witnesses would have been questioned regarding it and the case might have been fairly presented.

Continuing the discussion in regard to the power of the judge advocate to inquire into the progress of the fleet from Key West to Cienfuegos Mr. Hanna said that the flying squadron was under orders to proceed with dispatch, and that they did not do it. He said that a number of questions specifically bearing upon this order had been asked.

Mr. Rayner's Claim.

Mr. Rayner said he did not think counsel could point to a single question in the whole of the record that bears directly on the rapidity of the progress of the flying squadron from Key West to Cienfuegos, except the question asked when Captain Harber was on the stand.

He said that unless this order itself was embraced within the investigation as one of the specifications such questions would put the applicant in an awkward position in not being able to prove a thing that had never entered into the inquiry. He said the court had not been called to pass upon that question, and that fact was the test as to whether the witness could be examined on it. He said that bringing such a question in when almost the last witnesses were appearing would make it necessary, if it were pursued, for his side to call witnesses to establish facts on that point.

The judge advocate said they were not trying to point out anything new, and that they had asked witnesses questions on this very matter. They had referred repeatedly to these orders regarding the trip from Key West to Cienfuegos.

Mr. Hanna said there were many things now specifically set forth in the specifications that have been inquired into, and this was among them.

Mr. Rayner again insisted that this line of inquiry was distinct and entirely new to counsel on his side. He was sure that no other witness except Captain Harber had been questioned on that matter. So far as his side was concerned they had not asked a single witness in regard to the voyage from Key West to Cienfuegos.

Allowed by the Court.

Admiral Dewey then announced that the court would take a recess, and the court retired to its consultation room and remained out for five or six minutes. Upon returning Admiral Dewey announced the court's decision on this matter, as follows:

"The court is of opinion that this question is in compliance with its decision of this morning, coming between the dates of May 19 and June 1. The court is also of opinion that this witness occupies a different position from other witnesses on the stand and that he is better qualified than any other witness. If it is asserted that there has been delay on that trip from Key West to Cienfuegos the witness now on the stand is better qualified to give reasons than any one else. So this decision is a renewal of the decision of this morning."

The judge advocate did not at once continue his questions regarding the movement from Key West to Cienfuegos, but asked other questions relating to the arrival of the collier at Cienfuegos.

Admiral Schley volunteered a further explanation in regard to why he had not allowed Capt. Chester to join the flying squadron when he met him going from Key West to Cienfuegos. He said that he considered at that time that he had no power to take any ship on the station with him. He had no right, he thought, to take a ship off its station to which it had been assigned.

The judge advocate then questioned the witness in regard to the receipt of letters while he was at Cienfuegos. The "Dear Schley" letter, the witness said, arrived on the Dupont. When he wrote his letter to the United States Senate he did not recall the fact that there had been a duplicate of that letter which he apparently received on the 22d, and in that way he was led to the statement he had made in the executive document.

Off Cienfuegos.

Asked when he first came to believe that the Spanish fleet was in Cienfuegos, he said that there was a general impression to that effect, and that when he heard the guns firing and saw what was regarded as an unusual amount of smoke hovering over the harbor, he felt that it was additional evidence tending to show that the squadron was there.

Q. (by the judge advocate) Did you, when off Cienfuegos, make any effort to communicate with the insurgents or inhabitants on shore? A. I made the best effort on the 23d in allowing the Adula to go in. I thought that was the best effort that could be made. This was especially so as the Adula was to come out on the following day.

The judge advocate questioned the witness in regard to the receipt of various letters at Cienfuegos, to which he had testified in his direct examination.

The Order No. 8.

Asked by the judge advocate why he did not proceed to Santiago on the receipt of the letter known as No. 8 from Admiral Sampson, the witness replied:

"Because the order was a conditional one, not to proceed until I was satisfied that the fleet was not in Cienfuegos."

The judge advocate asked the witness to look at his letter dated off Cienfuegos May 23, in which he stated that he was by no means satisfied the fleet was not in the harbor there, and then asked him if that letter contained all his reasons for not proceeding at once to Santiago.

"I may have had other reasons," replied Admiral Schley; "I don't remember."

Admiral Schley then read a dispatch which he had sent on the 23d to Admiral Sampson, in which he concluded with the words: "I think I have them here." These dispatches, he said, were both sent on the same day by the Hawk.

The judge advocate asked the witness why, if there was a probability of the Spanish fleet being at Santiago, he did not proceed there. He replied because he thought it unnecessary to chase up only a probability.

Intention as to Remaining.

Q. What was your intention as to remaining off the port of Cienfuegos? A. It was my intention to remain until something definite was ascertained.

Q. What other steps had you in mind to ascertain whether the enemy's fleet was in the harbor at Cienfuegos other than sending in the Adula? A. I should probably have sent another vessel.

Continuing, Admiral Schley explained that the insurgents were migratory and could not be found in the same positions from day to day.

Whether Schley went within 2,000 or 4,000 yards of the entrance to Cienfuegos harbor on his first visit to that port was questioned by the judge advocate, who stated that both 2,000 yards and 4,000 yards had been given as the distance of the fleet from the harbor when it arrived there.

The location of the new batteries on the banks of the river at Cienfuegos was gone into with great detail, and the witness was requested to mark the location of this battery on a chart.

"Now is that where you intend to put it, admiral?" said the judge advocate, after the witness had marked the chart.

Then turning to Mr. Rayner he asked him whether he would like to see where the witness located the battery.

W. R. Vermilye & Co. Fail.

NEW YORK October 28.—Washington R. Vermilye, James E. Carter and George F. Newcomb, who advertised as brokers under the firm name of W. R. Vermilye & Co., with offices at 52 Wall street and branch offices in various cities throughout the country, made an assignment today. No statement of the liabilities was made.

Grain, Provisions and Cotton Markets.

CHICAGO, October 28.—Grain:

	Open.	High.	Low.	Close.
Wheat—Dec	71¼	71⅝-½	70⅞-1	71⅛
May	74½	74⅝	74¼	74⅝-½
Corn—Dec	56⅞	57⅛	56⅝-¾	56⅞
May	59	59⅛	58⅞	59⅛
Oats—Dec	36¼	36⅝-¾	36¼	36⅝-½
May	38⅝	38⅞-⅞	38¼	38½

CHICAGO, October 28.—Provisions:

	Open.	High.	Low.	Close.
Pork—Jan	15.02	15.02	14.92	14.92
May	15.12	15.12	15.00	15.00
Lard—Jan	8.82	8.82	8.75	8.75
May	8.85	8.87	8.80	8.80
Ribs—Jan	7.77	7.77	7.72	7.72
May	7.85	7.87	7.80	7.80

NEW YORK, October 28.—Cotton:

	Open.	High.	Low.	Close.
December	7.68	7.68	7.64	7.65
January	7.70	7.71	7.64	7.64
March	7.66	7.66	7.60	7.61
May	7.65	7.66	7.59	7.60

Baltimore Markets.

BALTIMORE, October 28.—Flour quiet; western super, $2.35a$2.45; do. extra, $2.45a$2.90; do. family, $3.20a$3.25; winter wheat patent, $3.60a$3.85; spring wheat patent, $3.65a$3.85; spring wheat straight, $3.50a$3.65; receipts, 28,902 barrels; exports, 22