

## SAMPSON'S ATTORNEY

Silent But Attentive Spectator at Court of Inquiry.

### DRAGNET HAULING IN TESTIMONY.

Captain Lemly Expects to Conclude Government's Side of the Inquest Next Week—Schley's Counsel Gives the Precept a Rip.

Washington, Sept. 27.—As usual Admiral Dewey lost no time in bringing the Schley court of inquiry to order, and as usual the counsel on both sides of the case were in their seats and prepared to proceed promptly with business.

Captain Lemly estimates that he will be able to conclude the presentation of the government side of the case by the close of next week if no unforeseen contingency arises to cause delay. He says he will have about 15 or 20 more witnesses to introduce.

One of the most regular attendants upon the court is William Slayton, the attorney, who is understood to be prepared to represent other naval officers than Admiral Schley. He sits outside the rail and does not in any way participate in the proceedings. He said that so long as Admiral Sampson was kept out of the case he will have nothing to say.

Judge Advocate Lemly read a letter from Admiral Sampson dated at Lake Superior, N. H., Sept. 10, asking that Messrs. Slayton and Campbell be allowed to represent him in the case. The court decided that they could not appear.

Captain Wise was recalled to make verbal changes in the official copy of his testimony. He altered his previous statement concerning the order of the navy department of May 20, 1898, in which he was directed to "inform every vessel off Santiago that the flying squadron is off Cienfuegos," saying he desired to correct his response to the court's question as to why this order was not carried out by stating that it had been carried out. "The flying squadron was ordered to proceed with all possible dispatch," he said, and added: "I did not desire to inform the commodore of the flying squadron of his own movements. The order was to inform commanders of movements of the flying squadron."

The court then asked: "Did you direct Captain Sigsbee to give Commodore Schley the information contained in the dispatch from the navy department regarding the whereabouts of the Spanish squadron?" "I did not."

#### Lieut. Wood Testifies.

Lieutenant Spencer S. Wood, who commanded the dispatch boat during the Spanish war was then called and continued his testimony begun Thursday. Mr. Rayner resumed his cross-examination. Witness said that while off Cienfuegos he had been on picket duty two miles from shore the night of May 22 and had been instructed to signal the squadron with two red lights in case the enemy's torpedo boats came out of the harbor. Mr. Rayner then read from the testimony of Captain Harber of the Texas, saying that there had been no picket vessels within the line of the fleet off Cienfuegos. The witness said that the statement was wrong. Captain Lemly said Captain Harber had testified that there were no pickets "so far as he could recall," to which Mr. Rayner responded "We are not impeaching Captain Harber's veracity. We are impeaching his recollection, not his integrity."

Mr. Rayner—"Captain Harber has stated that there were picket boats at Cienfuegos. He was wrong, was he not?" "He was," replied the witness. "As I have seen since the commander-in-chief also reported that the Dupont was not there. I have written the department that I was there. Other people forgot about it too."

"You are trying now to justify Captain Harber's want of recollection by stating that the commander-in-chief wrote a letter that there were no picket boats there." "He did not mention their presence and I corrected it."

"Do you recollect any statement made by the commander-in-chief when he had a picket boat within the picket line that he had arranged a signal from the picket boat to the flagship?" "He did not mention any and I have a letter on file in the department calling attention to the omission in that report."

"I call your attention to the report of the commander-in-chief in which he states the 'line of blockade,' etc." "I wish to bring it out that the Dupont was on the inside line and that is the report I made to the department. I still stand on the point that he is not bringing out where the torpedo boat was."

"You are perfectly right about that, but you are not asked in reference to any criticism you may have upon the report of the commander-in-chief. The

question is this: Captain Harber has definitely stated that there was no picket boat inside the line at Cienfuegos. You say there was and that the Dupont was one of those boats?" "I was inside the line, inside the Castles."

By the court: "Could you see the Texas from the Dupont during the night of May 22 and 23?" "No, sir." Mr. Hanna asked what steps had been taken while the flying squadron was off Cienfuegos to ascertain if the Spanish fleet was inside the harbor there?" "None that I know of," was the response.

"Was there any effort to destroy the shore batteries there?" The witness replied that he knew of none. He said replying to another question by Mr. Rayner that vessels in the inside harbor could not have been discerned from the outside.

Lieutenant Wood was then dismissed, and as he was leaving the court room, Mr. Hanna took occasion to say: "I will make an announcement while we are waiting. There has been introduced before the court a question of the correctness of the identity of a certain very important dispatch sent by the Harvard, May 7, from off Santiago by the commanding officers of the flying squadron. It appears that in the process of translation from the commander-in-chief to the department some changes in the language of that dispatch occurred. I do not desire at this moment to interrupt the proceedings by any discussion of that point, but I shall merely make the announcement here that we intend to enter into that matter very fully and completely; that is to say, as fully and as completely as the court may desire, before we leave it."

#### Lieut. Hood on the Stand.

Lieutenant John Hood, who during the war commanded the Hawk was the next witness. He said that May 23, he delivered dispatches from Admiral Sampson to Admiral Schley when the latter was off Cienfuegos. He related that he had been called aboard the New York, Admiral Sampson's flagship, May 21, when the officers on board were preparing dispatches. He spoke of the presence of Admiral Sampson. Mr. Rayner objected to the introduction of conversation of verbal orders, saying the orders would speak for themselves and must necessarily supersede any verbal instructions. The question was argued at some length by Mr. Rayner and Captain Lemly. In closing his response the judge advocate said: "An objection of this character is almost equivalent to withdrawing the request for an investigation. He has asked to have the judgment of his brother officers in this matter. Let us have it and don't put technical obstacles in the way of having the investigation."

Mr. Rayner responded briefly. "I only desire to state that while this is our investigation those are your specifications under the precept. We asked for this investigation and instead of letting us give the precept under which we would like to have the inquiry take place you form a precept of your own. Here is an applicant who asks for a court of inquiry under specifications framed by others and not by himself." The court retired to consider the objection, remaining out longer than on any other previous occasion. Admiral Dewey read the court's decision as follows: "The court sustains the objections of counsel so far as it relates to conversations that took place on board the New York, but this ruling does not apply to any verbal orders which the commander-in-chief directed witness to convey to Commodore Schley."

Replying to a question put in accordance with this decision the witness said his instructions were contained in the memorandum handed him to be delivered to Admiral Schley, which was read to him. The witness read dispatch No. 8 from Sampson to Schley of May 21, telling the latter that the Spanish squadron was probably at Santiago. He also read the Brooklyn's receipt memorandum showing that this dispatch as well as the accompanying memorandum had been received at 8:15 a. m. May 23. Witness identified these as the orders he had carried. He also said he had carried two other envelopes, one containing orders from the department and the other a memorandum which had not been read to him. He said he had arrived off Cienfuegos at 7 a. m. May 23, and had gone aboard the Brooklyn for the purpose of delivering the dispatches. In response to a request from the judge advocate, Lieutenant Hood related the conversation he had with Admiral Schley after delivering the orders saying he (witness) had told the admiral, it was Admiral Sampson's wish that the flying squadron should proceed immediately to Santiago, as his information was very positive. His statement was as follows:

**Hood's Conversation With Schley.**  
"Commodore Schley read the dispatches and then turning to me, said: 'Captain, Admiral Sampson wishes me to go to Santiago. I cannot do it.' I

told Commodore Schley that the admiral certainly expected the squadron to leave the instant I arrived. Commodore Schley then said, in nearly these words: 'I am not at all satisfied that the Spaniards are not here in Cienfuegos. Besides my ships all want coal; that the Massachusetts, Texas and Brooklyn wanted so many tons of coal and that the day before Captain Sampson had sent him down the Iowa with only half her coal supply, so that she could not go anywhere; that it was useless to send ships down there only half filled with coal. I told Commodore Schley I had passed a collier conveyed by a gunboat only a little before daylight that morning, and it would certainly be there with at least 4,000 or 5,000 tons of coal within two or three hours. He referred again to his belief of the Spaniards being in Cienfuegos and stated that he had heard some firing about 40 miles from port, which he took to be a welcome to the Spanish squadron; he had also seen some smoke which he conceived to be the Spanish squadron and he believed they were there. I said to Commodore Schley then that the information the admiral had considered as definite; he had no doubt that the Spanish squadron was at Santiago. Commodore Schley said to me, 'Captain, Sampson doesn't understand, he is not on the spot and cannot judge.' I also informed Commodore Schley that they certainly expected the squadron to leave immediately and that I had verbal orders from the commander-in-chief which did not appear in my written orders to remain with the Hawk alone at Cienfuegos after the squadron had left and conduct a blockade for a day or two or as long as my coal supply lasted."

"Describe the commodore's manner upon this occasion," said Captain Lemly. "The commodore was sitting in his chair all the time I was talking to him, very quiet. He seemed to be very much perplexed at what to do."

"Do you remember whether there was something said by me?" "There was nothing said by me."

"In the commodore's presence?" "No, chief of staff on deck. The commodore was in the cabin."

"Can you state whether or not during the time you were in Cienfuegos with the Hawk an effort was made to communicate with the insurgent Cubans?" "There was not."

Witness then testified that the steamer Adula in passing had reported to the Brooklyn that a cable report had been received at Kingston May 19, saying the Spanish squadron was in the harbor at Santiago.

Admiral Schley's report of this occurrence was also read as his statement discrediting the information, because he then believed the squadron to be in Cienfuegos harbor. All these reports have heretofore been published.

While Mr. Rayner was cross-examining witness concerning his conversation with Admiral Sampson, Admiral Schley leaned over and warned him that this conversation had been ruled out. Mr. Rayner then changed his line of questioning.

#### Capt. McCalla Called.

Captain McCalla, who commanded the Marblehead during the Spanish war, was the next witness.

Captain B. H. McCalla first came into contact with the flying squadron May 19. He was then proceeding from the south coast of Cuba to Keywest and met the squadron on its way to Cuba. He had not been asked to come aboard for the purpose of making a report. Captain McCalla said that reaching Keywest he informed Captain Chadwick, Admiral Sampson's chief of staff of the secret code he arranged with the Cuban insurgents, but that he had not given it to anyone else. Captain McCalla told of his return to Cienfuegos the morning of May 24. He had carried dispatches to Admiral Schley and had then told him of the arrangement to communicate with the Cubans and of his information that the Spanish fleet was in the harbor at Santiago. He said that Schley had immediately assented to his going ashore. He also told of his report to Schley and had then for the first time seen the instructions to the commodore. The commodore had told him that he had found difficulty in coaling and that he felt if he returned to Keywest he would be court-martialed. McCalla said he had advised him to go to Santiago even if he did not stay there. At 3:55 p. m. the court adjourned for the day.

#### Anarchist Editor Arrested.

Spring Valley, Ill., Sept. 27.—John Ciancibilla, the proprietor of L'Aurore, the anarchist paper published here, which gloated over the assassination of President McKinley, was arrested and arraigned on a charge of violating the postal laws by publishing incendiary notices. There is said to be no law under which he can be prosecuted for the anarchistic language in his paper, but the other charge will be pressed vigorously.

#### HIESTAND'S HEARING.

Manilla Hemp Scandal Investigation to Begin Next Week.

Washington, Sept. 27.—Senator Hawley, chairman and Senators Cockrell and Harris, members of the senate committee on military affairs, had a conference to discuss details of the investigation of charges against Lieutenant Colonel H. O. S. Hiestand, in connection with an alleged Manilla hemp combine. It was decided to proceed with the investigation next Monday, when other members of the committee will be present.

While the senators were in conference they were joined by Major T. L. Hawks, who preferred the charges against Lieutenant Colonel Hiestand. He presented the names of several witnesses who are to be called before the commission.

#### Bryan on Free Speech.

Lincoln, Neb., Sept. 27.—William J. Bryan, discussing remedies for anarchy, says he is opposed to any limitation on free speech, which he says has been suggested as a cure for anarchy. Mr. Bryan believes the evils of restriction are greater than the evils of freedom, and further declares that the death of President McKinley can not be traced to anything said or written against him. The warfare, he says, must be against anarchy, not against freedom of speech. Anarchy, he insists, is a European product, and thrives most where there is the least freedom of speech and press.

#### Cortelyou at Canton.

Canton, O., Sept. 27.—When Secretary Cortelyou reached the city Dr. Rixey met him at the station with the McKinley carriage and they went direct to the McKinley house. While there has been no material change in the condition of Mrs. McKinley since the secretary was last here, she has at least held her own and has shown more interest in her personal affairs. Her condition is such that Mr. Cortelyou can go over the matters which brought him here. In fact, it is thought the conference with the secretary will act as a sort of diversion and be really beneficial.

#### Preliminary to the Message.

Washington, Sept. 27.—At the cabinet meeting Friday only routine matters were discussed. The meeting was attended by Secretaries Hitchcock and Wilson, Postmaster General Smith and Attorney General Knox, the only cabinet members in the city. It was determined that the cabinet officers should begin at once the preparation of their annual reports in order that the president might have at an early date such information regarding the executive department as would enable him to prepare his first message to congress.

#### Bishop Whipple's Will.

St. Paul, Sept. 27.—At Faribault the will of the late Bishop H. B. Whipple has been filed for probate. His estate consisted of his residence in that city and real estate in the Dakotas, Duluth and Florida, and life insurance policies amounting, it is said, to \$60,000. One-third of his entire estate is bequeathed to his widow, and the remainder divided between his four children, a cousin, a niece and a grandson, Francis H. Rese.

#### Most's Hearing Postponed.

New York, Sept. 27.—Hearing of the case against John Most, arrested Sunday night at Corona, L. I., for violation of the section of the penal code relating to unlawful assemblage, was again adjourned in order to give the prosecution time for the examination of papers found on Most, September 30 was set for a hearing of the charge against Most, who was again committed to jail in default of \$5,000 bail.

#### Ecuador Fire Sufferers.

Guayquila, Ecuador, Sept. 27.—The fire Wednesday night which destroyed 11 blocks in the south end of the city, has caused great distress among the poor people who inhabited that quarter. A fund for their relief was opened and already amounts to \$1,000. The commercial part of the city was not damaged.

#### Banker Indicted.

Farmer, N. Y., Sept. 27.—The grand jury at Ovid handed in nine indictments against James B. Thomas, cashier of the Leroy Cartridge bank of Ovid, which failed several months ago with liabilities of \$75,000. He pleaded not guilty and was released in \$22,000 bail, his wife going on his bond.

#### Domestic Tragedy.

Georgetown, O., Sept. 27.—Homer Fite, who lived near the old Grant tannery, shot and fatally beat his wife and then shot himself to death. Mrs. Fite says he shot and beat her after a quarrel. He then went to the mill where he was employed and killed himself.

New York, Sept. 27.—Thomas J. Slaughter, 77, a retired merchant, millionaire, and one of the most extensive growers of roses in the country, died of heart disease at his home, Dollwood, near Madison, N. J.

## CZOLGOSZ COLLAPSED.

His Legs Gave Way When He Reached Penitentiary at Auburn.

### OVERCOME BY FRIGHT AND TERROR.

Sent Up a Yell When His Prison Suit Was Put On—Said He Felt Sorry For Mrs. McKinley and That He Left His Father a Bad Name.

Auburn, N. Y., Sept. 27.—Leon F. Czolgosz, President McKinley's murderer, in the custody of Sheriff Caldwell, of Erie county, and 21 deputies, arrived safely in Auburn. The prison is about 50 yards from the depot. Awaiting the arrival of the train there was a crowd of about 200 people. Either for fear of the crowd, which was not very demonstrative or from sight of the prison, Czolgosz's legs gave way and two deputy sheriffs were compelled to practically carry the man into the prison. Inside the gate his condition became worse and he was dragged up the stairs and into the main hall. He was placed in a sitting posture on the bench while the handcuffs were being removed, but he fell over and moaned, evincing the most abject terror. As soon as the handcuffs were unlocked the man was dragged into the principal keeper's office. As in the case of all prisoners, the officers immediately proceeded to strip him and put on a new suit of clothes. During this operation Czolgosz cried and yelled, making the prison corridors echo with evidence of his terror. The prison physician, Dr. John Gerin, examined the man and ordered his removal to the cell in the condemned row, which he will occupy until he is taken to the electric chair. Dr. Gerin declared that the man was suffering from fright and terror, but said that he was shamming to some extent.

The collapse of the assassin was a surprise to everyone. En route from Buffalo he showed no indication of breaking down. He ate heartily of sandwiches and smoked cigars when not eating. He talked some and expressed regret for his crime. He said: "I am especially sorry for Mrs. McKinley."

He reiterated his former statement that he had no accomplices and declared that he never heard of the man under arrest in St. Louis, who claimed Music, arranged the handkerchief so his hand, concealing the pistol with which the president was shot. He says the handkerchief was not tied. He says he went behind the Temple of Music, arranged the handkerchief so as to hide the weapon and then took his place in the crowd. By Jailer Mitchell he sent this message to his father: "Tell him I am sorry I left such a bad name for him."

Czolgosz was restored to his normal condition during the afternoon and seemed to have fully recovered from his collapse.

There are five cells for condemned men in the prison and Czolgosz was placed in the only vacant cell, so all are now occupied. Two keepers are constantly on guard in the room which is separate from the main prison, but to guard against an attempt on Czolgosz's part to commit suicide, two more guards have been added. One guard will constantly sit in front of Czolgosz's cell and will have a key so that any attempt at self destruction may be easily frustrated.

#### Severe Storm at Omaha.

Omaha, Neb., Sept. 27.—The heaviest storm of rain and hail which has visited this city for years struck Omaha. Many telephone and electric light poles were blown down and street cars were blocked in several parts of the town. Sergeants Dempsey and Weisenburg and an electric light man were badly shocked by coming in contact with live wires, but none were seriously injured. Two horses were killed from the same cause. Down town streets were like small rivers and wooden sidewalks were washed into the street in a dozen places. The hail broke several skylights and stripped trees of their foliage. There was an almost continuous flash of lightning which paralyzed the electric systems during the storm.

#### Demented Woman's Deed.

Cleveland, Sept. 27.—At Northfield, a small station on the Cleveland and Akron electric railway line, Mrs. Carrie Curtis, drowned her three children and herself in a well. It is believed the woman was demented. She was recently released from the insane hospital at Massillon, O.

#### Strikers Did Not Interfere.

Madisonville, Ky., Sept. 27.—The Reinecke mines were again operated Friday with 256 men. Soldiers guarded the miners on their way to work. There was no interference by the strikers.