SILVER AND LEAD.

Silver, 57⅝ cents per ounce.
Copper, 15⅝c per pound.
Lead, A. S. & R. Co.'s price, $3.90; New York exchange, $4.37½.

THE SALT LAKE HERALD.

WEATHER TODAY.

Forecast for Salt Lake.
Increasing cloudiness and threatening weather by evening.

TWENTY-NINTH YEAR. SALT LAKE CITY, UTAH: WEDNESDAY, OCTOBER 23, 1901 NUMBER 150

CZOLGOSZ ASKS FOR SPIRITUAL CONSOLATION

Assassin, Realizing That His End is Near, Begs Permission to See a Priest.

But He Refuses to Renounce Anarchism and the Comfort He Sought is Withheld.

AUBURN, N. Y., Oct. 22.—Leon F. Czolgosz, the assassin of President McKinley, and who is awaiting electrocution in the prison here during the week commencing next Monday, fully realizing that his death is now a question of a few days, has asked for spiritual consolation, and this afternoon received a visit from the Rev. T. Szardinski, a Polish priest of the Roman Catholic church.

Czolgosz's request for a priest of his own nationality was made to the warden this morning. Father Szardinski, who is pastor of St. Staninlaus church, Rochester, was in this city attending the forty hours' devotion of St. Alphonsus church, and was asked to visit the prisoner. This afternoon he went to the prison and remained there about an hour.

The interview between priest and prisoner proved very unsatisfactory to both. It took place in the condemned man's cell, and the conversation was carried on in Polish. During the interview Czolgosz said that he had been baptized in the Roman Catholic faith in the Polish church in Detroit. He had abandoned the church early in life, and had lost all faith in its teachings.

WOULD NOT RENOUNCE ANARCHISM.

Father Szardinski urged him to renounce his belief in anarchism and return to the faith of his early years. Czolgosz declared his inability to do so, and he was informed that unless he could, the consolation of the church would be denied him.

The priest urged the condemned man to consider the matter carefully, and told him that if at any time he decided to re-embrace the faith he would return from his home in Rochester and stay with him until the end.

Father Szardinski, before taking his departure, left with Czolgosz some Catholic literature printed in Polish, and also some emblems of the church. Czolgosz assured Father Szardinski that in case he determined to accept the offices of religion he would send for him, but he did not hold out much hope that he would renounce the doctrines of anarchism.

Warden Mead and Superintendent Collins, at their conference in Albany yesterday, arranged all details and fixed upon those to be invited to witness the execution. The law requires that invitations be sent out three days before the date of execution, and the law will be lived up to in the present instance.

FATAL WRECK ON SHORT LINE.

West Bound Fast Mail Thrown From Track at McCammon, Idaho, and the Engineer and Fireman Are Killed—Baggageman Was Injured.

(Special to The Herald.)

Pocatello, Ida., Oct. 22.—Two men were killed and one injured in the wreck of the Oregon Short Line westbound train No. 1, the fast mail, four miles west of McCammon, at 3:20 o'clock this afternoon.

The Dead.

Edward Purcell of Pocatello, engineer.

Paul Spidell of Pocatello, fireman.

Both men are married and have families. The baggageman, whose name could not be learned, was injured. None of the passengers was hurt.

The accident was caused by dirt left on the track by graders. At this point there is a thirty-foot fill. The train was on time and was going along at the rate of thirty miles an hour when the dirt threw the engine off the track. Plunging over the embankment, it dragged the mail and baggage cars and coach after it. These were wrecked with the engine. The first Pullman sleeper were thrown from the track, but were not wrecked.

Both engineer and fireman stuck by their posts. They were found crushed in the debris.

News of the disaster was wired to Pocatello and Salt Lake. Dr. C. H. Pinkerton, chief surgeon of the Short Line, came north early in the evening on a special train. The wrecking train was also hurried to the scene.

According to late reports the track had been cleared and it was expected that the passengers would be brought into Pocatello by 2:30 o'clock in the morning.

BUMPTICUS GAME WARDEN SCORES INDIAN AGENT

(Special to The Herald.)

Denver, Oct. 22.—Game Warden James Bush, who was called to Denver because of too much zeal and some interference with legitimate hunting, has several kicks coming on the way things are managed in Routt and Rio Blanco counties. He says he thinks the Indian agent ought to be discharged.

"I tell you what," he said, "you can't adopt any lenient policy with Indians. If I were Indian agent I'd summon the militia and a sheriff and posse and surround the Indians, confiscate all their stock and guns and supplies and set 'em on foot to get out of the state as quick as they could.

"Myton is afraid to take any really decided steps. If I were President Roosevelt, understanding game conditions as he does, I'd fire Myton quick as a wink and put an old soldier in there, or at least some one who would know how to handle the situation.

"The game situation is worse this year that it has ever been before. Besides the Indian depredations, the stock and the game are being harried by the coursing of hounds by hunters."

Washington, Oct. 22.—Very few of the Indians from the White Rocks (Utah) reservation are hunting on Colorado lands, and one of these, it is charged by their agent, H. P. Myton, is being persecuted by the Colorado game warden.

This is the gist of the official report received today from Mr. Myton on his investigation of the charges that his Indians are violating the Colorado game laws. He telegraphs as follows from Meeker, Colo.:

"I believe the game wardens of Colorado are persecuting Eggleston, one of my Indians. He was acquitted before a jury in Rio Blanco county, where they charged the offense was committed. After the jury returned a verdict of not guilty, the game warden, as I am told, without authority of law, took him to Glenwood Springs, where he is now in jail. Please ask the department of justice to order the United States attorney to defend him. The game wardens should be made to pay for Eggleston's property that they have destroyed. The citizens of this county believe Eggleston has been persecuted. Very few of my Indians are hunting in Colorado.'

Work of Missionaries.

Chicago, Oct. 22.—The fifty-fifth annual meeting of the American Missionary association began here today and will continue tomorrow and Thursday. The report of the executive committee, read by Chairman C. A. Hull of Brooklyn, said the association had just closed a year of uncommon prosperity. The report shows receipts of $351,370 and expenditures of $353,372.

Root Back at Washington.

Washington, Oct. 22.—Secretary Root arrived in Washington today and was driven directly to his residence. He will resume his duties at the war department tomorrow.

TO TEST TRUTH OF DR. KOCH'S STATEMENT

New York, Oct. 22.—Determined to disprove by actual tests if posibsle the declaration of Dr. Koch, the eminent Berlin specialist, that human tuberculosis and bovine tuberculosis are not intercommunicable, a most important and thorough experiment has begun in Brooklyn. Dr. George D. Barney will conduct the tests.

Dr. Barney, the prime mover in the matter, like many other physicians, refused to accept as well founded Dr. Koch's statement made before the international tuberculosis congress in London last August. Dr. Koch at that time claimed that tubercular bacilli of a cow could not inoculate a human being, contrary to the accepted medical view of such conditions. Dr. Barney said yesterday:

"If Dr. Koch's statement be true, just consider how much money has been wasted and is still being wasted every day. I understand the state of New York has already spent something like $2,000,000 in the destruction of cattle affected with tuberculosis. Immediately after I heard of Dr. Koch's theory I determined to test its soundness, as I am convinced that it is wrong.

"Selecting a cow and taking great care that she should be in the best condition of health, we have made several tests to prove that she is in a perfectly healthy condition, and we have concluded to inoculate the animal with the human tubercular bacilli. This experiment will soon show conclusively the truth or falsity of Dr. Koch's proposition."

Fire on Ferry Boat.

New York, Oct. 22.—Fire was discovered in the boiler room of the ferry boat Elizabeth of the Central railroad of New Jersey early today, while she was making a trip between New York and Jersey City. There were few passengers on board at the time and they were all put ashore in safety. As the fire spread rapidly the boat was taken out into mid-stream and water was pumped into her hold. The fire was under control after an hour's work by the firemen and the boat was beached on the Jersey flats. The loss is estimated at $50,000.

Stenographers For Federal Courts.

Bloomington, Ills., Oct. 22.—The National Shorthand Reporters' association has decided to ask congress to pass a law providing for the appointment of an official reporter in every federal court of the country. The plan is to formulate a bill providing for the appointment of a reporter in each federal court, the judge being empowered to make his own selection, and also that a file of all testimony be preserved. A committee of members of the national association will meet in Washington next month to draft such a measure.

COMPANION OF MISS STONE DIES

Mme. Tsilka Perishes in the Hands of Brigands.

TURKS KILL HER BROTHER

BULGARIAN OFFICERS RESORT TO TORTURES.

Sofia, Bulgaria, Oct. 22.—It is reported that Mme. Tsilka, the companion of Miss Ellen M. Stone, the American missionary captured by brigands, died recently in captivity.

London, Oct. 23.—The Morning Leader publishes the following communication dated Saturday, Oct. 19, from Sofia:

"On the frontier, near Grossbelovo yesterday, five fugitives from Banista, Macedonia—among them a brother of Mme. Tsilka, Miss Stone's companion—were shot dead by Turkish frontier guards while endeavoring to cross into Bulgarian territory.

"United States Consul General Dickinson, believing that they were members of the American missionary church has demanded an official inquiry. Great brutality exists in the district between Banista and the frontier. Turkish officials have arrested over 200 residents of Bulgarian nationality and subjected them to torture in order to wring from them information as to Miss Stone's whereabouts. Several of them died under torture.

"The Bulgarian authorities, likewise, worried over the affair, are continuously arresting fugitives from Macedonia, and this causes bad blood."

"It is reported from Sofia," says the Vienna correspondent of the Daily Mail, "that United States Consul General Dickinson received intelligence from shepherds that Miss Stone was seen at Jakoouda, on Turkish territory, about two hours' journey from the Bulgarian frontier.

CANNOT FIND BRIGANDS.

All Efforts to Get in Touch With Them Have Failed.

New York, Oct. 22.—From Samakov correspondents the Journal and Advertiser has obtained the following details concerning the pursuit of the kidnapers of Miss Stone, the American missionary:

Your correspondent has just returned to Samakov after a fortnight's vain endeavor to get into communication with the brigands. At Diumeyer the Kaiman or local governor refused to give a written statement, but told your correspondent of the track taken by the brigands into Bulgarian territory.

The brigands are still wandering round that region near Gultepe and the two governments with gendarmie, soldiers and secret agents are trying to find them. The four brigands who have been arrested stoutly maintain that they are not connected with the band that captured Miss Stone. They have been summoned to appear at Dubnitza and be examined by a Turkish special commission. This may be a Turkish effort to make protestants appear as accomplices in the Stone capture.

Owing to the severe frost prevailing in the mountains all efforts to send parcels of clothes and other necessaries to Miss Stone, who must be suffering from the cold, have been baffled.

All attempts to communicate with the brigands have been unsuccessful. The bandits are apparently afraid of treachery and determined not to disclose their hiding place.

To Organize Search Party.

Constantinople, Oct. 22.—Should no news be received during the next forty-eight hours from the missionaries who are seeking the captors of Miss Ellen M. Stone, more missionaries will be sent to assist in locating the brigand band. It is understood that the missionaries have been waiting at places in the vicinity of where the brigands are supposed to be, expecting to receive a communication from them. It is proposed now that a search party shall be organized to penetrate to the brigand's retreat.

May Accept Less Ransom.

London, Oct. 23—Dr. Dickinson thinks that if the original Macedonian promoters of the abduction of Miss Stone can be arrested, the brigands who acted under their orders would accept a smaller ransom. As the Bulgarian government is prepared to act vigorously if sufficient proof is forthcoming, says the Vienna correspondent of the Times, this method of proceeding may perhaps prove successful.

Blame the Turks.

Vienna, Oct. 22.—"Miss Stone was captured," says the Sofia correspondent of the Neus Weiner Journal, "not by brigands, but by a detachment of Turkish cavalry at the instigation of the sultan."

MISS ALDRICH CREATES SCENE IN NEW YORK HOTEL

(Special to The Herald.)

New York, Oct. 22.—The usual quiet of the Sturtevant House was startled this afternoon by shrieks and cries for help. Guests and servants ran to an apartment on the parlor floor and found Blanche Aldrich in hysterics. A long-haired man was at her side. A physician revived her.

Then she told her story. She said she had a wealthy father in Salt Lake. She wanted to be the star in her own play, having decided to adopt the stage. She advertised for plays, and had received wagonloads. For several days she had been putting in ten and twelve hours reading or having them read to her. This extraordinary work was too much for any woman's nerves, and so she collapsed.

The physician agreed with her. She fainted several times. The physician told her to hire somebody to digest her plays for her.

Miss Aldrich is a Salt Lake girl and well known here as a performer in the amateur class, although she has appeared on the professional stage. She left Salt Lake last winter with Lincoln J. Carter's "Eleventh Hour" company, the leading woman having become ill in Wyoming. After being with the company a short while she returned to Salt Lake and made a brief stay, then started for New York to take a position on the professional stage.

A FULL MEASURE.

INSURGENTS ARE ACTIVE IN SAMAR

Alarming Reports Received From Admiral Rodgers.

TROOPS SENT TO THE FRONT

GEN. CHAFFEE TAKES STEPS TO SUPPRESS REBELLION.

Washington, Oct. 22.—The navy department has received the following cablegram from Rear Admiral Rodgers:

"Cavite, Oct. 22.—Secretary of the Navy, Washington: Active insurrection in Samar. New York leaves today for Catabalogan with 300 marines, to return to Basey and Balangiga to cooperate with army. Nearly all naval force concentrated on Samar patrol. Services of Arethusa and Zafiro, two colliers, needed and being utilized.

(Signed.) "RODGERS."

Naval officials construe the dispatch to mean that the New York will go first to Catabalogan and then Basey and Balangiga, landing detachments of marines at each point.

Manila, Oct. 22.—General Chaffee does not expect to hear of any extensive engagement in the island of Samar. He believes the operations there will not result in an open fight. It is hard to find armed Filipinos, but every man without occupation will be compelled to go into a town. It is expected that all the rifles captured by the Filipinos at Balangiga are now in the island of Leyte, where many bolomen are known to have gone from the island of Samar. In fact, Leyte is as disturbed as Samar.

The object of the reinforcement of American troops now being pushed forward is to increase all the garrisons to thirty-eight men. Some of them have, until recently, numbered only eight men. The reinforcements will also allow the detailing of a working force to operate in the field, hunting for insurgents.

General Wheaton reports that a band of bolomen has entered Tarlac province, island of Luzon, through Bulangan province, and that the men composing it are distributing inflammatory bulletins, which are posted on the church doors, warning the people to prepare to take the field in January. Some of the friendly natives were informed by bolomen that various bands of armed natives would shortly concentrate in the vicinity of Rosales.

A harmonious agreement has been reached between Governor General Taft and General Chaffee regarding habeas corpus proceedings in the case of military prisoners. The law has been amended so as to cover such cases.

MORGAN VISITS BIG COPPER MINES AT BUTTE

(Special to The Herald.)

Butte, Mont., Oct. 22.—J. Pierpont Morgan, who is the guest of President Mellen of the Northern Pacific, arrived in the city from the west this morning and put in the day visiting the mines and smelters of the Amalgamated companies. Mr. Morgan is accompanied by Bishop Doane and other churchmen, and the party this afternoon descended into the deep Anaconda mine, 2,000 feet below the surface. When he returned to the surface Mr. Morgan was asked if he found it hot "down there." "No," he replied. "I don't mind that at all. I have been in hotter places than that in my time."

Several attempts were made to interview Mr. Morgan, but the Pinkerton's men would not permit reporters to approach him and Mr. Morgan objected to reporters going into the mine with him.

It is regarded as significant, in view of the railroad situation and affairs in the copper market, that Mr. Morgan is the guest of President Mellen and was shown special attention by the Amalgamated copper people while in Butte and Anaconda. The denial is made for Mr. Morgan that he has any interest in the copper fight between Heinze and the Amalgamated company or that he is backing Heinze financially. The Morgan party will continue eastward tomorrow morning.

CRY OF FIRE IN A THEATRE.

Stampede Occurs in Louisville Place of Amusement and Many Persons Are Badly Injured in the Attempt to Rush Out of the Building.

Louisville, Ky., Oct. 22.—Several hundred persons attempted to rush out of the Temple theatre this afternoon because the cry of fire was raised when a little flame was seen about a polyscope machine. In the scramble many were knocked down and more than twenty were badly hurt, two or three so seriously that it is feared they will not survive their injuries. The following were knocked down and thirteen injured, three seriously. Of the latter, one may die. A number of other persons were bruised or cut, but their injuries were slight."

The Injured.

Frank McDonald, head injured; may die.

Mrs. Leonora Roth, two ribs broken and right eye injured; condition serious.

Mrs. Charles Gross, head cut and injured internally; condition serious.

Omar Pullman (colored), right ankle broken in jumping from balcony.

L. Fine, operator of polyscope; face and head bruised.

Frank Latch, head cut and back injured.

Mrs. Opal Jennings, head bruised.

Mrs. George Schnitt, head cut.

Four-year-old daughter of Mrs. Schnitt, back injured.

Mrs. Mary Welsh, leg and arm bruised.

Mrs. Mary Hulzer, back hurt.

Miss Mary Plunk, head hurt.

Infant niece of Miss Mary Plunk, back hurt.

It was about 3:30 o'clock, just after the first act of "Tennessee's Pardner," and while the polyscope was being gotten ready, that the little flash of flame came that caused the panic. Many women and children, who mainly composed the audience, made a rush for the door. The panic seized the gallery, and in a moment the occupants were plunging down the stairs or were taking the swifter method of climbing down into the auditorium proper. In their haste many fell, landing on those beneath. Several were badly hurt in this way.

The attaches of the theatre attempted to stop the mad rush. The band played and a member of the stock company danced. This had much effect in quieting those nearest the stage.

The great crush occurred where the steps come down from the gallery. Here the two crowds met and were packed into a space not large enough for half of them. The weaker were soon knocked down and trampled under foot. The crowd literally rolled down the long flight of stairs.

As soon as the rush was over, the care of the injured began. A big room was converted into a temperorary hospital, from which every patrol wagon and ambulance in the city was soon engaged in hauling the more seriously wounded to the hospitals or their homes.

There was no damage from the fire. It is said the extent of the fire was the blowing out of a fuse on the polyscope.

ANNIHILATION OF THE BEET SUGAR INDUSTRY THREATENED BY TRUST

(Special to The Herald.)

New York, Oct. 22.—Annihilation of the beet sugar growing industry of the whole country is threatened by the American Sugar Refining company. The plan is to abolish the protective system, to admit sugar free of duty and to turn over to the sugar trust and its few associates the whole business of refining and distributing sugar.

The sugar trust increased its capital from $75,000,000 to $100,000,000 in September. Now the report in the trade is that this extra capital was raised that the company might wipe out the beet and cane sugar industry.

No evidence that the annihilation of the beet sugar industry of the country was threatened came to light until today. Then a circular was published which showed conclusively that this was the trust's idea. The circular was issued by Willett & Gray.

This publication recommends less than the abolition of duties on all sugar and makes special reference to Cuba and the cost of sugar in Cuba. It was the general opinion in the sugar trade that abolition of duties by congress where the fight undoubtedly will come later will make it impossible for the farmers to grow sugar beets profitably.

The immediate effect would be to turn over to the refiners of sugar the whole industry, free from the aggressive competition of the growers of sugar beets.

FIND GIRL'S BODY IN AN OLD TRUNK

Spokane, Wash., Oct. 22.—In a deserted tunnel in the Blue mountains in eastern Oregon, Frank Vigord, a miner, found the body of a girl crowded into an old trunk. A deep gash in the head showed the manner of death. The body had evidently been placed there two months before and was terribly decomposed.

Several months ago a man and wife drove up the lonely trail to Vigord's cabin. They asked the privilege of camping in the old tunnel mouth. He gave them food. In the morning they had gone.

Railroad Man's Suicide.

Tacoma, Wash., Oct. 22.—Oscar M. Osborne, surveyor of bridge building on the Northern Pacific, committed suicide by shooting himself in the head with a revolver while he lay on his bed at his residence in Tacoma at 7:45 this morning. His widow and two adopted children survive him. He was an expert in his business and had been in the service of the railroad company for twenty years. Despondency over a nervous affection was the cause.

Miss Eastwick Pleads Guilty.

London, Oct. 22.—Marie Josephine Eastwick, the young Philadelphia woman who was committed Oct. 1 in the Guild Hall police court for trial at the Old Bailey on a charge of having forged a railroad certificate to the value of £100,000, was arraigned today and pleaded guilty. Sentence was postponed to the next session of court in order to allow an examination to be made as to the prisoner's sanity.

HUNTER IS KILLED AND EATEN BY WILD BEAST

Metropolis, Ills., Oct. 22.—News has been received here that a hunter was killed and partly eaten by a wild animal among the bluffs near Glendale, twenty miles from here. Another hunter heard the man's cries and on reaching the spot was horrified to see the savage beast crouching over the dead form of his companion and tearing at his mangled and bleeding flesh, a large portion of which had already been eaten.

When the animal saw the second hunter it sprang at him and a desperate fight followed. By the use of a hunting knife he fought the animal off. There were evidences that the dead hunter and beast had a fierce struggle.

Rebels Are Executed.

Berlin, Oct. 22.—It is announced in a dispatch received here from Swatow that 140 rebels have been executed and that order has been restored in the Hsung Ning district, where several missions have recently been destroyed.

Will Marry a Gould.

New York, Oct. 22.—The engagement is announced of Miss Helen Margaret Kelly and Frank Jay Gould, the youngest son of the late Jay Gould. Miss Kelly is a daughter of the late Edward Kelly. The wedding will occur in the spring.

Withdraws Divorce Action.

Edinburgh, Oct. 22.—Lord Rosslyn has formally withdrawn the action for divorce which he brought against the countess in February last.

BROOKLYN ALONE FOUGHT THREE SPANISH SHIPS

Admiral Schley's Danger Until the Oregon Showed Up at Battle of Santiago.

Witnesses Tell of the Commodore's Brave Actions and How He Encouraged His Men.

Washington, Oct. 22.—The Schley court of inquiry opened today 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 Santiago 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 George E. Graham, who, as an Associated Press correspondent, was with Commodore Schley during the entire campaign.

Mr. Graham's testimony covered all the principal events of the campaign, especially the bombardment of the Spanish ship Colon on May 31, and the battle of Santiago on July 3. Mr. Graham testified to hearing a conversation between Commodore Schley and Captain Sigsbee, when the latter came on board the flagship Brooklyn off Santiago, May 26. He said he had 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 that 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 their 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.

Wells on the Stand.

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.

The first of the orders of this character stated that "department does not wish the vessels of your squadron to be exposed to the fire of the batteries at Havana, Santiago or other strongly fortified positions in Cuba," and the orders were regarded as modifications of these. In the last of these, dated May 6, the department said: "The department is perfectly willing that you should expose your ships to the heaviest guns of land batteries if, in your judgment, there are Spanish vessels of sufficient military importance protected by these guns to make an attack advisable, your chief aim for the present being the destruction of the enemy's principal vessels."

After having read these different dispatches the witness was asked by Captain Lemly: "Can you separate your knowledge in regard to the conversations with Commodore Schley so as to distinguish between either of the two orders or both of these orders, and as to whether or not anything was said with regard to the receipt of information in relation to these letters herewith you have before you during the interview of May 8 in Key West?"

Not to Risk the Ships.

"No, sir. I do not distinguish between any of them. I have given my general remembrance, which is that the order was not to risk the ships."

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 restrictions were sent 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 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 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 Albert V. Mason called. He was questioned by Captain Parker, and said that he had been a yeoman of the 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.

Account of Brooklyn's Turn.

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 starboard at first, then hard aport, so as to bring our starboard battery to bear and swinging clear of the Texas' 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 aport, swinging clear of the Texas," etc.

Mr. Mason then retired, and George Edward Graham, the Associated Press correspondent, was called. He was questioned by Mr. Raynor, and said he had been on the Brooklyn from March 29 to Aug. 30, 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 26, as follows:

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

"Yes, sir."

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

"Yes, sir."

"Can you give us what the conversation was?"

Schley's Talk With Sigsbee.

"After he had reached the quarter deck from the gangway he stopped, and Commodore Schley said to him: 'Have we got 'em, Sigsbee?' The captain said: '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 further aft, further back on the quarter deck, 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 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 advised 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."

"Captain Sigsbee took that dispatch?"

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

"Do you remember the reconnoissance of May 31?"

"Yes, sir. I was on board the Massachusetts."

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

Bombardment of Colon.

"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 don't think you 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. Commodore 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."

Didn't Hear Schley Say It.

"Were you present at any conversation 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 has 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."

"Was Potts present at that time?"

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

The witness said he was with the commodore during the whole of the reconnoissance 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.

With Schley All the Time.

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

"None," was the response.

"And you were with him all the time?"

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

After concluding his narrative of this incident the witness was asked about suspicious incidents in the harbor at Santiago on the evening of July 2, and he said he recalled that the commodore had sent the Vixen to investigate.

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 Spanish ship 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: 'Didn't see it, Simpson, but keep at it.'"

Continuing, the 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 line-shape order.

"The commodore," he said at this point, "stood all the time on the side of the fire so he could see what was