was not the proper position of the judge advocate to assume the part of a prosecutor.

Lieutenant Dyson was placed upon the stand for a short time before the adjournment yesterday to explain a table which he had prepared at the request of Mr. Rayner showing the coal capacity of the auxiliary cruisers, and the length of time they would be able to keep up a chase, and yet have sufficient coal to proceed to Key West via Santiago.

Interest in the Proceedings.

The spectators' chairs were nearly all occupied when Lieutenant Commander Hodgson appeared, and the interest in the proceedings, which had lagged long while the two previous witnesses, Commander L. P. Rodgers and Lieut. J. G. Doyle, had made verbal corrections in their recorded testimony, was revived to a marked degree. Mr. Hodgson came down to the bar of the Court looking somewhat fresher and better than he had in the two previous occasions when he was on the stand.

When he had taken the witness chair Captain Lemly resumed the reading of the correspondence that had passed between Schley and Hodgson and the Navy Department and Hodgson in regard to the publication of the note from the latter denying that the noted colloquy on the bridge of the Brooklyn in the battle with Cervera's fleet ever occurred, and the subsequent disclosure that this note had been accompanied by another communication by Hodgson saying that the colloquy, as reported, was substantially correct, and the denial applied only to its verbal accuracy.

Captain Lemly asked Mr. Hodgson if the communication which Captain Lemly called "your emphatic letter of denial" had been printed in full, and Mr. Hodgson said that his impression was that the last paragraph had been omitted. Mr. Rayner agreed to the reading of the letter as printed. It did not contain the concluding paragraph, which indicated that the denial had been called forth by a previous letter from Admiral Schley.

Then came a surprise. Without asking the witness any questions about the correspondence or his reasons for consenting to deny that the colloquy occurred, while admitting its substantial accuracy, Captain Lemly turned to Mr. Rayner and said: "Take the witness." Mr. Rayner consulted with Admiral Schley for a minute, gathered up some papers, and began a searching examination of the Brooklyn's navigator. He commenced at the very beginning of the Flying Squadron's Cuban experience.

By Mr. Rayner:

Q.—Mr. Hodgson, can you tell me whether the Marblehead signaled or hailed the Brooklyn on the way from Cienfuegos to Santiago, or whether any vessel spoke to the Brooklyn through a megaphone?

A.—I do not think the Marblehead did. I think the Marblehead simply exchanged signals, asking permission to proceed. That is my recollection. I think the Scorpion or the Eagle had some communication with the Brooklyn.

Q.—Are you not mistaken, Mr. Hodgson, about any vessel speaking to the Brooklyn through a megaphone?

A.—I may be; but I had an idea that either the Scorpion or the Eagle had some communication, though I may be mistaken. I had nothing to do with them; it is only an impression I have.

Q.—Have you not stated at times that you are positive no vessel spoke the Brooklyn through a megaphone? Try to refresh your memory on that point if you can. Have you not made a clear statement at different times to the effect that no vessel ever spoke the Brooklyn through a megaphone?

Lights on the Shore.

Q.—Do you recollect seeing the lights on the shore at Cienfuegos?

A.—I do.

Q.—Do you recollect when you saw them?

A.—I saw them in the night, after we got to Cienfuegos; I think on the two nights we were there I saw them.

Q.—What did you suppose they were?

A.—I supposed that they were some signals that people along the coast had with the people in Cienfuegos, or some means of communication between the Spanish forces on shore.

Q.—Did Commodore Schley act immediately upon the information that Captain McCalla imparted to him in reference to these signals?

A.—He made preparations to act immediately, and I think he left after dark.

Q.—What I want you to bring out a little more clearly is this: What do you know about the preparations in regard to sending the Marblehead and the Eagle, after the information was communicated by Captain McCalla?

A.—Oh! As soon as Captain McCalla communicated that he understood what those signals meant, do you mean?

Q.—Yes; that is what I mean.

A.—He immediately despatched me to communicate with the insurgents to find out what they meant.

Q.—What I want to know is whether that was done immediately as soon as the information was conveyed or not.

The Judge Advocate—Do you not think you had better ask him whether he was present when the information was given first?

Mr. Rayner—I will ask him that.

Mr. Rayner (to the witness)—I will ask you whether you were present or not.

A.—I was not present when Captain McCalla came on board—I mean I was not present in the cabin when he was with the admiral. But I knew as soon as we understood the purport of Captain McCalla's information, we knew that he was going in to find out about what these signals meant.

Q.—You knew that preparations were made then to send off the Marblehead and Eagle, and that they went off? You know that from your own personal observation, do you not?

A.—I know they went off as soon afterward as they could, it seemed to me, as soon as I knew what the information which Captain McCalla conveyed was.

Q.—Was the progress of the Marblehead impeded between Cienfuegos and Santiago?

A.—It was.

Q.—What was the cause of the delay?

A.—The heavy weather that the smaller vessels, the Vixen and the Eagle, were making—especially the Eagle.

Q.—How about the Merrimac, Mr. Hodgson?

A.—The Merrimac seemed at times to be able to keep up; and then she would fall back. My own impression was that the Vixen and the Eagle were the drawbacks—especially the Eagle.

Q.—Do you know anything in reference to any difficulty about coaling the Texas?

A.—No; except that in a general way it was a very embarrassing question aboard the Brooklyn whether the Texas could coal or not.

Q.—State why it was embarrassing and what you know about it.

A.—On account of the rough weather that we had on the 25th and morning of the 26th.

The Merrimac Disabled.

Q.—Do you know anything about the collier being disabled on the 26th or 27th?

A.—Yes; I knew she was disabled. The collier was taken in tow by the Yale, and she could not have been taken in tow unless she was disabled. I remember that we sent the chief engineer of the Brooklyn, or he was to go, and I think he did go, on board the Merrimac to see if he could make repairs, and get her in trim for going under her own steam.

Q.—Now, I want to ask you about the blockade at Cienfuegos and Santiago. I want to ask you in reference to the kind of blockade that was maintained at both these places. Can you tell me at what distance the blockade, was maintained, first at Cienfuegos, and what character of blockade it was?

A.—In the daytime we held position drifting about, across with the current and wind, I should say, from four to six miles off. In the night, my recollection is that the Dupont was sent in on the inner line, close in to the mouth of the harbor, and we formed a mobile blockade, moving up and down in front of the mouth of the harbor.

Q.—Were there any picket boats there at Cienfuegos?

A.—The Dupont was used for a picket boat, and I think the Castine.

Q.—How far were they inside the line?

A.—They were considerably inside of us, and were supposed to be inside close enough to pick up any information and give us warning of anything that occurred in the harbor or coming out.

Q.—Could they have given warning if the fleet had been there and any attempt had been made to attack it?

A.—Easily, by firing the signals.

Q.—Could you have heard the warning?

A.—We could have seen it.

Q.—How far off at night at Cienfuegos was the fleet?

A.—Well, inasmuch as the shore tended to a right angle there where we were steaming across the mouth we would be farther off when we were opposite the mouth of the harbor than we were when we approached either the western shore or the eastern shore. I should say that we passed in front of the mouth of the harbor at a distance of about four miles.

The Santiago Blockade.

Q.—Now let us go to the blockade off Santiago. How far were you off there from the Morro at the blockade of Santiago?

A.—At what time?

Q.—Give the different times during the day and during the night—the days that you were there and the nights that you were there—on the 28th, 29th, 30th, and 31st.

A.—Well, in the day time our habitual position was about, I should say, six miles. In the night I think we steamed up and down in front of the harbor at a distance of about four.

Q.—Now, will you kindly describe to the Court the character of blockade at night, when you steamed up and down in front of the harbor, as well as you can?

A.—The Marblehead and the Vixen were in an inner line of pickets. The Vixen, I think, on the east of the entrance and the Marblehead on the west side. The Brooklyn, leading, steamed in column from off Cabanas to about off Aguadores, followed at intervals by the Massachusetts, the Texas and the Iowa. I think the New Orleans fell into column when she came.

Q.—What was the entire length of the blockade? What was its extreme length—the extreme length of the ellipse?

A.—The extreme length of the ellipse would be six miles, about.

Q.—You said it was about two and a half to the west and three miles to the east—

A.—Yes; about five and a half.

Q.—About five and a half miles. Now we will get to the reconnoissance for a moment. Did you see any shot falling outside of the Massachusetts and Iowa at the reconnoissance of May 31?

A.—I saw them fall outside of the Iowa.

The Brooklyn in Battle.

Q.—Now, lieutenant, you have given an account of the battle on June 3 up to a certain period of the battle; I do not recollect now exactly what that was, but it was about the time, I think, the Vizcaya ran ashore; but whether it was or not, can you give me briefly the work that the Brooklyn did in that battle from the commencement of the battle until the surrender of the Colon—as briefly as you can do it?

A.—The Brooklyn did all that she could do.

Q.—What could she do?

A.—She got into action as quickly as steam could carry her, and we commenced firing as soon as the first gun on the port bow would bear, and we kept the port battery firing until she turned around with the port helm. During the hour the guns of the after-turret were firing until we brought all the starboard battery to fire. We got around as quickly as we could with the port helm and we almost paralleled the course of the leading Spanish vessel. When the helm was eased and the ship steered in a course parallel to that of the Vizcaya, which was then the leading vessel, although the Maria Teresa was probably farther to the westward than the Vizcaya—she was standing at an angle in to the shore. When we got around, the smoke was very dense, and nothing could be seen of anything in the rear of us. The three Spanish vessels that were then engaged, were the Vizcaya, the Colon, and the Oquendo. The Vizcaya was 2,500 yards on our starboard bow. The Colon perhaps a little farther to the starboard beam, and the Oquendo was about on the starboard beam.

We continued in that direction and I remarked to Captain Cook that it seemed rather lonely for us out there—he was inside the conning tower. He asked why; I said that we were alone after the three Spanish vessels and it seemed it would devolve upon us to knock them out. At that time, as I say, the smoke was so dense that I could see nothing to the rear and I supposed that the Brooklyn was steaming ahead of the slower battleships. Captain Cook stepped out of the conning tower at that moment and as he stepped out he exclaimed to me: "Why, what is that off our starboard quarter?" I looked in that direction and I saw the heavy bow wave formed by the ship and the bow next looming up and I immediately said that must be the Massachusetts. And he said, "No; it cannot be the Massachusetts, for she has gone to Guantanamo to coal."

Then I said that it must be the Oregon, and he remarked, "God bless the Oregon," and I said yes, that I was very glad to see her, or something of that kind, and the Oregon was at this time about, I should say, four or five hundred yards off our starboard quarter, and we continued in that position until the Brooklyn's speed began to increase as we gradually got up more steam, and probably during the battle farther ahead we were parallel with the Oregon. She never was that close to us again that I remember.

Chasing the Colon.

The Oquendo very shortly fell out and went ashore, and the Colon gradually drew ahead and went inshore of the Vizcaya. I remember very well the time that the Vizcaya blanketed her from our fire, and this chase was continued in that direction until off Asserraderos the Vizcaya ported her helm and ran inshore. The Colon at this time had gained speed and was inshore, I suppose, ahead more than seven miles. After passing the Vizcaya we steamed ahead, ceased firing and the men were allowed to come out of the turret, one at a time or a few at a time, to get a breath of fresh air and also to get some refreshments or something to eat, although the guns, of course, were manned and everything was ready, but the gaining upon the Colon was very slow. In fact, she gained apparently on us. We steamed, I supposed, this way, until about 11:15, when the Vizcaya stood in to Asserraderos.

Q.—Let me ask you before you go on, how far is Asserraderos from the Morro, about?

A.—About eighteen miles, I think. The chase was continued then after the Colon. I remember we had no exact estimate, I could not read it on the stadimeter, but I knew that she must be from six to seven miles away. We gradually began to gain, and I remember keeping the stadimeter at work on her, although the 13,000 yards would not register on the stadimeter. I remember at one time telling the commodore she was about 13,000 yards. My recollection is that he had told some one to signal over to the Oregon to try one of her "railroad trains." At any rate, shortly afterward, the Oregon fired one of her 13-inch shells, which fell short. The Oregon was signaling to us the fall of our shot, and we were signaling to the Oregon the fall of her shot. We continued occasionally to fire, feeling for the range, with the guns of the Oregon firing 13-inch shells and 8-inch shells, and with our guns firing 8-inch shells.

I remember seeing one of the 13-inch shells of the Oregon fall well ahead, from our view of the Colon; and one of our 8-inch shells apparently fell inshore of the Colon. At that time the Colon put her helm hard aport—previously during the chase she was porting her helm once or twice, apparently seeking for a soft spot on shore, but at this time she put her rank sheer with the helm, fired her last gun, and hauled down her flag. I pulled out my watch and looked at it, and found it was exactly 1:15. We then ceased firing, slowed down, and orders were given to get out a boat, and Captain Cook was ordered to go on board to make terms, or tell the terms to the commanding officer of the Colon.

On account of the steam having been cut off, and some trouble with the boats, we were some little time in getting the boats out. In the meantime we had slowed down, and as rapidly as it could be accomplished one of the cutters was finally put out and the crew put in, and Captain Cook went over the side into the boat and went to the Colon and on board of her. I think he probably had a mile and a half to pull. At any rate, we were waiting with our guns trained on the Colon all this time, in case of treachery, or any act of that kind on her part, although I saw them throwing breech-blocks overboard and did not suspect that she would do anything in the line of treachery.

The Judge Advocate—It doesn't matter at all what he suspects.

Admiral Dewey—Please do not interrupt the witness.

The Judge Advocate—I think it is objectionable for a witness to state what he suspects.

Admiral Dewey—It is immaterial in this case.

A.—The Oregon, of course, had come up in this time and we had gone ahead, too, on our headway, and we had some steam possibly, and the other ships gradually drew up off the Rio Tarquino, about five miles to the westward, I suppose, of the entrance. The fight was then over.

The Oregon in Sight.

By Mr. Rayner:

Q.—What vessels were in sight at 1:15 from the Brooklyn?

A.—The Oregon was in sight of the Brooklyn and the masts of about three vessels, I think.

Q.—How far was the Oregon from the Brooklyn at 1:15?

A.—Well, I should say she was about 1,800 or 2,000 yards.

Q.—In the rear of the Brooklyn or in front of her?

A.—On the starboard quarter. That is my recollection. Probably 1,800 yards. I am not sure about that distance. I have not thought of that for some time. It may have been somewhere between 1,000 and 1,500 yards.

Q.—Lieutenant, you have given an account of the battle. Now can you give me the range at the time of the turn of the Brooklyn?

A.—Fourteen hundred yards. That is my recollection of the range.

Q.—Now can you, too, give me the range at the time the turn was completed?

A.—The range on the Vizcaya, as I remember, which was the leading vessel, was either 2,400 or 2,500 yards. I do not remember the range on the others.

Q.—The ranges on the other vessels—were they less than they were on the Vizcaya?

A.—Well, I should think it possible that they were, unless they were inboard. I remember that I was particularly looking out for the leading vessel, the Vizcaya, and she was the closest vessel when we began to make the turn.

Q.—Now, lieutenant, I will ask you what was the bearing and the manner of Commodore Schley during this engagement, or during any engagement in which you saw him during the war?

A.—It was the bearing and manner you would expect of an officer of his rank and station in the service to have. That is all, I should say. His bearing was the natural manner of a commander-in-chief of the naval forces on that occasion.

Where Schley Was.

Q.—Can you give me his position? What place on the ship did he occupy? Where was he?

A.—During this battle he was on a little bridge or platform that ran around the conning tower.

Q.—Was that a point of danger?

A.—It was. He was always in full view of the enemy's ships.

Q.—It has been stated here by some of the witnesses that the Brooklyn ran 2,000 yards to the south, from the Spanish line of battle. What have you to say in reference to that under your observation?

A.—Well, any witness that made that statement, although he may have been stating what he thought was true, was absolutely mistaken.

Q.—How far did the Brooklyn go away?

A.—Well, she must have made probably 600 yards to the southward, as that is about her tactical diameter, from the most northern position of her course, when she was turning. I think 600 yards at that speed, was about her tactical diameter.

Q.—Now let me ask you whether the turn that the Brooklyn made interfered in any way with her ability to keep up a steady fire of the guns on the enemy.

A.—No, sir. She fired her after turret on both sides, and continued after they were brought to bear with the port side, and fired on the starboard side until the enemy drew ahead out of range on the starboard bow.

Q.—I understood you to say in your testimony, that in making the turn the Brooklyn covered 270 degrees of the arc of a circle?

A.—Possibly that; about that, I thought.

Q.—Well, by going in the opposite direction or to port, she might have gotten on a westerly course by traversing 180 degrees of the arc of the circle. Is that correct?

A.—Yes; that is about right. We were heading when she began to turn to the northward of east. When we completed the turn we were heading possibly first not to the northward of west, so that it would be over 180, and between two and three right angles.

Q.—In turning with the port helm, did she really pass through 270 degrees of the arc of a circle?

A.—The whole time she was in turning, the helm was turned a good deal more than 270 degrees, because when she began first to port the helm she was heading about west northwest, and she came around again, heading nearly west northwest, as former.

Q.—Yes; I understand that. Now, after you had turned what position did the Spanish vessels occupy with reference to the Brooklyn? I want you to state how they bore on her starboard side.

A.—The Vizcaya was on her starboard bow.

Q.—How far on her starboard bow?

A.—About 2,400 or 2,500 yards.

Q.—At what time of the battle was it that Ellis was killed? [Ellis was the yeoman who was taking ranges.]

A.—Ellis was killed shortly after the Oquendo ran ashore.

Q.—Now, let me ask you whether the ranges given by him, if you know, were increased up to the time that he was killed, and what was the last range given by him, so far as you know?

A.—The last range given by him, so far as I know, was 1,100 yards. That was the time I gave the range 1,400 yards.

Orders to Port the Helm.

Q.—Did not Captain Cook give the order to port the helm?

A.—Well, Captain Cook was in the conning tower alongside of the man at the wheel and he may have told the man to port the helm. If Captain Cook did not tell him to port the helm it would not have been ported.

Q.—Did not Captain Cook order the helm hard down aport?

A.—I do not know whether he did or not.

Q.—Did Commodore Schley give an order to port the helm?

A.—He did.

Q.—Was it not aport when he gave the order?

A.—I guess it was. Captain Cook said so. The judge advocate objected to the witness giving "guesses" and after some discussion Mr. Rayner put the question in unobjectionable form, as follows:

Q.—Where were you standing when this—you have objected to its being called a "colloquy"—but whether you call it a "colloquy" or a conversation, or anything else, is perfectly immaterial—where were you standing when these remarks were passed in reference to the Texas? Give me your position on the ship, and the position of Captain Cook and the position of Commodore Schley, if you can. That is what I want to get at—not what they sang out, or anything else like that.

A.—My recollection is that Captain Cook was standing in the conning tower, at the entrance to the conning tower, and Commodore Schley and I were on the ledge of the platform, or step of the entrance.

Q.—How far were you from Commodore Schley, or how close were you to him?

A.—About two or three feet.

Q.—How close were you to Captain Cook?

A.—Four or five feet.

Q.—Is it not possible that the conversation in reference to the Texas took place between you and Captain Cook and not between you and Commodore Schley?

A.—Captain Cook took part in it and Commodore Schley took part in it.

Q.—Did Captain Cook, do you think, hear all that was said, or that passed between you and Commodore Schley on that occasion?

A.—That I do not know.

Q.—I want just to refer you to this reported colloquy:

"Schley: 'Hard aport.'

"Hodgson: 'You mean starboard.'

"Schley: 'No, I do not. We are near enough to them [the Spaniards] already.'

"Hodgson: 'But we will cut down the Texas.'

"Schley: 'Damn the Texas; let her look out for herself.'"

Now, I want to ask whether, in your letter of June 8, written from the Brooklyn, whether there was anything in that letter, or whether you see one word in that letter about Schley saying "We are near enough to them [the Spaniards] already;" or about your saying to Commodore Schley "We will cut down the Texas," and about Schley's saying "Damn the Texas; let her look out for herself." Will you just see whether there is one word in that letter about any such conversation as that? Now, let me read you that—or just the sentence before that:

"I suggested that the Texas was off our starboard beam and that there was danger of our running into her and going right across her line of fire. You replied that the Texas would have to look out for that, and that it was imperative to get around immediately, and that by turning to port you would get so close to the enemy that you would expose yourself to an attack from the torpedo boat, and that a lucky shot or two from the enemy might disable the Brooklyn, and that you did not propose to run such a risk at that stage of the battle, when it was so unnecessary and when so much depended upon the speed of the Brooklyn." Now, I ask you whether there is anything in that letter I have read you—the only part of the letter which I find that refers to that incident—I ask you if there is anything in that letter which you say 'you mean starboard' in which Schley says, 'No; I do not; we are near enough to them [the Spaniards] already,' in which you say, 'We will cut down the Texas,' and in which Schley says: 'Damn the Texas; let her look out for herself'—do you find anything in that letter of any such purport as that?

A.—Well, I think there is.

What Schley Meant.

Q.—Well, let us have it.

A.—When I suggested to Commodore Schley that there was danger of colliding with the Texas he used the words "Damn the Texas." Now, he did not use the expression, as I understand it, of damning the Texas in the sense of condemning her for being in that position, but in that irritated way as we might say about anything. As, for instance, "Damn it; that cannot be helped," or something like that. But the words "Damn the Texas" were used, and the words that we were too near the Spanish ships and would therefore by turning to the other side endangered ourselves from torpedo attack were also used, and the necessity of getting around as quickly as possible was also discussed. I am very sure that the incident of backing the starboard engines was very well understood. The reason why we did not back the starboard engines was in order to get around as quickly as possible. Captain Cook thought after we had turned that we had backed with the starboard engine. Commodore Schley himself, in his statement to the Senate, as I understand it, said that we backed the starboard engines.

Q.—That is all very interesting, but it is not at all in answer to my question, and—

A.—It is as good an answer to the question as I can give you.

Q.—We will have to get a better answer than that. I want to ask you, and I want to ask you kindly, to say whether there is anything in that letter—because I have not read it all—is there anything in that letter which makes Admiral Schley say, "We are near enough to them [the Spaniards] already," or that makes him say, "Damn the Texas." Never mind what he meant by it, or the fact that he was irritable, or any of that, but is there anything in that letter that makes him say, "Damn the Texas; let her look out for herself." Is there a word in that letter to that effect?

A.—I did not say in that letter that Commodore Schley said "Damn the Texas."

Q.—You do not think he did say "Damn the Texas?"

A.—I did not say so in that letter.

Q.—In that leetter I know you did not, because there is the letter. Now we will get to something else. Did you say in your letter that Commodore Schley said that he was near enough to them [the Spaniards] already? Is there a word in that letter about that?

A.—No; except that by turning to port he would go close to the enemy and except that he did not want to expose himself to torpedo attack.

Q.—Is there anything in that letter in which you state: "We will cut down the Texas?"

A.—I never said: "We will cut down the Texas."

Q.—You never said that?

A.—No.

Q.—Then that part of it that appeared in the "New York Sun" never occurred? You did not say: "We will cut down the Texas?"

A.—There is a good deal in that "Sun" interview that I did not say.

Q.—Then as I understand it Admiral Schley wrote a letter which has been read in which he sent you this alleged colloquy that I have just read. You sent him a reply that this colloquy which he has enclosed to you and which I have just read never occurred?

A.—It never did.

Q.—It never did?

A.—No.

Q.—Then if it never did, Commodore Schley could never have said to you, "Damn the Texas; let her look out for herself?"

A.—Yes; he did, part of it.

Q.—Which part of it?

A.—Damn the Texas.

A.—Oh, then we understand now, lieutenant, that the "damn the Texas" part of that colloquy was all right, was it?

A.—Yes.

Danger of a Collision.

Q.—Now this letter of June 11, which I call to your attention and which has been offered in evidence here in relation to this incident. Here is this language: "I told him that when the turn was to be made I suggested the proximity of the Texas and probable danger of getting mixed up with her if we turned to starboard, and that you said the Texas would have to look out for herself." Is that right?

A.—Yes, sir.

Q.—Now I want to call your attention to this: "This is all the grounds the 'Sun' has for saying that I am authority for that printed colloquy." Is that correct?

A.—I think so. I did not tell the "Sun" man that the admiral said "Damn the Texas."

Q.—If you did not tell him that that was all the ground the "Sun" had you could not have told him that Admiral Schley had ever said that "We're getting too close to the Spaniards."

A.—I never told him that.

Q.—That is not true either, then?

A.—That is not true, either. I never had such a colloquy as that. That comes from Captain Heilner, the navigator of the Texas, I suppose. I never gave that to the "Sun" correspondent.

After recess Mr. Hodgson resumed the stand, and his redirect examination began, Mr. Rayner having announced that the cross-examination was concluded.

Mr. Hanna, for the judge advocate, was stopped by Mr. Rayner when he had asked the first question: "Will you please state to the Court precisely why you wrote your categorical letter of denial?" Mr. Rayner held that the reasons of the witness for writing the letter could not affect Admiral Schley. In the course of his remarks he said it was admitted that Admiral Schley published one letter from the witness and did not publish the other, and this admission gave rise to a little squabble between Mr. Rayner and his colleague, Captain Parker, the latter insisting that the letter was mistaken. While Mr. Rayner and Mr. Hanna were discussing the question of the admissibility of this question Admiral Dewey interrupted Mr. Hanna.

"We have the facts that the letters were written," he said, "I think that is all the Court wants. We want the facts. People are influenced by different methods. We do not want to know his motives. We want to know the facts. Draw out the facts and never mind anything else."

"If the Court please, I do not want his motives," said Mr. Hanna. "All I want to find out is what occasioned the writing of this letter. I will put it more directly."

"The Court do not want that information. We do not need that," responded Admiral Dewey.

Denial Requested by Schley.

Mr. Hanna then put the question in that way.

"Was your categorical denial made in response to a request therefor by Admiral Schley?"

"It was; as I understood the request," said Mr. Hodgson. "Admiral Schley had written me to deny a certain article. I replied to Admiral Schley that the gist of that article was correct. Admiral Schley then wrote to me that I did not understand what he wanted exactly; that he wanted me to write him a denial of the colloquy. He wrote me that the 'Sun' was endeavoring to promote the idea that a controversy had occurred between him and myself at a critical moment of the battle, and it was this controversy that he wished denied. And having previously written to Admiral Schley that I could not deny what I had understood him to ask me to deny—the statement as published in the 'Sun,' his letter following that refusal of mine to a denial of the colloquy—I understood that to mean simply the dialogue, and as there had been no colloquy between the admiral and myself, or no controversy, at the same time explaining to him that I had already admitted the gist, or what I understood to be the gist, of that statement."

By Mr. Hanna:

Q.—Then, as I understand you, you accompanied your categorical denial with another letter admitting the facts were substantially as stated, but denying the controversy. Is that right?

A.—I did.

By the judge advocate:

Q.—I want to ask you, Mr. Hodgson, are you clear that the colloquy, or, as you call it, the dialogue, as given by you today was between you and Commodore Schley and not between you and some other person aboard the Brooklyn?

A.—Well, there was no dialogue. There were three people interested in that conversation, as far as I recollect—Captain Cook, Commodore Schley, and myself.

Questions by the Court.

Mr. Rayner said he had no more questions to ask the witness, but Admiral Dewey said the Court wanted to ask some. The Court's questions were written and handed to Captain Lemly with the answers by Mr. Hodgson.

They follow:

Q.—What was the distance of the Brooklyn from the nearest Spanish vessel when Commodore Schley said to Captain Cook, "Look out, Cook; they are going to ram you?"

A.—I should say the distance was about 2,000 or 2,500 yards.

Q.—Did you observe the whole movement of the Brooklyn from the time Commodore Schley gave the order "hard aport, Cook," until the Brooklyn was steadied on her course to westward, parallel to the Vizcaya?

A.—I observed the movement of the Brooklyn.

Q.—Did you hear any order given while the Brooklyn was making the turn to ease or steady the helm?

A.—Not until it was eased to parallel the course of the leading Spanish vessel.

Rear Admiral Benham—Standing to the westward, was that?

A.—Yes, sir; standing to the westward.

Question by the Court—In making the turn, did the Brooklyn turn rapidly and continuously?

A.—She turned rapidly and continuously.

Q.—Did any of the Spanish ships attempt to ram the Brooklyn in the early part of the battle of July 3?

A.—The Maria Teresa evidently made a dead set, a rank sheer to port toward the Brooklyn, with the evident intention of getting in to close quarters or ramming.

Q.—Did you see the Texas at the commencement of the engagement on July 3, or about the time you say the Brooklyn's course was changed?

A.—I saw her at the commencement of the engagement. Just at the moment of making the helm hard aport I did not see her. I did not see her just at that moment, but I knew where she was. I was down on the platform at that time. I had seen her probably just an instant before that, and had gone down. I did not see her just at the moment of turning.

Q.—What effort was made to ascertain if the Spanish squadron was at Cienfuegos prior to the arrival of the Marblehead?

A.—Outside of having the quartermaster go as far aloft as he could and look over the tops of the hills I know of none until after the arrival of the Marblehead.

Question by the Court—Do you know of any plan of battle having been promulgated by Commodore Schley in case of falling in with the Spanish squadron?

A.—I do not.

Some minor questions concluded the examination of Mr. Hodgson for the day. He was told to come back today to certify to the official record of his testimony. He will be asked then to plot the positions of the Brooklyn in the engagement with Cervera's fleet.

Captain Folger Called.

Capt. William M. Folger, U. S. N., formerly Chief of the Naval Bureau of Ordnance and now inspector of the third lighthouse district, followed Lieutenant Commander Hodgson. He commanded the New Orleans at the bombardment of the Colon. All the shots from his ship fell short, Captain Folger said, the New Orleans being armed with 6-inch and 4.7-inch guns. The range, he said, was from 7,000 to 8,000 yards. There was no damage done by the enemy to his ship. The squadron went past the harbor mouth twice at a speed of ten knots. In that attack or reconnoissance two shots fell outside the American ships and it was the impression of the witness that these came over the ships from the Spanish vessels in the harbor and not from the Spanish forts. Describing Schley's blockade, Captain Folger said that in the day the ships were from five to eight miles off shore and a little nearer in at night.

Lieut. Charles W. Dyson, U. S. N., who has charge of steam logs and records in the Navy Department, was asked more questions about the tables and charts he had prepared, showing how long Schley's vessels could chase the Spanish ships and still have enough coal to return to Key West.

The Court adjourned at the conclusion of his testimony.

Held for Theft of Trousers.

Henry Wheeler, colored, charged with larceny, was held in $300 bond by Judge Scott in the Police Court yesterday to await the action of the grand jury. It is said Wheeler stole three pairs of trousers worth $7 from Christopher C. Dodson, and that this is his second offence.

Convicted of Stealing Wire.

Frank Barnes, colored, was yesterday convicted in Criminal Court No. 1 of stealing a quantity of wire, valued at $7, from the National Museum building. He was indicted jointly with William Green, who was also charged with the same offence.

A Pleasant Duty.—"When I know anything worthy of recommendation, I consider it my duty to tell it," says Rev. James Murdock, of Hamburg, Pa. "Dr. Agnew's Catarrhal Powder has cured me of Catarrh of five years' standing. It is certainly magical in its effect. The first application benefited me in five minutes." Sold by E. G. Wilkins, Seventh and T Streets; Edmonds & Williams, Third Street and Pennsylvania Avenue.—7.

COMMISSIONER'S NOTICES.

OFFICE OF THE ASSESSOR, DISTRICT OF COLUMBIA, WASHINGTON, OCTOBER 5, 1901.—NOTICE IS HEREBY GIVEN that on the THIRTY-FIRST DAY OF OCTOBER, 1901, will expire all licenses issued by the District of Columbia to Apothecaries, Auctioneers, Brokers, Banks and Bankers, the Proprietors of Barrooms, Bill Posters, the Proprietors of Billiard, Bagatelle, Pool, Jenny Lind Tables and Shuffle Boards, Bowling Alleys, etc., Cattle Brokers, Commission Merchants, Dealers in Ice Merchandise, Dealers in Junk and Secondhand Personal Property, Dealers in Old Barrels, the Proprietors of Hotels, Intelligence Offices, etc., Insurance Companies, Insurance Agents, the Proprietors of Livery Stables, Manufacturers of Illuminating Gas, the Proprietors of Restaurants or eating houses, Real Estate Agents, the Proprietors of Theatres, Wholesale Liquor dealers, etc. All persons engaged in the above-named branches of business must promptly renew their licenses in conformity with law. By order of the Commissioners D. C. H. H. DARNEILLE, Assessor, D. C.

SPECIAL NOTICES.

WASHINGTON CITY, D. C., Oct. 7, 1901.—NOTICE is hereby given that a meeting of the stockholders of the King Solomon Mountain Tunnel and Mining Company will be held at office of company, Room 12, Corcoran Building, on THURSDAY, NOVEMBER 7, 1901, AT 3 P. M., to act on amendment to charter extending the corporate existence for twenty years. CHAS. C. BRYAN, Vice President; J. T. DYER, Secretary.

KNIGHTS of COLUMBUS—Institution of new council at St. Augustine, Fla., Sunday, October 13. Train leaves 6:55 p. m., at Pennsylvania Station on Seaboard Air Line, FRIDAY, OCTOBER 11; returning arrives here Tuesday, October 15. Round trip, $24.15.

UNDERTAKERS.

W. R. SPEARE,
Undertaker and Embalmer,
940 F St. N. W.
Everything strictly first-class on the most reasonable terms.
Telephone call, Main 340.

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When weary and brain fatigued, seek and find relief in Royal Headache Tablets. 4 doses 10c.

CHOLERA IN INDIA.

People everywhere are acquainted with the remarkable cures of milder forms of bowel complaints effected by the use of Chamberlain's Colic, Cholera, and Diarrhoea Remedy. It is not generally known, however, that this remedy has proved very successful in the treatment of Asiatic cholera and is now sold and used all over India. Mrs. Sd. L. Hiscocks, writing from Cuer Road, Byculla, India, says "I have used a good many bottles of Chamberlain's Colic, Cholera, and Diarrhoea Remedy, and have found it invaluable as a cure as well as a preventive of cholera. So far I have never known it to fail if given in the early stages." For sale by Henry Evans, Wholesale and Retail, and all druggists.

DIED.

DAVIDGE—On Monday, October 7, 1901, WALTER D. DAVIDGE.

Funeral from his late residence, 1624 H Street northwest, Wednesday afternoon, October 9, at 2 o'clock.

(New York and Baltimore papers please copy.)

NICHOLS—On Sunday, October 6, 1901, at 6:20 o'clock p. m., Mrs. E. W. NICHOLS, widow of the late Rev. J. R. Nichols.

Interment at Odenton, Md., Wednesday, October 9, 1901, at 2:30 o'clock p. m.

Baltimore papers please copy.

SMITH—Suddenly, on October 5, 1901, at his residence, 1309 Fourteenth Street northwest, ALBERT SMITH.

Services at house, 9:30 o'clock a. m., October 8, 1901. Interment at Cullman, Ala.

TO CURE A COLD IN ONE DAY
Take Laxative Bromo Quinine Tablets. All druggists refund the money if it fails to cure. E. W. Grove's signature is on each box. 25c.

Impaired Digestion

May not be all that is meant by *dyspepsia* now, but it will be if neglected.

The uneasiness after eating, fits of nervous headache, sourness of the stomach, and disagreeable belching may not be very bad now, but they will be if the stomach is suffered to grow weaker.

Dyspepsia is such a miserable disease that the tendency to it should be given early attention. This is completely overcome by

Hood's Sarsaparilla

which strengthens the whole digestive system.

HARPERS
New Humorous Story.
The
Wouldbegoods
By E. NESBIT.
A story not unlike Miss Alcott's "Little Men" and "Little Women" in character. It narrates the adventures of a family of English boys and girls and their friends.
The Philadelphia Telegraph says:
"It is a story of children and as interesting to children as to their elders. The humor is of the kind that takes you unawares and permeates your entire system."
Illustrated by Reginald Birch and others. $1.50.
HARPER & BROTHERS,
FRANKLIN SQUARE, N. Y.

THE High Water Mark versus Low Water Mark IN
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You're looking for tailoring perfection? Suits and Overcoats that are examples of tailors' skill.
This is the Store.
Our garments are made here, and not one of them bears the earmarks of the sweatshop.
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to your measure are worthy of inspection.
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FOREIGN MAILS.

WASHINGTON, D. C., POSTOFFICE NOTICE. Should be read daily, as changes may occur at any time.

FOREIGN MAILS are forwarded to the ports of sailing daily, and the schedule of closings is arranged on the presumption of their uninterrupted overland transit. For the week ending October 12, 1901, the last connecting closes will be made from the main office as follows:

Trans-Atlantic Mails.

TUESDAY—(b) At 7:15 p. m. for EUROPE, per s. s. St. Paul, from New York, via Southampton. Mail for IRELAND must be directed "Per s. s. St. Paul."

(c) At 11:05 p. m. for EUROPE, per s. s. Majestic, from New York, via Queenstown.

(c) At 11:05 p. m. for BELGIUM direct, per s. s. Southwark, from New York. Mail must be directed "Per s. s. Southwark."

WEDNESDAY—(b) At 7:15 p. m. for EUROPE, per s. s. Aug. Victoria, from New York, via Plymouth, Cherbourg, and Hamburg. Mail for FRANCE must be directed "Per s. s. Aug. Victoria."

(c) At 9:15 p. m. for FRANCE, SWITZERLAND, ITALY, SPAIN, PORTUGAL, TURKEY, EGYPT, GREECE, BRITISH INDIA AND LORENZO MARQUEZ, per s. s. La Savoie, from New York, via Havre. Mail for other parts of EUROPE must be directed "Per s. s. La Savoie."

FRIDAY—(c) At 11:05 p. m. for NETHERLANDS direct, per s. s. Amsterdam, from New York. Mail must be directed "Per s. s. Amsterdam."

(c) At 11:05 p. m. for SCOTLAND direct, per s. s. City