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TRUTH AND LIBERTY

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GREAT DISASTER AT BALANGIGA.

Three Officers Were Killed—Gen. Hughes Will Take Field—Murder Society Discovered at Tarlac.

Washington, Sept. 30.—In addition to the enlisted men, three commissioned officers of company C, Ninth infantry, are supposed now to have been killed in the action at Samar, Philippine islands, last Saturday.

The officers are:

Capt. Thomas W. Connell.

First Lieut. Edward A. Bumpus.

Major Surgeon R. S. Griswold.

A question have arisen as to the accuracy of the cablegram received at the war department from Gen. Chaffee, the cable company was directed to repeat it. The repetition disclosed some inaccuracies that materially change the message. As corrected the dispatch reads:

"Manila, Sept. 29.—Adjutant-General, Washington: Hughes reports following from Bassey, southern Samar:

"Twenty-four men, company C, Ninth regiment, United Statese infantry, eleven wounded, have just arrived from Balangiga; remainder company killed. Insurgents secured all company supplies and all rifles except three. Company was attacked during breakfast morning September 28; company seventy-two strong; officers, Thomas W. Connell, captain; Edward A. Bumpus, first lieutenant; Dr. R. S. Griswold, major surgeon.

(Signed.) "CHAFFEE."

As corrected, the dispatch shows that company C, of the Ninth infantry, suffered the disaster. No company was mentioned in the dispatch made public yesterday. The serious discrepancy between the original and the corrected dispatches, however, is that the latter indicates that the commissioned officers of the company are missing, perhaps killed; while the former indicated that they escaped.

The father of Capt. Connell resides in New York city. He telegraphed to the war department today that he is in receipt of a cablegram from the quartermaster of the Ninth regiment saying that his son had been killed in action. He asks for confirmation of the dispatch from the war department, but the officials here are unable at this time to confirm the information.

GEN. HUGHES TO TAKE FIELD.

Manila, Sept. 30.—Gen. Hughes, from the island of Samar, reports the arrival of Sergt. Markley and one private at Tannan from the fight at Balangiga, where over forty men of company C, Ninth infantry, were killed by insurgents, who attacked the troops while at breakfast Saturday last. The men who have reached Tannan say that the officers of the company, who were at first reported to have escaped, were killed with the majority of the company. The troops were attacked, while unprepared, by 400 bolomen, of whom the Americans killed about 140. Many of the soldiers were killed in their quarters before they had time to grasp their rifles. Gen. Hughes is going to the scene of the disaster and will personally command the troops.

A MURDER SOCIETY.

A new branch of the Katipunan has been discovered at Tarlac, capital of the province of that name. The object of the society is the slaughter of the whites. Marcelino Mariville, president of Banoang, is the chief of the new branch, which includes numbers of the native constabulary, who were recently armed. One policeman admits that he was taxed a dollar and was ordered to make bolos. A regular collection has been made by the organization from the natives, either by persuasion or threats, and an uprising had been planned for an early date.

The conditions in Tayanbas and Batangas are not re-assuring. The worst form of guerrilla warfare prevails there. The insurgent forces are distributed, under cover, along every road and trail, and wait for travelers in ambush. The insurgent leader, Caballos, (who formerly belonged to Gen. Cailles' command, but who refused to surrender with Cailles), is retreating to the mountains. The main forces of the insurgents are scattered in bands over the province, where they dig up rifles when there is an opportunity to use them.

CAPT. CONNELL'S DEATH CONFIRMED.

New York, Sept. 30.—Two dispatches were received today at the residence in this city of David J. Connell, the father of Capt. Thomas W. Connell, of the Ninth infantry. One was from the war department at Washington saying that Capt. Connell had been killed in action. The other was from Quartermaster Ramsay of Capt. Connell's regiment, under a Manila date, and contained the same information. The news of Capt. Connell's death following the first report that he was not safe, came as a heavy blow to his family, and his mother was completely prostrated by it.

VARIAN TAKES STRONG STAND.

Insists Upon Direct Answers to Cross-Questions to Van Kuran.

JUDGE POWERS OBJECTS.

Prosecution's Attempt to Gain Advantage Failed to Shake the Defendant's Testimony.

The Van Kuran embezzlement trial is still progressing slowly before Judge Stewart and a jury. The entire morning today was occupied in the cross-examination of Mr. Van Kuran, the defendant, by Judge Varian, who was, however, unable to any material extent to shake his testimony.

CROSS-EXAMINATION.

Mr. Van Kuran stated that he was well known in Omaha. He was well acquainted with Superintendent Dickinson of the Union Pacific railroad. His sister had married Mr. Van Kuran's brother. Mr. Van Kuran said that he had general supervision of all the books and accounts in his office. His office hours were from about 9 or 9:30 o'clock to about 5.

Did you at times keep money in the office, that was received on outstanding accounts," asked Mr. Varian.

"Yes," answered Mr. Van Kuran.

"Why?"

"Because it was not desirable to show the amount received on the bank books until the matter had been settled."

"You were receiving $250 a month, were you not?"

"Part of the time, and part of the time less."

"You came here involved and you were not living within your salary, and had arranged to pay off a judgment at so much a month?"

Judge Powers objected to it as not being direct cross-examination. Judge Varian argued that such questions were admissible as bearing on the credibility and past life of the witness. Judge Powers maintained that the corpus dilecti had not been proven and therefore such questions were at present inadmissible. The court allowed the question to be answered and the defense again noted an exception.

"You were executor for O'Melveny, who was killed by Mills, and had to make a settlement as executor lately?"

Judge Powers again objected, and the question was ruled out.

"When your attention was first called to a shortage in your books, what did you say?"

"I said that I was not aware of it," replied Mr. Van Kuran.

"Why didn't you say to Mr. Hills and Mr. Bancroft, your friends and co-servants, 'It's an error and I would like to see the books and find out where the error is?"

Counsel, Powers and Varian, had quite a tilt over this question. Mr. Varian demanded a direct answer to his question, and Mr. Powers argued that he might answer the question in his own way.

Mr. Van Kuran finally answered that he said to Mr. Hills: "How do you know that there is a shortage. Have you checked up the accounts? Mr. Hills said he had not and that there was nothing further to say."

"You didn't ask to see the books or manifest any interest, did you?"

"Yes, I did?"

"What did you do after you went back to the office on Saturday and you had accepted your suspension from Mr. Hills?"

"I turned over the keys, put on my hat and coat and went out."

"And when you went away from the office on Saturday you didn't know that there was any shortage?"

"No, sir."

"Had you been drinking that afternoon?"

"I may have, some. I always drank more or less all my life."

"Did you not attempt to see the books that afternoon?"

"No, the office closes at 1 o'clock on Saturday, and I had been denied all access to my books."

"Now will you explain to this jury why you did not ask to see your books?"

"Mr. Craig told me that Mr. Hills said that I was not to do any business in the office. I told him that I was not responsible to Mr. Hills, that I was under bond."

"Then why didn't you from that time to this ask to see the books?"

"I was in jail since Feb. 4th, and had no opportunity."

"Why didn't you ask to examine the books in your own behalf in the jail, before they were destroyed by fire."

"It would not be a very advantageous place to examine them."

"On Monday morning, Feb. 4th, did you see Mr. Hills in your office?"

"No, I never saw him in my office after Saturday, the 2nd, but once when I went in with a deputy sheriff to get some papers."

"You never had any conversation with Mr. Hills in which he asked you to help him to go over the books and find the error, and you refused?"

"No, I never declined to help Mr. Hills. I was never asked to."

Mr. Van Kuran was still undergoing a rigid cross-examination when the noon recess was taken.

VAN KURAN'S DEFENSE.

Mr. Van Kuran was put on the stand by the defense Saturday afternoon. He made a good witness and answered in a plain, straightforward manner. In answer to questions of his counsel he defined his duties as local treasurer of the Oregon Short Line Railway company.

Mr. Van Kuran said that he was 47 years old and was born in Boston. He had first done clerical work at Omaha, and was afterwards engaged in the real estate business. He started to work for the Union Pacific Railway company in 1879. He said that he had no family. He was afterwards employed as chainman of a surveying party for the Union Pacific Railroad company, and later went into the auditor's office where he was a clerk till October, 1880. He then became a clerk in the treasurer's office, and later became chief clerk which position he occupied till March, 1897, when the Oregon Short Line Railroad company was organized and he entered its employ as local treasurer. He stated that he was elected, not appointed to that office. He said that he had resided in Omaha since 1871, and was well acquainted there.

During his employment with the Short Line company Mr. Van Kuran said that he had received and disbursed all moneys derived from the operation of the road. The remittances from station agents and conductors, he said, went to McCornick's and Jones' banks. There were sometimes errors in the slips sent to his office from the banks. He said that both Chief Clerk A. E. Kimball and H. S. Jayne had keys to his office and access to the various books. Kimball and he handled all the money that passed through the office.

In direct examination Mr. Van Kuran stated that he had never converted to

(Continued on Page Two)

STATE FAIR WILL OPEN TOMORROW

Work is Being Rushed and Exhibits Rapidly Placed.

ORDER COMING OUT OF CHAOS

Auspicious Outlook for 24th Annual Exhibit—Exposition Building Given a New and Fresh Appearance.

THE OPENING.

Following is the program for the opening of the Utah State Fair, which will occur at 2 o'clock tomorrow (Tuesday) afternoon:

Music.... ....Band
Invocation.... .. ..
....Rabbi Louis R. Reynolds
Music.. ....Band
Address..... .. ..
His Excellency Heber M. Wells
Music..... ....Band
Address....Col. John R. Winder
Music.. .. ..Band
Address.. ....
Music..... ... ...Band
Address..... ....
Nelson A. Empey, Pres. D.
... .A. & M. Soc.
Music.... .. ..Band

From a glance at the grounds and the interior of the State Fair building this afternoon there is a decided promise that the twenty-fourth exhibition of the Deseret Agricultural and Manufacturing society will indeed rank ahead of all its predecessors.

While the fair is in no wise ready for the opening at the same time the class of exhibits that has already arrived and the general newness of the bunting and artistic displays all speak of enterprise and thoroughness. The attractions, too, which are offered the patrons are of a high order. In all five amusement companies have been engaged to entertain visitors and there will be three attractions inside the main building and two outside, which will be free to the public. As Director McDonald this morning stated "the people will have a dollar show for twenty-five cents, to say nothing of the Fair, which this year will surpass all previous efforts."

Inside the exposition building today order is being evolved out of chaos. Overhead and all sides brand new bunting is in evidence, every yard of the old colored materials that have done yeoman service in days gone by has been utilized in the covering up of the unsightly walls of the stairways. Pictures, too, have been strung upon these selfsame stairs that greatly add to the general finished appearance of the structure.

The society was fortunate in being able to buy up at a very low figure all the stock of decorating materials that had been shipped into this city in the anticipation of the visit of the late President McKinley to Salt Lake by a well known paper firm. These colored streamers and Chinese lanterns make a brave showing as they hang from the roof in graceful festoons and when each of the lanterns is lit up at night by the incandescent globe in the interior the effect will be further heightened. Electricity will play a big part in the effectiveness of the decorations this year. There is hardly a stall within the building but has its scores of lights nestling among the draperies or peeping out of the center of the exhibits in unexpected places. Seven arc lights have also been installed in the main building, which will also go towards heightening the general effect.

As the visitor looks toward the ceiling he misses one feature that has hithertofore held the eye in the form of badly executed advertising banners. Not a line of advertising now appears upon the upper walls, roof or railings of the galleries. It is just one sweep of color with white predominating in conjunction with purple, coral red, sea green and other shades. There is a system about the decoration which holds the attention and reflects credit upon the committee which had this important department in charge.

It will not be necessary to state that every man, woman and youngster in the place is busy today. Busy is not the word for it, for all have agreed that by the time the gates are thrown open tomorrow that every exhibit will be in its place, and as a consequence the general public will not feel inclined to stay away under the impression that they will not get their money's worth. In fact those who come the first day will see the fair in all the freshness of its glory. The terrible tap of the tack hammer is heard on all sides, while the press room is invaded with the members of the fair sex who are making their sewing machines hum in the process of eating up untold yards of gay bunting. The numerous clerks in the secretary's office across the hallway are also slightly busy and are giving herculean exhibitions of busy men. President N. A. Empey and Secretary Sears have already begun to cultivate that anxious expression that betokens that they are wrestling with the problem of trying to get fifty square feet of exhibits into a space designed for twenty-five. The crowd with its assorted plaints that has assailed that office today has been extremely numerous, while it is worth a king's ransom to get within hailing distance of the telephone. In fact, all day "central" has been cognizant of the fact that its duties have not been a sinecure.

Amid all this turmoil order has been growing out of apparent confusion. Exhibits have arrived from early morning, and are rapidly being put into place. The artists and decorators engaged upon the various stalls and exhibits with the laudable desire to capture the $150 prize have been eyeing each other all the day and driving tacks like men possessed. It will be probable that the competition will lie between Hewlett Bros., J. G. McDonald Candy company and the Utah Sugar company and Bear River Water company combined. These firms are surpassing their previous efforts in good-natured rivalry.

As a special inducement to eclipse their competitors Orson Hewlett has promised that if he gets the prize he will split it up among the men who are at work upon his stall. He will have a good run for it, however. The Sugar company's exhibit promises to be very unique, with its corn, sunflower, wheat on the stalk and nodding oats as a framework. McDonald's huge stand with its palms, goldfish and electrical display, to say nothing about the candy, will undoubtedly be one of the attractions. Hewlett's five tons of baking powder artistically displayed amid general crowning effects, also will have weight. Close competitors also are the Z. C. M. I., which occupies the northeast half of the building, and the Provo Woolen Mills on the opposite side.

This afternoon tons of crates of fruit and pumpkins, which caused and ordinary man to get black in the face to lift, began to arrive together with the art exhibits and the hanging committee.

But after all the exhibit which will undoubtedly "play to packed houses" will be that of the state fish commissioner, Mr. Sharp has placed at the disposal of the fair committee a number of tanks of fish which will undoubtedly be a joy to old and young alike. Here the disciple of Izaak Walton may feast his eyes upon the specimens of the finny tribe in the form of rainbow trout, land locked salmon, native trout, grayling, black bass, carp, suckers, mountain herring, catfish and other fine specimens. In addition to a fish tank and fountain under the vaudeville stage, which will contain a happy family of twenty-five different fish, there will also be a tank containing about 1000 trout fry.

After the speeches by Governor Wells, Colonel Winder and President Empey at the opening exercises tomorrow the public will be able to pass judgment upon the twenty-fourth exhibition of Utah's products and view the trapeze acts of Samayoas and the wire-walking of the Japenese out in the grounds. This performance, in conjunction with those given in the main building, will be held every afternoon and evening. Among the specialties to be given free within the building will be those of Leo, the Japanese acrobat; Cleo, the serpentine dancer, Clifford and Romaine, sketch artists; selections by local talent and a band concert by Held's band.

The increase in the number of exhibits, especially in the entries of livestock and manufactures, is very gratifying to the promoters of the State fair. Already nearly all the stalls have been allotted and all the livestock, with the exception of the Jersey class, is on the ground placidly chewing the cud of contentment. Among those who are showing some beautiful specimens this year are: John H. Seely, shorthorns; state prison, shorthorn bull; W. B. Preston, six stalls of shorthorns; Allen Bros., ten stalls; Ford Bros., thirteen stalls of shorthorns, and fat cattle; A. J. Egbert, shorthorns and Holsteins; C. A. Layton, shorthorns; Ellison Bros., five stalls; White & Sons Co., twenty-one stalls of fat cattle and shorthorns, Island Improvement company, nine stalls of Herefords and one hybrid buffalo.

STATE FAIR NOTES.

The Wasatch Orchard company comes out strong with an exhibit of canned fruit and vegetables.

Six prospective exhibitors were reluctantly turned away today on account of the lack of space.

The display of the Z. C. M. I. is made doubly effective by the quiet effects in white and Nile green.

There are over two hundred entries in the livestock department that embrace horses, cattle swine and sheep.

The Salt Lake Pressed Brick company has on exhibition a mantel which is made entirely out of red brick and tiling.

The floral exhibit of F. J. Williams, of the City Cemetery, with its palms, cacti and flowers will draw lots of attention.

Living pictures of McKinley and his assassination will be one of the shows which will be exhibited in the tent in the grounds.

Held's band was out this afternoon advertising the Fair. It was finally placed upon a street car and a tour of the city then followed.

When the Fair is thrown open tomorrow the public will see the well earned fruits of six months' hard work on the part of the committee.

There are to be four uniformed special officers on the Fair grounds in addition to the regular police force which is detailed for the occasion.

The south annex which is devoted to the dairy products and vegetables, has not been overlooked in the matter of tasteful decorations and brand new bunting.

Director McDonald with an amount of foresight, has ordered a number of chairs to be placed about the building for the use of tired mothers with their little ones.

John H. Back & Son have moved their exhibit of honey, wax and comb into the main building this year and have put up one of the neatest little stalls on the floor.

There is a spotless white hearse backed against the bar. The combination was the source of numerous remarks this afternoon among those who had time to talk.

The beer displays are conspicuous by their absence this year and Hewlett in consequence has the corner on bottle goods in all the glitter of their contents, gaudy labels and corks.

The "Temple of St. Cryspian" with its eight pillars supporting a green and white dome illuminated by 84 electric lights, will undoubtedly draw much attention. It is the exhibit of the Romney, Robinson Shoe company.

In addition to the large amount of bunting which is displayed, the general effect is considerably height ned by the placing of a Maltese cross or a colored shield at the apex of each supporting column of the gallery.

The mining exhibit this year is ahead of anything previously attempted. The majority of the specimens collected represent the work of Mr. Crismon who recently visited the various mining camps bearing a commission from the D. A. M. society.

The Weber county fruit display will occupy nearly a quarter of the space on the southeast end of the building. Two hundred and fifty boxes of choice samples of grapes, peaches, apples and all kinds of fruit grown in the State arrived this afternoon from the north.

The Consolidated Street Railway & Power company has a big force of men at work in putting the tracks in order outside the grounds. It is the intention to put on a five-minute service during the fair consequently the public never need fear that they will not be able to get up town in time.

Professor Driggs of the State school for the deaf and blind promises an exhibit from that institution which will be a drawing card. In addition to the samples of fruit grown and work done by the students a number of blind children will give exhibitions of their accomplishments daily in the enclosure set apart for that purpose.

JURY SAYS IT WAS A SUICIDE.

Jap Purposely Threw Himself Underneath Moving Train.

SABBATH WAS VIOLATED.

Barber Makes Complaint Against Fellow Craftsmen—Police Judge Adjusts Family Row.

(Special to the "News.")

Ogden, Sept. 30.—Justice Parker J. Hall this morning summoned a jury to investigate the circumstances surrounding the death of the Japanese who was yesterday run over and killed by a Rio Grande Western train. The coroner's jury was composed of Messrs. Al. T. Hestmark, W. W. Kennedy and G. A. Hansen and after due investigation returned a verdict to the effect that the deceased came to his death by throwing himself upon the railway track in front of a moving Rio Grande Western train, with suicidal intent. The railway company was absolved from all responsibility.

BARBERS JANGLE.

This morning H. Brighton, a barber, swore to a complaint in police court, charging Geo. Porter and Joe White, fellow craftsmen, with having fractured the sabbath in that they kept their shop open on yesterday and plied their trade as they would do upon any other day in the week. There is a city ordinance against such practice, but it is never enforced except when complaint is made by some citizen. Whenever prosecutions have occurred so far they have been upon instigation of persons engaged in a similar business.

FAMILY SQUABBLE.

Upon a charge of disturbing the peace of Mrs. Edwards, Mrs. Kelley appeared in the police court this morning. The police judge plainly saw that the affair was simply a neighborhood quarrel and after a very sensible lecture to both parties and a reprimand to the defendant, the case was thrown out of court.

NEW PARAPHERNALIA.

A lot of new clubs and whistles have been received at the police department for the officers. These will be at once transferred to the persons of Ogden's "fly cop" for immediate use.

ATTACK ON GUARD DEPREND

Friends of McKinley's Family Do Not Believe Was Any Attempt to Desecrate Tomb.

Make No Attempt to Explain Strange Story—Military Authorities Very Mum.

Canton, Ohio, Sept. 30.—Friends of the family of the late President McKinley emphatically discredit belief in the idea that the shot reported fired by the Guard Deprend at Westlawn cemetery last night was on account of any attempt to desecrate the tomb. They do not attempt to explain the strange story of the guard or accounts for the firing of the shot which the cemetery officials and other residents nearby say they heard, and they do not believe two men would undertake to make an attack upon the vault with seventy soldiers on guard or near at hand.

It is believed the military authorities will make a thorough investigation of the stories by the soldiers on guard Sunday night. There are unconfirmed rumors that the shot was fired on account of an accidental fall and also that it was the result of personal differences. The officers in charge early instructed soldiers not to talk of the affair.

The statements of the guard made Sunday night could not be obtained until the officers had secured their reports from them and while the officers declined to be quoted they were made with their knowledge and in their presence.

None of the officers would express an opinion as to what the object of the intruders may have been and they also instructed the men not to discuss the occurrence with outsiders.

The few persons who succeeded in gaining admission to the cemetery were directed to the officers of the guard for information and guards were told not to talk of the incident among themselves while outsiders were present. This is said to be in accordance with military regulations.

Presidential Nominations.

Washington, Sept. 30.—The President today made the following appointments:

Navy—Theodore I. Thompson, pay director, rank of captain.

Hiram E. Drury, pay inspector, rank of commander.

Joseph F. Feiff, paymaster, rank of lieutenant.

George R. Venable, passed assistant paymaster, rank of lieutenant, junior grade.

Charles Morris, Jr., and John W. Morse, passed assistant paymasters, rank of lieutenant, junior grade.

George E. Burd, lieutenant commander.

Percy N. Olmstead, lieutenant.

Frank E. Ridgely, lieutenant junior grade.

Arthur O. Gates and George M. Beinen, warrant machinists.

Vista R. Thompson, gunner.

William Johnson, boatswain.

Herbert Elkins, carpenter.

William F. Spicer, lieutenant-colonel, marine corps.

Burned With Molten Metal.

Youngstown, O., Sept. 30.—Three men were badly burned by an explosion of molten metal at the upper furnace of the Brion Hill Iron and Coal company at 3 o'clock this morning. The injured are:

Joseph Burtz.

Thomas Parker.

Angelo Peppo.

Burtz and Parker probably will die of their injuries.

THE MERRIMAC COULD HAVE COALED

Commander James M. Miller so Testifies—"The Sea on the 25th Was Nasty, Quite Nasty."

Washington, Sept. 30.—The bright sunshine and fresh air had the effect of bringing all the members of the Schley court of inquiry and the attendants upon it to the court building rather earlier than usual this morning. Admiral Dewey, as is his custom, was one of the first members to put in an appearance, but as early as was his arrival he found Judge-Advocate Lemly and his assistant, Mr. Hanna, there in advance of himself. The admiral, as usual, wore only citizen's clothing upon his arrival, but he was soon transformed into a gallant tar by donning his service uniform. Capt. Lemly and Mr. Hanna were engaged from the early morning in preparing the program for the day. There is much in the way of detail to be done each morning, and they have fallen into the habit of coming direct to the court building, where they have their list of witnesses, files of documents, printed matter and everything else bearing upon the case. They began the day's proceedings according to custom by recalling the witnesses of previous days.

LEMLY'S PROGRAM.

Capt. Lemly's program provided that these should be followed by Commander Miller, who commanded the collier Merrimac in the early part of the Santiago campaign; Capt. Jewell, who commanded the scout Minneapolis; Lieut-Commander Sharp, who had charge of the much-talked of Vixen, and Lieut. J. G. Doniiee of the Brooklyn. It was also contemplated to call at a very early period Rear Admiral Evans, who was captain of the Iowa. Much interest was manifested in the probable appearance of the rear admiral and also in the prospect of seeing Capt. Miller, who, it will be remembered, surrendered with great reluctance the command of the Merrimac to Lieut. Hobson, who afterwards sank the collier in the mouth of Santiago harbor.

While Commander Southerland was on the stand he was asked by the court whether, if the fleet of Cervera had been in the harbor at Cienfuegos, it could have been seen by the vessels blockading the port. He replied: "I cannot definitely say. Not unless they had anchored in the lower harbor just inside of the entrance in the deep water where the schooner to which I referred before was anchored. I do not believe they would have anchored in that spot."

The first new witness of the day was Commander James M. Miller, who was in command of the collier Merrimac while that vessel was part of Admiral Schley's flying squadron.

COMMANDER MILLER.

Commander Miller said that he had assumed command of the Merrimac on April 11 at Norfolk. He had taken on board at Lamberts Point soon afterward about 50 tons of coal. His vessel had, he said, been capable at first of making between nine and ten knots, but afterwards he had trouble with his machinery, so that by May 23 and 24 he would have hesitated in trying to secure a speed of more than seven knots. He read from the collier's log to show that the Iowa, the Massachusetts and the Castine had been coaled on the 23rd and 24th. No record was found of the coaling of any vessel on the 25th or the 26th, the time consumed in proceeding from Cienfuegos to Santiago.

"The sea," he said, "on the 25th was nasty, quite nasty. The Merrimac, being a heavy vessel, its speed was affected, but if I had had a smaller vessel I should have felt it very much." He also said that the weather fonr that day was bad.

The witness said that late in the afternoon of May 26 the intermediate valve of the collier was broken, but that previous to the arrival off Santiago she had not been "broken down, disabled or delayed."

As to the condition of the 26th the witness said:

COULD HAVE COALED.

"I should say I could have coaled, as I find here, (consulting the log), we were making ten knots at one time. We got up to twelve knots. I fancy the weather could not have been very boisterous. I read from the log seven knots, then six and so on. There is one entry here that we got up to eleven knots. On that date I find 'steaming with the squadron east to quarter north,' and I find by the entry, between 8 o'clock in the morning and meridian of that date that we made from ten to twelve knots."

Mr. Hanna—What was the condition of the sea?

"The sea was smooth, I should judge, from the way we were going. We raised our speed from seven to ten knots."

"Could you have coaled vessels on the afternoon of the 25th?"

"I could up to the time I was broken down. While I had control of the ship I could have coaled."

"What time did you break down?"

"We stopped at 5:30 that afternoon."

Asked if vessels could have been coaled while the Merrimac was in tow of the Yale, the witness replied that that was a suppositious question and that he would not like to say. As a matter of fact, she did not coal any vessel while in tow. On all days from May 23 to May 31, except on the days when en route from Cienfuegos to Santiago and when disabled the Merrimac had had vessels alongside for the purpose of coaling and they had been coaled from the collier.

On cross-examination, Mr. Raynor questioned Commander Miller concerning coaling from the Merrimac on the 24th. He said the Massachusetts had been coaled at 7:30 in the morning of that day. He was then examined concerning signals as to coaling the Texas. While these questions were being put, Capt. Miller said, laughingly: "Go ahead. You've got me there." He then proceeded:

FEARED BEING CRUSHED.

"I signalled over, 'I object to having two battleships alongside of me,' and Capt. Philip, of the Texas, signalled, I think, to Capt. Higginson, but I do not know whether it was to the admiral or him, 'K. and M. will Crush G.'"

Mr. Raynor: "You were not G, you were not K? G was the Massachusetts."

"I was G, I think. What I objected to was having two battleships beside me. They have a peculiar motion and when two battleships are rolling they would have a tendency to crush a collier between them. It was not so much on account of the weather as it was the presence of a battleship on each side."

"How was the sea at that time?"

"I did not fel the sea very much because my ship was a peculiarly steady ship."

"How was it as far as the other ships are concerned?"

"Battleships nearly always have motion; that is my experience. As far as I am personally concerned, I could have coaled."

"Well, how about the other vessels?"

"That is not for me to judge."

"Then when you spoke of your capacity to coal you spoke about your own ship?"

"Yes; that I was ready for delivery. I am giving no opinion regarding other ships."

Continuing, the witness said that he "always hated to go alongside the battleships. "The Merrimac," he went on, "was always steady, but the battleships were continually rolling."

"Especially in a rough sea," suggested Mr. Raynor.

"In any sea," responded the witness. "Is not that especially true when the warship has protruding sponsors as had the Texas?"

"They were always nasty," the witness responded.

Mr. Raynor questioned Capt. Miller closely concerning the state of the weather and of the sea on May 26, quoting from Admiral Cervera's statement on that subject, but the witness would only say that his log was silent as to the condition of the sea at that time.

MILLER'S REMOVAL.

In this connection Capt. Miller referred to his removal from the command of the Merrimac in order to turn the vessel over to Lieut. Hobson. He said on that point:

"When I was taken out summarily from the Merrimac nearly everything I had was lost and the only thing I can remember now with the few notes I have here is in this log."

The court asked:

"Was there any point near Cienfuegos where vessels could have found protection from the sea on May 24?"

The witness replied: "I do not think that unless we had gone up probably to the Isle of Pines, there was any place, so far as I can remember now, there would have been found smoother weather than we found off Cienfuegos unless going very far to the eastward."

The court also asked: "Could you have coaled any of the vessels on May 25 had you been ordered to do so."

To this the reply was: "I should judge so, to the best of my knowledge and belief. I say I could coal, yes, I could coal at any time, but then I could not have coaled comfortably. For the other ships it was what we call a nasty sea and squally, rainy weather, and if I had my choice I would not have coaled on that day."

As he left the stand Capt. Miller asked that he might be excused if he had shown any temper.

"I feel a little bit touchy about the Merrimac," he said.

Admiral Dewey assured him that he had displayed no temper.

Capt. Miller was succeeded on the witness stand by Capt. Theodore J. Jewell, who commanded the cruiser Minneapolis during the Spanish war.

THE TREASURY SURPLUS.

Gage Says its Accumulation Has Been Overcome by Bond Purchases.

Chicago, Sept. 30.—Secy. of the Treasury Gage, who is spending a few days at the home of his son in Evanston before going to Colorado to spend his vacation, said in regard to the present large surplus in the treasury:

"The prosperous condition of the country must be most gratifying. The decrease in the expenditures of the government, however, is a salient factor in the increase in the surplus in the last three months. From June 30, 1901, to September 26, the revenue amounted to $136,000,000. The expenditures during this time were $121,000,000. This left an excess of nearly $15,000,000. During the same period in 1900 the receipts were $139,000,000 and the expenditures the same. Of course, the fact must be taken into consideration that the revenue for the last three months was under the lowered schedule, so that the $136,000,000 receipts this year represents a larger amount of business transacted than during the same time last year, when the $139,000,000 was received.

"It was estimated when the present revised revenue law was put in force on July 15 revenue receipts from all cources would fall off some $40,000,000 by reason of the reductions made. If that had been realized the receipts since that time would have been $7,500,000 less, or $128,500,000. Notwithstanding the reduction in taxes, the receipts have diminished by less than $3,000,000 from what they were a year ago, while the expenditures have decreased by over $17,000,000 for the same period.

"Up to the present time, however, the accumulation of money in the treasury, which would be the natural effect at this time, has been more than overcome by the purchase of bonds in the open market by the government. During the last three months there have been bought bonds having a face value of $19,500,000, for which over $24,000,000 was paid. The actual cash in the treasury has thus been reduced, and the present excess of revenues over expenditures taken care of for the the time being."

Danish Loan to be Authorized.

Copenhagen, Sept. 30.—It is officially announced that the minister of finance, Alfred Hage, will, this week, recommend the rigsdag to authorize a government loan of 30,000,00 crowns, they were in the recent loan of $10,000,000 floated by the city of Copenhagen, which was furnished by New York capitalists.

Mr. and Mrs. S. E. Olsen of Minneapolis are at present in Copenhagen the guests of Baron Reetzthott, the former premier.

The Olsens have made a tour of Asia, Africa, and most of Europe, and are now on their way home, by way of Paris and London.