# BONDS ARE NO GOOD

### DECISION IN FEDERAL COURT AGAINST HOLDERS OF WEST SUPERIOR PAPER

## COVERS MATTER OF $700,000

**Stated That the City Will Not, However, Repudiate the Issue Because of the Technical Flaw.**

WEST SUPERIOR, Wis., Sept. 25.—(Special.)—By a decision of Judge Bunn in the United States court at La Crosse today $700,000 worth of Superior bonds are declared void, thus leaving the city in a position whereby it can either refuse to make any settlement with the bondholders or can dictate the terms of settlement. There is no intention or disposition at repudiation, but the decision places the city in a position where it will be able to dictate such terms as will allow it to get its indebtedness in shape so it may be taken care of.

The suit in which the decision was rendered was brought by Samuel J. King, of New York. He holds some of the city bonds and the decision in his case affects all of the bonds as to their validity. The bonds in question were issued in 1891, 1892 and thereabouts for special street improvement work, and became known as special bonds. In a test case before the supreme court the bonds were declared general bonds against the city and have since then been supposed to be such. They were for the greater part in 1898 and 1899 refunded or extended as general bonds and the new bonds were accepted by the bondholders. This decision leaves the bondholders in possession of a general bond given for a special bond. Their general bond is no good, and this leaves them nothing to show for their money. However, it is not expected that there will be any attempt at repudiation.

## Stillwater News.

Abe Johnson, a well known resident of Washington county, who has resided here since pioneer days, died early yesterday morning at his home in Marine Mills of diabetes, with which he had been a sufferer for several months. Deceased was sixty-seven years of age, and was a native of Sweden. He was well known to loggers and lumbermen, having logged on the St. Croix and its tributaries for many years. He leaves a widow and three grown children. The funeral will be held at Marine Saturday afternoon, and a number of residents of Stillwater will attend.

The Bart Linehan departed Tuesday with logs for the Gem City Lumber company, Quincy, Ill.

John Donahue, for many years a cook in the pineries, died at the city hospital Tuesday of dropsy. Deceased was fifty-five years of age, and has a sister residing in Minneapolis.

George H. Sullivan, city attorney of Stillwater, who has been spending some months at Cape Nome, Alaska, arrived at Port Townsend, Wash., on Tuesday, and is expected here early next week. Mr. Sullivan was recently a passenger on the steamer Oregon, which had an awful experience in a terrific storm.

Fred Kohl, a resident in Schulenburg's addition, was severely injured Tuesday afternoon. Kohl's son, who is employed at the Atwood "B" mill, had a picaroon in his hand and threw it down. The brad passed through his father's foot.

The machinery of the Atwood "B" mill broke down yesterday, and the mill will be shut down a day or two.

**Purged of Contempt.**

LA CROSSE, Wis., Sept. 25.—Judge Romano Bunn, of the United States district court, held that the city officials of Eau Claire, Wis., were not in contempt of court for refusing to testify in a bankruptcy case, without an order signed by Judge Bunn. A couple of days ago he issued an order for them to show cause why they should not be punished for contempt of court. On hearing the city officials' side of the story he dismissed them.

**Smallpox at Stockbridge, Wis.**

FOND DU LAC, Wis., Sept. 25.—Intense excitement prevails in Stockbridge and vicinity over the breaking out of smallpox, a case having been discovered in a covered wagon occupied by a threshing machine crew. Panic-stricken, the occupants ran through the streets exposing scores to the disease. The state board of health has been notified and will take steps in the matter.

CASTORIA.
Bears the Signature of Chas. H. Fletcher. The Kind You Have Always Bought

**La Crosse Laconics.**

LA CROSSE, Wis., Sept. 25.—Special.)—As the result of a gasoline explosion at the Baptist church dinner today, Mrs. Charles Shimmins lies at home seriously burned about the head and face. The janitor of the church lit the gasoline accidentally. The gasoline in the oven attachment was turned on, and when Mrs. Shimmins opened the oven door the explosion followed.

Military day at the inter-state fair today reached only 3,500 attendance, owing to rain. All racing was declared off, but in the afternoon a sham battle was fought between Sparta and Normah, and two La Crosse companies, which resulted in a victory for the visitors. In the evening the crowds down town were entertained by a big military parade of the first battallion of the Third Wisconsin guards.

**MOTHERHOOD**

Is a natural instinct which shows itself in the girl as soon as she is big enough to play the mother to her doll. Unfortunately the womanly health does not always keep pace with the motherly instinct, and when real motherhood comes it often comes to mothers who suffer intolerably during maternity and who are unable to nurse the weakling child which frets and moans in their arms.

Motherhood is prepared for and provided for by the use of Dr. Pierce's Favorite Prescription. It cures nausea, tranquilizes the nerves, gives a healthy appetite and promotes restful sleep. It makes the baby's advent practically painless, and gives the mother abundant strength to nurse her child.

Accept no substitute for "Favorite Prescription." There is nothing "just as good" for weak and sickly women.

"Two years ago I was very sick and began taking your 'Favorite Prescription,'" writes Mrs. Ed. Hackett, of Chardon, Geauga Co., Ohio. "When my baby boy came he weighed twelve pounds and a half. Have had good health ever since, until about three weeks ago, when weaning my baby, I contracted a heavy cold. Am taking your 'Golden Medical Discovery.' I am thankful that poor sufferers have such a grand chance to regain their health by using Dr. Pierce's medicines. It would take pages to tell the good it has done in our family, and in a great many more families under my observation.

"I thank you for your kind medical advice."

Dr. Pierce's Medical Adviser in paper covers is sent *free* on receipt of 21 cents in one-cent stamps to pay expense of mailing *only*. Address Dr. R. V. Pierce, Buffalo, N. Y.

# TRY TO WRECK TRAIN

### COTTONWOOD YOUTHS PLACE OBSTRUCTIONS ON M. & ST. L. TRACKS

## ONE MAKES A CONFESSION

**Had Tried Three Times Within Past Year to Derail Trains—Shooting of Nicholas Parker to Be Investigated.**

NEW ULM, Minn., Sept. 25.—(Special.)—Charles Groebner and Christ Jahnke, two youths between eighteen and twenty years of age, were arrested in the town of Cottonwood today charged with attempting to wreck a train on the Minneapolis & St. Louis railway last month. At three different times within the past year the tracks have been obstructed, and since the last attempt the railroad company has had detectives upon the case. They will be arraigned tomorrow. Later Jahnke turned state evidence and admitted that they are the parties who attempted to wreck the train.

The residents of Brighton, Nicollet county, want the death of Nicholas Karpen, who was shot while hunting last Sunday, and who died Monday, investigated. His two companions are suspected and arrests will follow. The sheriff is gathering evidence. He took their guns to St. Peter.

**MINING IN BLACK HILLS.**

**No Let Up in Development of Mineral Properties.**

HOT SPRINGS, S. D., Sept. 25.—(Special.)—The mill at Friday Gulch, under the management of Webb & Chambers, will start up in a few days, the boiler being now ready for business. Friday Gulch has developed some very rich placer mining.

The Golden Slipper mine, a free milling property, which is owned and operated by J. B. Stafford, is giving promise of becoming one of the best mines in the southern hills. Specimen rock is being taken out at the 280-foot level and the vein has kept up an average of $20 per ton. The vein is three feet wide and shows no bare spots.

The electro-cyanide mill at Mystic, S. D., has a daily capacity of 100 tons of ore. This method of mining has proved so successful that, although the mill is shut down at present, when it starts up again it will continue on the product of the Black Hills. Placer mining has been very extensive up and down Castle and Rapid creeks this season and fine cleanups have been made on the bars from Silver City to Lookout.

The Wabash Mining company at Custer has installed an 80-horse power boiler at its shaft and a hoist has been put in readiness to lift the rock. The ore at this mine is to be followed for 600 feet in depth to start with. Custer county properties have reaped better results since the companies decided to reach great depths.

One of the strong factors of the future in developing the resources of this country will be the Mining Men's association, which was incorporated during the past summer at Deadwood. This association takes in the mining men of the Black Hills, and has a strong membership to start with. The board of directors is made up of S. W. Russell, Harris Franklin, W. S. Elder, of Deadwood; Robert Driscoll, of Lead; George Niv, J. D. Hardin, of Two Bit; J. E. Pilcher, Custer; John Blatchford, Terry, and Charles H. Fulton, of Rapid City.

**ROUNDING UP RUSTLERS.**

**Sheriff Moses and Party on Trail of Horse Thieves.**

SIOUX FALLS, S. D., Sept. 25.—(Special.)—Sheriff Moses and a posse of citizens from Butte county, in the extreme western part of the state, have just been engaged in an exciting chase after Otto Chenoworth and his famous band of horse thieves. The outlaws were trailed to the mountains of Eastern Wyoming, where all trace of them was lost. It is believed the "rustlers" are hiding in some obscure nook in the mountains. A close watch will be kept, and when they come out for provisions they will be arrested. The gang stole a bunch of horses in this state recently and were chased into Montana, where a battle ensued between them and their pursuers, the rustlers succeeding in making their escape. All the stolen horses were recovered. After escaping from the officers in Montana the gang resumed their horse stealing operations in that state and went south into Wyoming, where the South Dakota officers struck their trail and followed it to the mountains, where the thieves are now in hiding. Heavy rewards have been offered for the arrest of the outlaws.

**NEXT MEETING AT MANKATO.**

**Annual Session of Catholic Benevolent Society of Minnesota Ends.**

CHASKA, Minn., Sept. 25.—Mankato will be the next meeting place of the Catholic Benevolent Society of Minnesota. The directors of the society expected to elect officers this morning, but this business was delayed.

The convention closed this evening. The attendance was rapidly decreasing on account of the bad weather and the culmination of all principal features. There were no parades today, and the business of the society generally engrossed attention. The concert and theatrical entertainment last evening attracted an enormous attendance, larger, in fact, than the hall could accommodate.

A special from Hastings yesterday brought a large crowd. Several more bands came in the afternoon, among them the Third regiment of St. Paul, and the Winsted band.

Archbishop Ireland was called to Hutchinson and other points, and could not be present. Bishop Trobeck, of St. Cloud, was here to represent him.

**Died in Louisiana.**

PLAINFIELD, Wis., Sept. 25.—(Special.)—News has been received here of the death of Mrs. Emma Lindsy, a former resident of this town, who died at Morgan City, La. Deceased was a prominent resident here in early days and was a sister of Eugene Tibbetts, of this town, and was well and favorably known here. A husband and two sons survive her.

**Devils Lake Doings.**

DEVIL'S LAKE, N. D., Sept. 25.—(Special.)—At a meeting of the Devil's Lake club, at its headquarters in this city last evening, arrangements were practically completed whereby Mr. J. T. Smith, of Heron Lake, Minn., backed by Minnesota parties, will at once build a flax fiber mill in this city. The mill will cost $40,000, and the agreement with the citizens is that the latter will purchase $10,000 worth of stock, which may be paid in flax straw. The establishment will be in full running order in sixty days. As this is the best flax raising county in the world, the mill should be a success. Flax is averaging about seventeen bushels to the acre.

**Winona Winnowings.**

WINONA, Min., Sept. 25.—(Special.)—J. E. Love committed suicide at the Davenport house in this city last night by taking morphine. Love had been in Winona for about two months, selling the goods of the H. M. Love Medical company, of Lawrenceburg, Pa.

The proposed congressional trip through Northern Minnesota, which was arranged by Congressman James A. Tawney, of this city, and postponed on account of the death of President McKinley, has now been abandoned.

Alex Dunlinowski last night committed a brutal assault upon his wife at their home, and the woman is now in such a critical condition from an abdominal hemorrhage as a result of the assault that it is hardly thought she can recover.

# A REPLY TO SHAFFER

### GOMPERS AND MITCHELL CALL THE PRESIDENT OF THE AMALGAMATED ASSOCIATION

## PLAIN CHALLENGE IS MADE

**Proposed That a Committee of Labor Leaders Investigate Truth or Falsity of Shaffer's Charges.**

NEW YORK, Sept. 25.—In an open letter issued today at the Ashland house, Samuel Gompers, president of the American Fereration of Labor, and vice president of the Cigarmakers' International union, and John Mitchell, president of the United Mine Workers of America, and second vice president of the Federation of Labor, challenged Theodore J. Shaffer, president of the Amalgamated Association of Iron, Steel and Tin Workers, to prove his statements recently made against them. The letter follows:

"New York City, Sept. 15, 1901.—Mr. Theodore J. Shaffer, President of the Amalgamated Association of Iron, Steel and Tin Workers, Pittsburg, Pa.: Dear Sir—There was sent out by the Associated Press and published in the New York papers, a statement purporting to emanate from you in which grave charges and insinuations are made by you against the undersigned. Inasmuch as the accounts published differ in phraseology only, but in all essentials agree, there is no doubt in our minds that the matter contained in the publications emanates from you. For your information you will find herein enclosed the clippings referred to from the New York papers of Tuesday, Sept. 24.

"We have already said that there is no doubt in our minds that the statements referred to were made by you and assuming this to be so, we believe that you should be afforded the amplest opportunity of demonstrating the truth of your charges and insinuations so that if they are founded on fact the world of organized labor may know it. We believe you should be afforded the fullest latitude in justifying your course, and your charges, and at the same time pillory us if we deserve it. On the other hand, you will realize the impossibility of our allowing your charges and insinuations to go broadcast and stand unanswered and unchallenged.

"Having due regard for our duty toward the labor movement and the interests committed to our cares, we have no desire to enter into a controversy through the newspapers, and have therefore declined to say anything about the matter to the representatives of the press who have importuned us to answer. But repeating that we believe it to be necessary that your charges and insinuations should be substantiated or refuted, to that end we submit the following proposition to you:

"First—That a committee of three shall meet either in Pittsburg, Washington, D. C., or the city of New York, for the purpose of hearing and determining the charges and insinuations you have made against us.

"Second—That if the committee finds us guilty of your charges and insinuations we will resign from the presidency of the American Federation of Labor and the vice presidency of the Cigarmakers' International union; from the presidency of the United Mines Workers of America, and from the second vice presidency of the American Federation of labor.

"Third—That the committee shall consist of three members of organized labor, to be selected by you from lists herein submitted: Martin Fox, president; Joseph Valentine, vice president, Iron Molders' Union of North America; John Phillips, secretary Hatters' Union of North America; Secretary Tilden, Organizer Spencer, United Association of Plumbers, Gasfitters, Steamfitters and Steamfitters' Helpers; James Lynch, president, or James W. Bramwood, secretary, International Typographical union; Martin O. Higgins, president International Printing Pressmen's union; M. Dolphin, president, or H. B. Perham, secretary, Order of Railway Telegraphers; William H. Frazier, secretary International Seamen's union; E. Lewis Evans, secretary Tobacco Workers' International union; Jere L. Sullivan, secretary Hotel and Restaurant Employes' International Alliance; M. Feeney, president International Brotherhood of Bookbinders; William Huber, president International Brotherhood Carpenters and Joiners of America; Thomas Atkinson, secretary Amalgamated Society of Carpenters and Joiners; James A. Cable, secretary Coopers' International union; W. B. Lapelesky, secretary Journeymen Barbers' International union; John Mulhollan, president International Association Allied Metal Mechanics.

"You will observe that we have carefully omitted to submit the name of any member of the executive council of the American Federation of Labor, or of any representative of any organization of which any member of the executive council is a member. Of course we have not submitted the names of all the men conspicuous for their ability and honesty in the labor movement; that would be impossible under the circumstances; but the men whose names we have included we think you will readily agree, have never had their ability, honesty or steadfastness of purpose questioned or impugned; that they are all men whose verdict when rendered would carry conviction in the minds of the general public, the workers, and particularly those in whom we are all interested—the members of organized labor.

"If you prefer that the committee should consist of men active in labor movements, whose organizations are unaffiliated with the American Federation of Labor, you may select the names of either of the following gentlemen to compose the committee, in whole or in part:

"P. H. Morrissey, grand master Order of Railway Trainmen of America; E. E. Clark, grand conductor, Order of Railway Conductors; Mr. Moffitt, president of Bricklayers' and Masons' International union.

"We should have submitted the names of the officers of the Brotherhood of Locomotive Firemen and the Brotherhood of Locomotive Engineers, but inasmuch as Mr. Sargent, of the former, has been associated with us in our efforts in the steel strike, and because of Mr. Arthur's policy of isolation toward the general labor movement, we have omitted their names.

"We cannot imagine that you would make grave accusations against us without premeditation as to their consequences; we therefore insist that in common justice to us and with due regard to the interests which both you and we represent, you will advise us at the headquarters of the American Federation of Labor, 423-25 C street northwest, Washington, D. C., within three days of your acceptance of our proposition.

"Fraternally yours,
—"Samuel Gompers,
"President A. F. of L.; Vice President of Cigarmakers' International Union.
—"John Mitchell,
"President United Mine Workers of America; Second Vice President A. F. of L."

**CHILTON'S BANK FAILURE.**

**State Court Receiver Can't Hear Referee in Bankruptcy.**

CHILTON, Wis., Sept. 25.—John C. Kleist, recently appointed trustee in bankruptcy in the matter of the failure of the German Exchange bank of this city, has not yet obtained possession of the bank property. R. F. Connell, the receiver appointed by the state court, will continue to hold possession until the circuit court passes upon the case and decides the federal court can intervene.

**Hastings Happenings.**

HASTINGS, Minn., Sept. 25.—(Special.)—Mrs. Rose A. Rathbone, of this city, and Mrs. E. C. Washington, of St. Paul, left today for San Francisco to attend the triennial convention of the Episcopal church.

M. E. Reed, division civil engineer of the Great Northern road, left today for Jennings, Mont., after making a visit with his parents, Mr. and Mrs. W. B. Reed. He was accompanied by Gilbert L. Chapin.

Mrs. Hannah Hanson entertained the teachers of the public schools at her home on West Seventh street this evening.

CASTORIA
For Infants and Children.
The Kind You Have Always Bought
Bears the Signature of Chas. H. Fletcher.

# IS IN THE WHITE HOUSE

### MRS. THEODORE ROOSEVELT JOINS THE PRESIDENT

**New Mistress of the Executive Mansion Reached Washington Last Night With Two of the Children.**

WASHINGTON, Sept. 25.—Mrs. Theodore Roosevelt, the wife of the president, took up her permanent residence in Washington tonight when, as mistress of the White house, she occupied apartments there for the first time. She reached the city about half past nine o'clock, bringing with her two of the Roosevelt children, governess and a housekeeper. Col. Bingham, the superintendent of public buildings and grounds, met the party at the station at the request of the president, and escorted them to the White house. President Roosevelt met Mrs. Roosevelt and the children at the portecochere of the White house. Apartments in the southwestern part of the building have been specially fitted up for the new presidential family. New carpets and furniture have been bought, and some painting and varnishing done.

President Roosevelt entertained a party of gentlemen at dinner tonight before Mrs. Roosevelt arrived. They included Mr. M. G. Seckendorf, of the New York Tribune; Mr. Henley Luce, of Boston; former Lieut. Col. Brodies, of the rough riders, and Mr. John Barrett, former minister to Siam. They had left the house before Mrs. Roosevelt came. For two hours late in the afternoon the president enjoyed a horseback ride, accompanied by Col. Sanger, the assistant secretary of war.

# TOLD SCHLEY MAY 27

**Continued From First Page.**

moment under Commodore Schley's command were in action, presumably preparatory to take their position in steaming order to return to Key West. As soon as I returned to my own ship, after my boat was hoisted, I steered to the southwest for Kingston."

"Did you state in specific terms that you agreed with Commodore Schley as to the difficulty in coaling?"

"The question was not discussed and I expressed no opinion."

"Did this conversation occur before or after the dispatches which you took aboard had been read by the commander-in-chief?"

"After."

In response to further questions, Admiral Cotton said that he had the original translations of the cipher dispatches addressed to the Harvard. The dispatch of May 25 was then read to him as follows:

LONG'S ORDER TO SCHLEY.

"Washington, May 25, 1898.—Harvard, St. Nicholas Mole, Haiti: Proceed at once and inform Schley and also the senior officer present off Santiago, as follows: "All department information indicates the Spanish division is still at Santiago. The department looks to you to ascertain facts and that the enemy, if therein, doees not leave without a decisive action. Cubans familiar with Santiago say that there are landing places five or six nautical miles west from the mouth of harbor, and there insurgents probably will be found, and not the Spanish. From the surrounding heights can be seen every vessel in port. As soon as ascertained notify the department whether enemy is there. Could not the squadron, and also the Harvard, coal from the Merrimac leeward of Cape Cruz, Gonaives channel, or Mole, Haiti? The department will send coal immediately to Mole. Report without delay situation at Santiago, Cuba.
—"Long."

Mr. Raymer called attention to the fact that there were some material changes in the dispatches as printed in the official reports by the navy department.

Admiral Schley's reply to these dispatches, dated May 29, in which he said he could not obey the orders of the department, was then read, and Mr. Rayner pointed out various changes in the language of the dispatch as printed in the official report. He addressed the court briefly concerning these changes.

Following is the text of the original dispatch sent to the navy department:

SCHLEY'S RESPONSE.

"Received dispatch of May 26, by Harvard, off Santiago de Cuba. Merrimac's engine is disabled and she is helpless; am obliged to have her towed to Key West. Have been absolutely unable to coal the Texas, Marblehead, Vixen and Brooklyn from collier owing to very rough seas and boisterous weather since leaving Key West. Brooklyn is the only one in the squadron having more than sufficient coal to reach Key West. Impossible to remain off Santiago in present state of coal, account of the squadron. Not possible to coal to leeward of Cape Cruz in summer, owing to southwest winds. Harvard just reports to me she has only coal enough to reach Jamaica, and she will proceed to Port Royal; also reports only small vessels could coal at Gonaives or Mole, Haiti. Minneapolis has only coal enough to reach Key West, and same of Yale, which will tow Merrimac. It is to be regretted that the department's orders cannot be obeyed, earnestly as we have all striven to that end. I am forced to return to Key West, via Yucatan channel, for coal. Can ascertain nothing concerning enemy. Was obliged to send Eagle to Port Antonio, Jamaica, yesterday, as she had only twenty-seven tons of coal on board. Will leave St. Paul here. Will require 9,500 tons of coal at Key West."

He said that Admiral Schley had spoken of the weather as "boisterous," and that that word had been omitted from the printed copy of the dispatch. He also stated that whereas the admiral had said that 9,500 tons of coal would be necessary, the printed copy made it 10,000 tons. It was also stated in the original that the Harvard was going to Port Royal, whereas Kingston had been inserted in the printed copy. There also were other changes.

Admiral Cotton then related a conversation he had had with Admiral Schley concerning a proposition of Lieut. Beall, of the Harvard, to go ashore and put himself in communication with the Cuban insurgents. He could not, he said, recall the exact words of the conversation, but at all events Mr. Beall had not been ordered ashore.

SCHLEY DID NOTHING.

Judge Advocate Lemly then asked: "After you had delivered and prior to the dispatch he had delivered to you to be sent to Kingston, what efforts did he make to locate Cervera's fleet to your knowledge?"

"None to my knowledge."

"Did he with his squadron at that time approach Santiago?"

"He did not. I will qualify that to this extent. The vessels, of course, were not at anchor; they were moving about, and there were directions for movement toward the harbor of Santiago."

"Referring to that phrase in the dispatch, 'the department looks to you to ascertain the facts and that the enemy, i ftherein, does not leave without a decisive action,' what within your knowledge did Commodore Schley do in obedience to these instructions?"

"Nothing to my knowledge."

"On the departure of the flying squadron, supposing they departed on that day as indicated by the signal for Key West, and the leaving of your own vessel for Kingston, what of the American forces was left off Santiago to prevent the exit of Cervera's fleet from that harbor?"

"I have no personal knowledge of that subject."

"Judge Advocate Lemly started to read dispatches received by Admiral Cotton from Admiral Schley delivered by the Scorpion."

Mr. Rayner objected to the reading of this dispatch unless Admiral Sampson's dispatch No. 7 to Admiral Schley should also be read, as he said Admiral Schley's orders were based on that.

At this point Capt. Parker remarked that this dispatch could not be found. To this remark Capt. Lemly took exception saying that it was out of place for counsel to make such comment. Admiral Dewey sustained the objection.

The order of Admiral Sampson, which is a letter known as the "Dear Schley" letter was then read.

On cross-examination Admiral Cotton said that while he had delivered four or five dispatches to Admiral Schley he had the original only of the one dispatch which he had given. They had all been translated by Lieut. Beall, and he had not seen the originals of any but that one. He had no record of any other dispatches.

Mr. Rayner—I think may be I can help you if you will let me. I will see if I cannot refresh your memory. Are you not mistaken about dates, and is not the date of the delivery of these dispatches the 31st, instead of the 27th of May? You did deliver the dispatches, there is no doubt?

DELIVERED MAY 27.

"All the dispatches I received at St. Nicholas Mole were delivered to Commodore Schley on the morning of May 27, 1898. There is no mistake about that. The dispatches I received at Kingston for Commodore Schley were delivered on the morning of May 31. There is no mistake about that."

"Then we will go ahead and see if you can find any more. I know you delivered them as fast as you got them."

"I desire to inform counsel that I have a record of the dispatches that were received by me or that came addressed to the Harvard or addressed to the senior officer at St. Nicholas Mole or Kingston, Jamaica. I have not a record of the dispatches that came and which were intended for Commodore Schley except one."

Mr. Rayner—You spoke of four or five dispatches.

"The dispatches to which I have reference are those that were received in the Harvard by me."

"Have you a record of those?"

"I have a record of the dispatches that were intended for the Harvard and were received by me as the commanding officer of the Harvard. I have not a clear record of all dispatches that were addressed or or intended for Commodore Schley or the senior officer off Santiago."

The witness identified one dispatch printed in the appendix to the report of the bureau of navigation May 27, 1898. The court at this point adjourned for luncheon.

Recurring to his conversation with Admiral Schley concerning the coal supply of the fleet on the 27th, Admiral Cotton said that Admiral Schley had expressed great anxiety on that point, such as any commander would have felt, he said, under the circumstances. At this point Mr. Rayner referred to the previous remarks concerning coaling in the open sea on the 27th. He said:

"I understand you to have said that after reading dispatches the commodore made signals inquiring the amount of coal. Did you see the answering signal?"

"I did not," responded the witness.

"You stated you could have coaled from the Merrimac on that day. Why didn't you do so?"

"In the first place I had not authority to coal. In the second place I was going for coal, which I could receive within twenty-four hours, and in the third place coal was more needed by the fleet than by the Harvard."

"Did you ask the commodore for permission to coal?"

"I did not."

Mr. Rayner attempted to have Admiral Cotton say that his conversation with Admiral Schley concerning Lieut. Beall's proposition to go ashore and communicate with the insurgents had occurred on the 31st instead of the 27th of May. The witness said that this might possibly be the case, but that to his best recollection the conversation occurred on the 27th. Mr. Rayner explained that Admiral Schley had on the 31st sent another man ashore to communicate with the insurgents, which would explain Admiral Schley's declination of Lieut. Beall's proposition.

The witness said that up to May 24 he did not know of the presence of the Spanish fleet within the harbor at Santiago, nor did he know of any other officer who had that information at that time. On re-direct examination Admiral Cotton said he was satisfied that he had told Admiral Schley of Lieut. Beall's proposition on the 27th, because he would have considered that he was remiss in his duty if he had not given the information at the first opportunity. He had then had before him the order of the department to Commodore Schley to ascertain the facts concerning the presence of the Spanish fleet in the harbor.

ORDERS FROM SAMPSON.

Mr. Hanna here introduced a copy of a dispatch from Admiral Sampson which had been received by the Harvard and which had not been made public heretofore. It was stated that this message had been written on May 22. A notation on it showed that it had been received on May 25. The dispatch was in cipher and was directed to the Harvard at Mole St. Nicholas. It was translated by Lieut. Beall and as presented read:

"The Spanish squadron at Santiago; if previous to May 19, scout off Santiago. Communicate with Schley if he (they) moves west. Schley is expected May 24 at Santiago from Cienfugos. Telegraph me from Nicholas Mole to Key West if he (they) move east, and leave letter for Schley. Then go to Santiago to meet him. I shall be at Cay Francis with squadron.

"If two scouts are available, one should keep track of the Spanish squadron."

Admiral Cotton said that the copy which he had read had been retained by him. He added that if he had ever given that dispatch to Admiral Schley it had been on the 27th and not on the 31st of May.

Mr. Rayner here raised the point that the document read was a copy and not the original. He also called attention to the fact that the document had not been printed in the official reports of the navy department. An animated controversy followed in which Mr. Rayner commented upon the (in his opinion) inaccuracy of the department reports. He demanded the original dispatch and added:

RAYNER PROTESTS.

"This is an inquiry and not a prosecution and you are here to protect and vindicate Admiral Schley as much as we are."

He said that Admiral Schley had turned in all his papers and that Admiral Sampson's papers should also be available for the purpose of the court. Capt. Lemly then produced the original cipher copy of the dispatch. He asked the witness how he had received the message and the latter replied:

"I received from the cable office on board the Harvard at St. Nicholas Mole the dispatch of which this is a translation. Lieut. Beall made the translation."

"Is it a correct translation of the cipher?"

"I believe it to be."

"Did Beall so state to you or did he hand it to you as a correct translation?"

"He handed that to me as a correct translation of the original dispatch in cipher and believe it to be correct."

"Now, I will ask you whether, to best of your knowledge and belief, and your best recollection of the subject, you delivered on the 27th of May to Commodore Schley this dispatch?"

"To the best of my knowledge and belief, I delivered a copy of that dispatch to Schley on May 27 off Santiago, Cuba, and that is one of the dispatches to which I referred as having delivered. To the best of my knowledge, I delivered a copy of that dispatch because it was important information for him, and he was mentioned by name in the dispatch."

Ultimately Mr. Rayner consented to accept the copy as correct.

TO COMMUNICATE WITH CUBANS.

This point being settled, counsel for the department passed to the point concerning the proposition of Lieut. Beall to communicate with the Cuban insurgents on shore, and in doing so caused another objection to be raised by Mr. Rayner. The question was put by Mr. Hanna, who said:

"I will ask you whether you would have considered that you had discharged your whole duty, having knowledge of this, if you had not communicated with Commodore Schley?"

Mr. Rayner indicated an objection, saying:

"You are not pressing a question of that sort."

To this Admiral Dewey interjected: "The witness has already stated that very fact."

Mr. Rayner—He gave that as a reason for verifying his recollection, but the question is asked here whether he performed his duty.

Admiral Dewey—As the witness said he considered he had done his whole duty, I think he has answered that. I was struck with that very phrase, and I thought how much time we were wasting asking the same question over and over again.

Mr. Hanna was not, however, entirely satisfied with the status of the matter as thus left, and said he did not ask it for purposes of repetition, but because the question was very important, and had not been precisely answered. "We have," said he, "an order from the department saying: 'The department looks to you to asceraain facts, etc.' We wish to know whether this was done or not, as a part and an essential part of this is the suggestion that the insurgents could have been communicated with. Here comes the commanding officer of the Harvard with an offer and ready made means of communication with the insurgents. We desire to know whether that offer was communicated to Commodore Schley at that time, and on the 27th of May, not on the 31st, or any other day. In order to fix this witness' recollection his attention is directed to this question, and it is a very important question. Three years have elapsed, and it is necessary that such aids as we can present to witnesses be given. The admiral has stated that to the best of his knowledge and belief he did have this conversation on May 27. Now, I wish to ask you whether you knew of this instruction of the department?"

COTTON IS POSITIVE.

"I did."

"I would like to know whether, knowing of that, you consider by any possibility you would have omitted to communicate with Commodore Schley?"

"I should think not."

At 3:25 p. m., Admiral Cotton was excused and Capt. William C. Wise, who was in command of the auxiliary cruiser Yale during the summer of 1898, was called to the witness stand. He told of his reconnoitering about Santiago harbor on May 20, and May 23, previous to the arrival of the flying squadron. He said he had not been able to see anything of the Spanish fleet.

Capt. Wise related how he had come up with the flying squadron off Santiago just as it had begun its retrograde movement on the 27th of May and told of his exchange of signals with Capt. Philip, of the Texas. Mr. Hanna questioned him, saying: "As I understand you, when you picked up the flying squadron they were formed for the westward movement?"

"Yes," was the reply. "In other words, the Texas had completed her turn and the Merrimac was still in the turn."

"Did you pass near any of the vessels?"

"I passed close to the Texas and exchanged salutations with Capt. Philip. Capt. Philip asked me where the Spanish squadron was. I answered, "Navy department said they were in Santiago." He asked me where we thought they were. I said: 'I firmly believe they are in there.'"

Mr. Rayner objected to this line of testimony, saying that it was in the nature of a report of a conversation between Capts. Wise and Philip and inadmissible. The court sustained the objection, and then put some questions of its own, which together with the answers were as follows:

WHEREABOUTS OF CERVERA.

"What information had you that led you to believe the Spanish squadron was at Santiago May 27?"

"The same information that was received from the navy department. I will state that if they were there on the 20th they did not leave. I am perfectly satisfied they did not leave whilst we were there."

Judge Advocate: "I am reminded by the court that this refers particularly to information that you have."

"I received my dispatch from the navy department on the 20th that the Spanish squadron had arrived on the 19th in Santiago."

"Had you any personal knowledge?"

"No."

By the court: "Did you report to the senior officer present the information upon which you based your belief regarding the location of the Spanish squadron on that date?"

"As stated first, I was intercepted by the order from Commodore Schley from the Vixen, to take the Merrimac in tow. Capt. Sigsbee, of the St. Paul, immediately went on board. The Brooklyn was a mile and a half ahead. I immediately went to the Merrimac and made preparations to take her in tow, and, so far as my communicating with Commodore Schley, no."

The judge advocate, at Admiral Dewey's instance, invited attention to the dispatch, as follows:

"Washington, May 20, 1898.—Yale, care American consul, Cape Haitien. Inform every vessel off Santiago de Cuba flying squadron is off Cienfugos, and that orders have been sent today to proceed with all possible dispatch for Santiago de Cuba. —"Long."

"The court asks why that order was not carried out."

Capt. Wise said in reply:

"I informed the St. Paul, the Harvard and the Minneapolis, and I notified Capt. Philip the same thing."

The court adjourned until 11 o'clock tomorrow, saying it would hold only one session tomorrow, and would take a recess in the afternoon in order to permit those connected with it to attend the funeral of Judge Wilson, recent counsel for Admiral Schley.

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