WITNESSES DENY CHARGES LODGED AGAINST SCHLEY.

Newspaper Man Who Stood at Commodore's Side in the Fight Off Santiago Refutes the Statements Made by Captain Cotton—Graphic Story of Chase of the Colon.

MESSAGES OF CHEER TO THE MEN BEHIND THE GUNS.

Washington, Oct. 22.—The Schley Court of Inquiry opened to-day with Lieutenant B. W. Wells, Jr., who was Commodore Schley's Flag Lieutenant during the Spanish War, still on the stand, but he was soon displaced to allow Yeoman Albert V. Mason, who had written the Brooklyn's log for the period covering the Spanish campaign, to testify. Mr. Mason explained the erasures in the log entry, referring to the Brooklyn's turn on the day of the battle off Santiago. He was followed by Mr. George B. Graham, an Associated Press correspondent, who was with Schley during the entire campaign. Mr. Graham's testimony covered all the principal events of the campaign, and discussed especially the bombardment of the Spanish ship, Colon, on May 31, and the battle off Santiago on July 3. Mr. Graham testified to hearing a conversation between Commodore Schley and Captain Sigsbee, when the latter came abroad the flgship Brooklyn off Santiago, May 26. He said he distinctly heard Captain Sigsbee tell the Commodore that the Spanish fleet was not inside the harbor at Santiago.

Mr. Graham also stated that Admiral Schley had told him the object of the bombardment of May 31 was to develop the Spanish land batteries, and he said that the range was fixed at 7,000 or 7,500 yards, in order to draw the fire. He further said, with reference to the events of this engagement, that he had heard no conversation in which Commodore Schley had said that the officers in their white uniforms were conspicuous objects. Mr. Graham detailed a conversation between Commodore Schley and Captain Robley D. Evans, which took place after the Santiago engagement. There was some discussion over the admissibility of this statement, but the Court decided that any conversation between the Commodore and any one else bearing upon the case was admissible.

The witnesses for the afternoon were Dennis J. Cronin, who was Admiral Schley's orderly, and who also testified along the same lines as Mr. Graham to the conversation with Captain Sigsbee; Lieutenant Commander William R. Rush, who said he thought the Viscaya had planned to ram the Brooklyn; Lieutenant Edward Simpson, who gave a very graphic picture of the battle of July 3, and Lieutenant Edward T. Fitzgerald, an assistant engineer, who was on duty in the fireroom on July 3, and who testified that an order had been given early in the action to stand by for a ram.

DEPARTMENT'S ORDERS ABOUT SAFETY OF THE BATTLESHIPS.

Captain Lemly began his examination of Lieutenant Wells by asking him whether there was kept a book of records showing letters received on the Brooklyn, as Lieutenant Commander Sears had testified there was. The witness replied that there was no such book kept, but that there was a record of letters sent to and received from vessels of the squadron.

Lieutenant Wells also was questioned concerning the department orders concerning the risking of the American ships to bombardment from the shore batteries, the orders under consideration being those of April 6, April 26 and two of May 5.

In reply to questions by Captain Lemly, the witness said there had been no written or printed order of battle, but that on the day before Cienfuegos was reached some special instructions were sent to the ships by the Scorpion. This was, he said, order No. 9, relating to signals in case the enemy should be sighted. This order was then read.

Questioned further on this point, the witness said: "I prepared no written orders and did not know of the existence of any. I remember, however, that the commanding officers were called together on board."

The witness answered several questions put by the court, as follows:

"At what period of the battle of July 3 did you use a range of 1,100 yards?"

"That was at about the beginning of what is known as the turn; not the beginning, but after the turn had begun, I should say."

"At what point of the chase did you estimate the Colon to be 10,000 yards distant from the Brooklyn?"

"When the Viscaya went ashore."

Lieutenant Wells was then excused and Mr. Albert V. Mason called. He was questioned by Captain Parker and said that he had been a yeoman of second class on board the Brooklyn during the Santiago campaign and had been the writer of that ship's log. He had made the entry concerning the battle off Santiago, and he produced a copy of the rough log which he had made for his own use.

The witness said that, as the log giving an account of the Brooklyn's turn had been at first prepared, it read: "We engaged with port battery at first, but just as soon as the enemy stood to westward we put our helm sarboard at first, then hard a-port, so as to bring our starboard battery to bear, and, swinging clear of the Texas's fire, we stood parallel with and to the enemy." This entry had, he said, been changed later, at the instance of Lieutenant Hodgson, so as to make it read as it does in the permanent copy, as follows: "As soon as the enemy stood to the westward we put our helm a-port, swinging clear of the Texas," etc.

HEARD THE CONVERSATION BETWEEN SCHLEY AND SIGSBEE.

Mr. Mason then retired, and Mr. George Edward Graham, the Associated Press correspondent, was called. He was questioned by Mr. Rayner, and said he had been on the Brokolyn from March 29 to August 20, 1898. Mr. Graham was then questioned concerning the conversation between Commodore Schley and Captain Sigsbee on the occasion of the Captain's visit to the Brooklyn, on May 2, as follows:

"Did you see Captain Sigsbee on board the Brooklyn, May 26?"

"Yes, sir."

"Did you hear him in conversation with Commodore Schley?"

"Yes, sir."

"Can you give us what that conversation was?"

"After he had reached the quarterdeck from the gangway he stopped, and Commodore Schley said to him, 'Have we got 'em, Sigsbee?' The Captain said: 'No; they are not here. I have been here for a week, and they are not here.'"

"Is that the whole of the conversation, as you recollect?"

"No, sir. We went aft, further back on the quarterdeck, and he continued the conversation. Commodore Schley said: 'Are you sure they are not in there?' He said: 'I have been very close to the harbor entrance two or three times. Captain Cotton has been in and cut a cable, and they are not in there.'"

"You heard Sigsbee say that?"

"Yes, sir. I took some part in the conversation."

"Did you record that conversation, and did Captain Sigsbee know you recorded it?"

"Captain Sigsbee knew I was a newspaper man and was there looking for information, and Captain Sigsbee later took a dispatch written by me and vised by Commodore Schley. He took it aboard his ship, and he was to deliver it to one of the small boats or else take it over himself."

"And Captain Sigsbee took that dispatch?"

"Yes, sir. It was open. It detailed the fact that the fleet was not there."

"Do you remember the reconnaissance of May 31?"

"Yes, sir. I was aboard the Massachusetts."

"Were you present at any conversation between Commodore Schley and Captain Higginson in the pilot-house of the Massachusetts?"

"On the Brooklyn I had heard that they were going in to bombard and that the flag would be transferred to the Massachusetts. I asked permission to go aboard the Massachusetts with the Commodore. He had just given permission to Mr. McCauley to go, and, turning to me, he said: 'I do not think you had better go. I think you can see it better from the Brooklyn.' She was then coaling. He further said that they did not intend to do anything except find out what the batteries consisted of. I kept urging him to let me go and he finally consented."

"Now, tell me regarding the conversation between Commodore Schley and Captain Higginson."

"There was some discussion about what the Spanish fleet had brought with them. A report was current that they had brought arms and ammunition for the defense of Havana and there also was a discussion as to whether they had had time to mount them or whether from any ships in the harbor prior to the arrival of the fleet they had taken any large guns and mounted them. Commoder Schley said his idea was to go in about 7,000 or 7,500 yards and fire, simply to draw their fire. So far as I remember, Captain Higginson acquiesced in that. Later, Mr. Potts came in."

"Were you in the presence of Commodore Schley during the whole of this reconnaissance of the Massachusetts?"

"Only part of the time. At times I was behind the conning tower and he was on the other side of it."

"Did you see Lieutenant Potts on board the Massachusetts?"

"He came into the pilot-house during the conversation and took some part in it."

DID NOT HEAR ANY TALK ABOUT GETTING OUT OF DANGER.

"Were you present at any conversation at all between Commodore Schley and Lieutenant Potts, or were you present at any time when Commodore Schley made any remarks during each time Potts was present?"

"No, sir. I followed them right out of the pilot-house and down to the conning tower. I did not hear any conversation of that kind."

"Then you don't know anything about the conversation about which Potts testified that the Commodore said: 'Gentlemen, we are very conspicuous objects here; let's get out of it?'"

"I never heard such conversation. I stood on top of the forward 13-inch turret. The Commodore called to me: 'Boy, that's a bad place for you. Step in here.' I afterward asked why and he said that the concussion would hurt me. I had no serious intention of remaining there."

"Was Potts present at the time?"

"I think he was giving the ranges at the time."

The witness said he was with the Commodore during the whole of the reconoissance and did not hear either of the alleged conversations.

Mr. Graham also said that he had not heard Commodore Schley say anything about "potting the Colon" when the Commodore went aboard the Massachusetts, May 31, and that he was with the Commodore at the time.

"Then you heard none of these reported conversations?" asked Mr. Rayner.

"None," was the response.

"And you were with him all the time?"

"I was with him all the time," the witness replied, "except when he was taken in hand by Captain Higginson and taken to his cabin."

SCHLEY STOOD FACING THE ENEMY'S SHIPS.

Describing the battle of July 3, Mr. Graham said that Commodore Schley had gotten to a position in front of the conning tower as soon as the nose of the first of the Spanish ships appeared. The Brooklyn was at that time, he said, pointing almost north. Lieutenant Simpson had fired the first gun from the 8-inch turrets, and calling to Commodore Schley, said: "How is that?" To this the Commodore replied, said the witness: "Didn't see it, Simpson, but keep at it."

Continuing, witness said that by the time the Brooklyn had completed her turn (and he thought the turn had been continuously to the right), the three leading Spanish ships had emerged from the harbor. The witness thought they had come out in fan-shape order. "The Commodore," he said, "at this point, stood all the time on the side of the fire so that he could see what was doing. He was absolutely cool and sent continuous messages to the men to cheer them up.

"When Ellis's head was shot off the Commodore wiped some of the blood from his own person, and as the men picked the body up to throw it overboard, while the rest of us stood horrified, he calmly said: "Don't throw that body over. Take it below and we'll give it a Christian burial."

"When the Viscaya went ashore the Commodore went into the conning tower and himself called down the tube to the men below: 'They are all gone but one; it all depends on you, boys.'"

"Did you see the Oregon?" asked Mr. Rayner.

"Very distinctly. I saw her coming up about the time we were beginning to get scared. The Brooklyn was fighting alone three of the Spanish ships, when suddenly I saw in the distance a white line, which soon developed into the Oregon. That occurred about the time the Oquendo went ashore."

"Did you ever see Commodore Schley when he appeared to be laboring under any mental excitement?"

"Oh, no; he was jovial and good-natured at all times, and I did not observe the least trace of excitement or anxiety except at one time. That was when it looked as if the Colon might get away. He expressed fear that that might occur, and seemed much concerned."

At this point Mr. Rayner began an examination of the witness concerning a conversation reported to have taken place between Commodore Schley and Captain Evans of the Iowa, after the battle, but before the examination had gone far it was objected to by Captain Lemly.

"Were you," asked Mr. Rayner, "present at any conversation between Captain Evans and Commodore Schley?"

"Yes, sir; in the Commodore's cabin on the Brooklyn on July 5," Mr. Graham responded.

"When Evans came in, the first thing he said was, 'Schley, did you see Jack Philip run away with the Texas?' and Commodore Schley said, 'No; neither did you.'"

Admiral Dewey (addressing counsel): "One moment. Poor Philip is not present, you know."

After a lengthy debate the Court decided to admit the questions.

Mr. Rayner then repeated his question asking him to repeat the conversation, which Mr. Graham did, as follows:

"Captain Evans came into the cabin. I sat at a round table in the center. Commodore Schley got up and shook hands with Captain Evans and the latter said: 'Schley, did you see Philip turn around and run out of the fight?' The Commodore said: 'No; neither did you. He did not run out of the fight.' Captain Evans said: 'Oh, yes, he did; I saw him.' Captain Evans said he was in the next ship and saw him. The Commodore said: 'It was not the Texas, at all. The Texas was in the fight all the time. The ship you saw turn around was the Brooklyn.'"

ANOTHER WITNESS WHO HEARD SIGSBEE'S STATEMENT.

Mr. Graham was then excused and Dennis J. Cronin called. He was orderly to Commodore Schley during the Santiago campaign, and he testified that he was present when Captain Sigsbee came aboard the Brooklyn, May 26. "I heard the Commodore ask Captain Sigsbee something that I could not understand," said the witness, "and I heard the Captain answer: 'The Spanish fleet is not in there.'" The witness said he had seen the turn of the Brooklyn, July 3.

"Did you see Commodore Schley at any time during the battle?"

"Yes, sir; I saw him when he was standing down near the conning tower and then again on the forward bridge."

"What was his manner?"

"His manner was such as inspired the men under him with courage."

On cross-examination, Mr. Cronin said he was at the foot of a ladder on the gun deck while Commodore Schley and Captain Sigsbee had their conversation concerning the Spanish fleet, and that they were on the upper deck, about six feet away.

Mr. Cronin was then excused and Lieutenant Commander William R. Rush was called. He had served on the Brooklyn as watch and division officer. He had charge of the after division of guns on the spar deck of that vessel.

THOUGHT THE "LOOP" A NECESSARY MOVE.

The witness said that, on the day of the battle off Santiago he had been in the after turret. Describing the Brooklyn's loop, he said: "When I was ready to fire it was impossible to do so, as the ship had commenced turning very promptly and was heading in toward the mouth of the harbor. I was unable to fire until the ship made her turn so as to bring the after guns on the enemy. The smoke was so dense I never saw any of our ships until after the Brooklyn had turned to the westward."

The witness said he had a vivid impression of the Spanish ship Viscaya turning toward the Brooklyn and he was under the impression that this had occurred before the Brooklyn made its turn. He had himself considered it necessary to make a turn.

Mr. Hanna: "I understand you to state that the turn was made when you were heading approximately for the Viscaya. If this was the case, had not the Maria Teresa turned to the westward at this time?"

"I think she was ready to do so or had just commenced to do so. It seems the whole thing occurred in a very short time."

In reply to questions by the Court, the witness said he was inclined to think that the Viscaya had meant to ram the Brooklyn, and also that he thought the Spanish ships had not come out to exceed three-fourths of a mile from the mouth of the harbor.

HEARD SCHLEY CHEERING HIS MEN.

Lieutenant Rush was succeeded on the stand by Lieutenant Edward Simpson, who was also a watch officer on the Brooklyn. Lieutenant Simpson told of the beginning of the cruise from Key West May 19, and said that Commodore Schley had given a general order before starting on the campaign that all lights should be concealed at night. Lieutenant Simpson had occupied a position in the forward turret when the battle of July 3 began, and he fired the first gun.

The range was given at 3,500 yards, and the Maria Teresa was right in line. The least range he had heard was 1,400 yards. He was unable to testify concerning the loop, because he had had to repair his guns.

After the turn he said that he had again picked up the forward Spanish ship, which was still the Maria Teresa. He could hear smaller shot, indicating close range, and during the entire time he had heard Commodore Schley's voice, frequently cheering the men. Again, when he saw that the Viscaya's fire slackened, he heard the Commodore give the order, "Fire deliberately, boys."

At this point, the witness described the coming up of the Oregon. "It was after the Maria Teresa had dropped astern and we had only two ships to contend with, I got the cry that one of the Spanish ships was on fire and heading for the beach. I tried to see her. I looked back and could see nothing for the smoke. Then I heard the cry very shortly afterwards, 'Another one is on fire, heading for the beach.' Between shots I looked back again and saw a bow wave coming from the smoke, followed almost immediately by two 13-inch guns. It was the Oregon. She was then about off our starboard quarter. I should say 600 yards. I called to the men that the Oregon was with us, got a cheer in reply, and then the action continued, the Oregon firing also. As the Viscaya turned and headed off, the Oregon fired one of her big guns. I heard the Commodore say 'He has raked her and she is on fire. Signal to Oregon to cease firing,' and through the peepholes of my hood I saw Lieutenant McCauley climb on top of my turret with the wigwag flag, and I could hear the flapping of the flag. As soon as the Viscaya turned in we ceased firing on her, and were allowed to come out of the turrets for a breathing spell."

FINAL CHAPTER IN CHASE OF THE COLON.

"The Colon was in the neighborhood of, roughly speaking, six miles ahead of us. She continued to gain, but later we held her. The Oregon came along with us and got pretty near up abeam. Then, as our steam came up, our speed increased. We still held her, and finally commenced gaining on her and the Oregon. Nine thousand yards was the elevation of my forward guns. I was ordered occasionally to try a shot at the Colon, simply for range, using armar-piercing shells, because I had very few common shells left at that time. We would try a shot at her, and it would fall short. Then the Oregon would try a shot, and there was wig-wagging going on between the vessels as to the results of the fall of the two shots.

"Finally, my range decreasing, and firing, not at will, but by order, I was told to try again. I tried at the Colon at 6,800 yards, and I saw the splash of my projectile on the other side of her. I jumped out of the turret to ask permission to fire another shot immediately at 6,700 yards. Before they gave me permission, or I had a chance to do it, the Oregon fired one of her 13-inch guns, and that also went over her.

"Then the Colon turned in, ran to the beach and her flag came down. We kept on steaming in toward her. At the time her flag came down I heard the Commodore's voice asking 'What time is it?' and I heard the Chief Quartermaster answer 'One fifteen, sir.' As we steamed in toward her I heard one of the quartermasters say: 'They are jumping overboard.' I saw splashes alongside and thought that they were. But it probably was what we after heard to be breech blocks. Captain Cook left the ship after some difficulty in getting out a boat, and went to the Colon to receive her surrender."

When Lieutenant Simpson was excused Lieutenant Edward P. Fitzgerald, who was an assistant engineer on the Brooklyn during the battle off Santiago, was called to the stand. He said that he was in the fireroom when the battle occurred and there were several orders. One of these, given at the beginning of the engagement, was to "stand by for a ram or collision."

The witness was not questioned on other points, nor cross-examined. When he left the stand, the court adjourned for the day.

SHOT BY A FORMER REPORTER.

Newspaper Article Leads to A Tragedy and a Death.

REPUBLIC SPECIAL.

Pine Bluff, Ark., Oct. 22.—A tragedy occurred this afternoon at 5 o'clock at the office of the Armour Packing Company when Carl Stubblefield was killed by Meyer Solmson, until recently local reporter for a Pine Bluff newspaper. Stubblefield was shot through the brains and died almost instantly.

The killing was the result of an article alleged to have been written by Solmson when he was connected with the newspaper about two months ago. Stubblefield had disposed of a large amount of property and, with his family, left town. All the local papers made news items of his actions. He recently returned and yesterday attacked Solmson in a store while the latter was soliciting orders for the packing-house. Solmson was taken unawares and was severely punished.

This afternoon Stubblefield followed Solmson to the Armour office and, after a short controversy, the shooting occurred. Stubblefield's actions for the past few months led to the belief that he was mentally unbalanced. He has projected a number of unreasonable schemes in the past week. Solmson at once surrendered to the Sheriff and will be admitted to bail.

CHARLES W. BATES WILL BE ASSOCIATE CITY COUNSELOR.

To Succeed Charles Claflin Allen, Whose Resignation Mayor Wells Has Accepted.

MR. ALLEN'S GOOD RECORD.

CHARLES CLAFLIN ALLEN.
Who yesterday resigned as Associate City Counselor.

Charles Claflin Allen, who has officiated as Associate City Counselor for more than six years, yesterday tendered his resignation to Mayor Wells. Mr. Allen will retire October 31, and will be succeeded by Charles W. Bates, to whom the position has been proferred and who will accept the appointment.

Mr. Bates is 38 years old and was born in St. Charles County. He was graduated, in 1885, from the St. Louis Law School, and, with the exception of two years passed in Colorado for the benefit of his health, he has been ever since a resident of St. Louis and a prominent practitioner at the local bar.

After leaving law school Mr. Bates entered into partnership with William F. Woerner, a classmate. Later he became associated with Charles Nagel. He studied in the office of Judge J. L. D. Dryden. Until recently he was junior member of the firm of Orr, Christie & Bates. The new associate to City Counselor Schnurmacher is a Democrat. He resides at No. 4137 Cook avenue. He says he will accept the position.

Mr. Allen, the retiring official of the Law Department, has been conspicuous in St. Louis and Missouri since 1881, when he was elected to the State Legislature on the Republican ticket. He prepared the draft of the corrupt practices act of Missouri, which became a law, and actively urged the passage of the Australian ballot law.

As president of the Civil Service Reform Association of Missouri he added to the distinctions already won, and in 1891 had the honor of entertaining at his home President Roosevelt, who was then touring the country in the interests of the National Civil Service Reform League. Mr. Allen is a graduate of the Washington University, Princeton University and the St. Louis Law School.

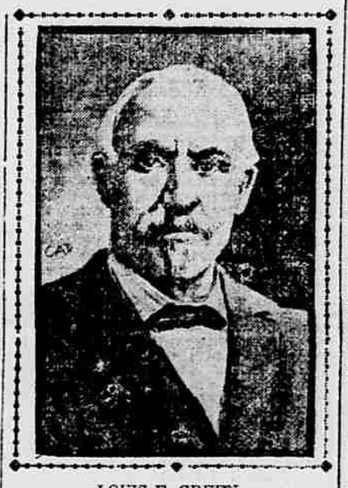
Mayor Walbridge appointed Mr. Allen as Associate City Counselor in April, 1895, and Mayor Ziegenhein reappointed him in 1899. Mr. Allen's purpose in retiring, although his term would not expire until 1903, is to accept a promising offer from the law firm of Johnson & Richards in the Wainwright building.

"I regret," Mayor Wells said yesterday, "that the public service must lose such an efficient and conscientious official as Mr. Allen. We have been friends since boyhood, and his career has shown him to be worthy of confidence. His successor will be a man of similar character. I cannot say whom I have chosen before the appointment shall have been transmitted to the City Council; however, I may say that he is a Democrat, a lawyer of experience and a man of good reputation." The Mayor declines to discuss Mr. Bates's probable appointment, saying he could neither confirm nor deny the statement.

"Before leaving the City Hall," Mr. Allen stated yesterday, "I owe it to the public to say that in Mayor Wells and City Counselor Schnurmacher the citizens of St. Louis have two officials whose only desire is to serve the best interests of the people. They are beyond politics. Never before have I seen in public positions officials so sincere or so anxious to do the right."

DEATH OF LOUIS E. GREEN, PIONEER ST. LOUIS MERCHANT.

Veteran Millinery Dealer Succumbs After Extended Illness—Was in Business Here for Forty Years.



LOUIS E. GREEN.
Pioneer St. Louis merchant, who died yesterday.

Louis E. Green, a pioneer merchant and resident of St. Louis, died yesterday morning at 10:15, at the family home, No. 4364 Delmar avenue, after an illness of six years.

Mr. Green was the founder of the firm of L. E. Green & Son, millinery dealers, at No. 408 North Broadway. He was in business in St. Louis forty years, and in the course of the Civil War his firm, which was then located on Main street, supplied the troops about St. Louis with clothing.

Before he became ill he was strong and vigorous, and always an active spirit in the commercial affairs of the city. He was 71 years old.

He leaves a widow, three sons and a daughter. The children are: M. E. and Henry Green and Mrs. J. H. Rosenbauum of St. Louis, and Samuel Green of Chicago. The members of the family were all present at the bedside.

Mr. Green was a member of the Masonic fraternity, the Knights of Honor and the B'nai Brith Hebrew Society. The funeral will be under the auspices of some of these organizations.

The funeral services will be held at the family residence, No. 4364 Delmar boulevard, Thursday morning at 9 o'clock, and burial will be at new Mount Sinai Cemetery.

RICHARDSON CHOSEN GRAND COMMANDER.

Scottish Rite Masons Honor Tennessee Congressman—St. Louisan for Grand Chancellor.

REPUBLIC SPECIAL.

Washington, Oct. 22.—The Supreme Council of the Southern Jurisdiction of the Scottish Rite Masons, now holding its biennial session in Washington, met in executive session this morning at the House of the Temple and elected the following officers:

Grand commander, Acting Grand Commander James Daniel Richardson of Tennessee; lieutenant grand commander, Samuel E. Adams of Minnesota; grand chancellor, Martin Collins of St. Louis; grand minister of State, Rufus E. Fleming of North Dakota.

JAMES D. RICHARDSON.

Representative Richardson has been acting grand commander since the death of Thomas H. Carswell of San Francisco. His election to-day makes him the ranking Mason of the world, taking precedence over such noted Masons as Edward VII of England and President Diaz of Mexico. He will hold his new office for life. He will have at his disposal a dwelling, the House of the Temple, in this city, in which he may install himself and his family for the remainder of his days. He falls heir to a generous salary; when he travels far and wide upon the many official missions prescribed for him, his expenses will be paid without stipulation or limitation. At the same time he may retain his seat in Congress and draw the salary accruing therefrom.

Mr. Richardson becomes the ranking Mason of the world by virtue of two facts—first, that the Scottish Rite confers the highest Masonic degree, the Thirty-third; second, that he will preside over the world's oldest, or "mother," Supreme Council of that order. Thus he can claim Masonic superiority over Edward VII, King of England, and President Diaz of Mexico, respective grand patron and grand commander of Scottish Rite Masons of their countries. As sovereign grand commander, Representative Richardson will draw a Masonic salary of $3,000 a year for life.

About 200 Masons, representing all sections of the country, were elevated to the Thirty-third degree, or to the knights commandership of the Court of Honor.

CARTERS MAKE ANSWER.

Former Captain Denies His Receipt of Government Funds.

Chicago, Oct. 22.—The reply of Oberlin M. Carter, former Captain of United States Engineers, in the suit of the United States to regain $722,000 which it is alleged Carter embezzled from the Government, was received to-day and placed on file in the United States Circuit Court.

The demurrer of Captain Carter and that of the other defendants, Lorenzo D. and I. Stanton Carter, were also filed, and Judge Kohlsaat will be asked Monday to set a date to hear arguments and to determine just how much, if any, of the stolen funds are now in Chicago.

Captain Carter sent the papers from Fort Leavenworth, where he is confined.

In the demurrer Captain Carter says he never received from the contractor or from any one, directly or indirectly, any of the money or property referred to in the bill that ever belonged to the United States. He never received, he claims, any reward from the contracting firm, and did not conspire with them in anything prejudicial to the Government.

Captain Carter states further that he is advised that the court-martial sentence was not based on the receipt by him of money of the United States, but was founded on a statute which makes an officer liable for embezzlement in case he pays out money to a third person by mistake or where a third person is not by law entitled to it. He paid all these sums, he says, under a contract made by his superiors, and any money he now possesses belongs to him on his own account.

MRS. WITWER ON TRIAL.

Physician Testifies as to Result of an Autopsy.

Dayton, O., Oct. 22.—Mrs. Mary Witwer, the suspected wholesale poisoner, charged with the killing of her sister, Mrs. Anna Pugh, was placed on trial in the police court to-day for murder in the first degree.

The prisoner appeared calm and dignified, assisting her attorney in cross-examinations.

The principal witness placed on the stand was Doctor Breidenbach, who attended Mrs. Pugh in her fatal illness. He stated that the symptoms were those of arsenic poisoning.

SHOWMAN SHOOTS A STUDENT.

Young Man Had Previously Knocked Him Down.

REPUBLIC SPECIAL.

Helena, Ark., Oct. 22.—Erastus Smalley, a student of Mount Vernon School at Trenton, this county, was shot by a traveling showman last night.

The showman had cursed Smalley for some trivial matter, whereupon the young man knocked him down. A second attache of the show came to the relief of his friend and he too was knocked down. The first man got hold of a pistol and fired three shots at Smalley, one of them lodging in his thigh, from which it was extracted shortly afterwards. The wound is not a dangerous one.

WITNESSES TESTIFY FOR CALEB POWERS.

Accused Accessory to Goebel Murder Concluding His Side of the Case.

Georgetown, Ky., Oct. 22.—The attorneys for the defense in the trial of Caleb Powers stated to-day that they will close their case by Thursday or Friday. When the defense rests the jurors will be taken to Frankfort to inspect the Capitol and other places mentioned in the testimony. On Saturday the arguments will be heard, and it is now believed that a verdict will be rendered before the term of court expires, Saturday at midnight.

P. M. O'Reilly, an insurance man of Louisville, who was in the Senate chamber when Goebel was shot, said it was his impression that the shots were fired directly in front of the Statehouse, and not from the Executive building.

Former State Treasurer George W. Long testified that on the morning of January 30, the day Goebel was shot, he was instructed by W. S. Taylor to go to Louisville with Caleb Powers and Walter R. Day and make arrangements to bring men to Frankfort from Western Kentucky. The witness said that when Powers heard that Goebel had been shot, he said all chances for the Republicans to win the contest had been ruined.

Ed Mentz of Glasgow Junction and J. Frank Taylor of Glasgow testified that on January 30 they received telegrams from G. W. Long calling them to Louisville, and when they reached Louisville Mr. Long told them he had wanted them to bring some men to Frankfort from Western Kentucky, but the shooting of Goebel had upset all plans and that the men would not be brought.

Former State Treasurer Walter R. Day testified that he and Powers went to Louisville on January 30 to make arrangements to bring men from Western Kentucky to petition the Legislature. When Caleb Powers heard that Goebel had been shot M. Day testified that he said: "It's an outrage and will ruin our chances to gain our offices."

On cross-examination, Mr. Day said he was sent to Barbourville on January 30 to tell Powers that the Republican leaders had decided that it would be hurtful to their cause to bring men to Frankfort and to tell him not to allow them to come with arms. Powers said it was too late, for the crowd had already been organized.

Mr. Day told of a conversation he had with H. E. Youtsey, in which Youtsey told him he could settle the contest for the governorship for $990. Day asked him how it could be done. Youtsey would not say, but said he could settle it all right. Day said he did not care to talk with him, as he "was not that kind of a man." Youtsey said: "You are the Treasurer, and I thought you would be the man to come to."

WILL GIRDLE GLOBE TWICE.

St. Joseph Man Makes Novel Wager Involving Long Trip.

REPUBLIC SPECIAL.

St. Joseph, Mo., Oct. 22.—A. V. McSparren of No. 613 Francis street, this city, has joined the great army of globe trotters under conditions somewhat different from those usually imposed in contests of this kind.

There is a wager up, of course, otherwise there would be no zest to the performance. McSparren is to make two trips around the world instead of one, as is usually the case. Each trip must be made within one year and $5,000 must be accumulated in the making. If only one trip is made McSparren must forfeit $2,500. If he makes two trips and fails to accumulate $5,000 during each trip he must forfeit a like amount. If he makes two trips within two years he will receive $2,500 whether he makes $10,000 or not. He is to start penniless and may earn money in any manner he chooses. He is permitted to travel in any manner he may prefer, but must report from given stations along the route so that his friends will know that he is actually going around the world.

McSparren needs money to perfect a valve for pneumatic tires which he has invented and a wealthy friend gave him the double globe-trotting scheme as a means of earning the necessary funds.

RESIGNS FROM STATE BOARD.

John Felker Tenders His Resignation to Governor Yates.

REPUBLIC SPECIAL.

Springfield, Oct. 22.—John Felker, a member of the State Commission of Labor, tendered his resignation to Governor Yates to-day. At the same time the commission reported to Governor Yates on its investigation of the charges recently preferred against the State Mine Examiners, exculpating the examiners from all guilt. The Commissioners heard the testimony of several witnesses and claim to have found no evidence that mine examiners were showing partiality or resorting to unfairness in the conduct of their examinations.

Members of the Labor Commission declare that Felker's resignation has no connection with the investigation conducted today. They insist that he retired from the commission to accept the chief clerkship in the State Bureau of Labor Statistics.

Henry C. Lytton also resigned as director of the Chicago State Pawners' Society.

"A man leaving Saint Louis at 8:50 p. m. to-day will reach Joplin at 7:55 to-morrow morning, provided his ticket reads via the Frisco System. Or he can leave Saint Louis at 10:00 p. m. and arrive at Joplin at 10:05 a. m. next day via same route."

BIRTHDAY OF THE EMPRESS.

Anniversary Celebrated by Many German Patriotic Societies.

Berlin, Oct. 22.—To-day is the birthday of Empress Augusta Victoria, and flags were displayed on all public and many private buildings.

There were no court festivities, owing to her Majesty's indisposition, and to the fact that the imperial family is in mourning for the late Queen Victoria.

A congratulatory address, beautifully bound and bearing 18,000 signatures, was presented by the citizens of Berlin, and many patriotic societies celebrated the anniversary.

SEASONABLE HINTS.

Guard Your Health in Fall and Early Winter.

A change from warm to cold is always attended with more danger than from a cold to a warm temperature, hence the greater mortality from lung and throat diseases at this season of the year as compared with spring.

The best protection against colds is not so much in extra clothing as in good digestion.

If the digestion and circulation are good, colds will be unknown.

Poor digestion causes poor circulation of the blood and when in this condition severe colds are contracted on the slightest provocation.

People who make a regular practice of taking Stuart's Dyspepsia Tablets after meals are free from colds, simply because their digestion is perfect, the heart strong and regular and the whole system fortified against disease.

It requires little argument to convince any one that the best safeguard against colds, pneumonia and changes of temperature is a good stomach.

Stuart's Dyspepsia Tablets taken after meals are dissolved, and, mingling with the food, cause it to be promptly digested and assimilated; they do this because they contain nothing but harmless digestive elements, which digest meat, eggs and other food even when the stomach itself is weak and flaccid.

Stuart's Dyspepsia Tablets make people well and keep them well, and the best habit you can acquire is to keep daily use of them at meals to make the digestive organs strong and vigorous.

$20 to $50,

To Order.

Overcoats.

Kerseys, Meltons, Etc.

Arnheim

The Tailor,

Broadway and Pine Street.

NEW TRACK and EQUIPMENT via

B. & O. S-W.

ONLY $21 To NEW YORK.

Stop-overs at Washington, Baltimore and Philadelphia. Short and direct line to Cincinnati and Louisville. A la carte Dining Cars.

NEW ARMY UNIFORM.

Khaki Cloth to Be Used for Tents and Clothing.

Washington, Oct. 22.—The army is now in possession of a khaki cloth for uniforms which is proof against sun, washing and perspiration, so far as color goes, according to a statement in the annual report of Acting Quartermaster General Kimball. But the cotton khaki-dyed shirts have not proved a success, and some shirts are being made for trial of woolen material.

For tropical use the army blanket is now being made much lighter than the old standard. The white tents have gone for all time, and khaki-dyed tentage is the rule in the army now. No more white tents will be purchased.

Last year $1,475,729 was expended for horses, mules and wagons, and there were shipped to the Philippines and China 4,881 cavalry horses, 4,337 horses for mounted infantry, 252 artillery horses, 3,513 draft mules and 765 pack mules.

The report deals at length with the transport service, and points out that experience has developed skill in handling and shipping animals, so that the losses now are very small.

CARNEGIE WILL ACCEPT.

Agrees to Become Lord Rector of St. Andrew's University.

London, Oct. 22.—Andrew Carnegie, replying to the unanimous request of the students that he allow himself to be nominated to the lord rectorship of St. Andrew's University, in successorship to Professor James Stewart, whose term expires in November, has accepted the nomination.

Fourth-class Postmasters.

REPUBLIC SPECIAL.

Washington, Oct. 22.—The following fourth-class Postmasters were appointed today:

Indian Territory—Tandy, Choctaw Nation, L. D. Elwood, vice D. D. Choate, resigned; Tuskegee, Creek Nation, C. G. Crow, vice J. C. Bowers, resigned.

Kansas—Silver Lake, Shawnee County, G. K. Allbee, vice J. M. Vanorsdol, removed.

Missouri—Keiso, Scott County, L. Dannenmueller, vice Julia Klein, dead.

Nebraska—Hoskins, Wayne County, Frank S. Bender, vice L. Ziemer, removed.

Tennessee—Mowbray, Hamilton County, L. Patterson, vice L. A. Reynolds, resigned; Whiteside, Marion County, A. M. Quinn, vice D. S. Tate, removed.

Texas—Davis, Lamar County, W. G. McCutcheon, vice W. A. Tilges, resigned; Democrat, Comanche County, T. B. Poreland, vice L. P. Hill, removed; Dingler, Comanche County, W. H. Eargle, vice E. H. F. Nichols, dead; Hillendahl, Harris County, L. F. Golbow, vice W. H. Lloyd, Jr., resigned; Ozark, Lamar County, J. E. Reeves, vice J. W. Martin, resigned; Royal, Shelby County, T. J. Brymer, vice L. C. Ramsey, resigned.

AYER'S CHERRY PECTORAL

Equally good for mother and child. The dose is different, that's all.

For the mother when she has a cold, a cough, or a weak throat; for the child when it has the croup. For the mother when she has bronchitis or asthma; for the child when it has a night cough or the cough of measles.

We wish you would consult your doctor more freely about our medicines.

"For more than 40 years I have kept Ayer's Cherry Pectoral in the house, and I do not believe there is a remedy in the world equal to it for all throat and lung troubles."—Mrs. Mary J. Young, Clifford, N. Y.

50c., 50c., $1.00. J. C. AYER CO., Lowell, Mass.

COFFEE DID IT.

Would Have Been Fatal if Kept Up.

"Coffee!! Oh, how I did want it after the nervous strain of public work. Something warm to brace me up was all the breakfast I craved, but every time I drank it I suffered the dying sensation that follows it, with heart fluttering and throbbing of the throat and ears.

"I had no strength to throw away in that way, so decided that hot water must do for me.

"One morning I came to breakfast in the home of some friends in Pueblo, Colo., just in time to see the mother pouring some rich deep yellow coffee into mugs for the two little boys. One little chap had thrust his fingers in the mug and was licking them with such approving smacks. This opened the way for me to say, 'Are you not afraid of the effects of coffee on the little folks?' The mother explained that it was Postum Food Coffee made at Battle Creek, Michigan, and remarked, 'We think there is nothing like it.' Then she explained how the new coffee had weaned them away from the use of the old-fashioned coffee and tea because 'it is so wholesome.' I drank it there for the first time, and was delighted, not only with the delicious flavor, but the after satisfaction it gives. One day I was speaking with our family physician's wife about Postum, when her daughter remarked, 'Yes, mamma, we are out of Postum, and I have used coffee for the last two mornings and it always brings the tired feeling and troubles my stomach and bowels, but Postum makes me feel all right.'

"In one home they served Postum in such a way that it was tasteless. I have found that Postum boiled sometimes five minut