

THE DESPATCH NEWS.

TRUTH AND LIBERTY

WEDNESDAY, OCTOBER 30, 1901. SALT LAKE CITY, UTAH.

NUMBER 294.

FIFTY-SECOND YEAR CROSS-EXAMINATION STANDS COMPLETED

It Now Being Finished Members of the Court Will Submit Many Questions To Admiral Schley.

Washington, Oct. 30.—With the opening of the Schley court of inquiry today Admiral Schley began the fifth day of his testimony and the third day of his cross-examination. The prospects then were that he would continue on the stand throughout the day. Judge-Advocate Lemly still had a long list of typewritten questions before him and the different members of the court have been industriously preparing questions to be presented to the admiral for his consideration when his examination by counsel is concluded.

The testimony began today where left off yesterday, taking up the different phases of the blockade of Santiago and passing from that question into the reconnaissance of May 31, when the Spanish cruiser Cristobal Colon was bombarded. The battle of July 3 was left for the last subject to be considered.

IOWA NOT AT HAMPTON ROADS.

The first question Capt. Lemly asked was whether the Iowa was with the flying squadron at Hampton Roads when he gave the captains of the ships the verbal orders as to attacking the enemy's fleet. Admiral Schley replied that she was not. In response to questions he said that he first fell in with the Iowa off Centurios. Capt. Evans was then in command. He did not recollect whether he had communicated the verbal orders to the latter. He first saw Capt. Evans on May 29. He was then questioned as to his conversation with Capt. Evans when the latter suggested a circular blockade such as existed at Wei Hai Wei. Witness said he thought the fleet was larger than he had seen. He was asked whether he had not considered a circular blockade with the vessels pointing in as mobile as the other form in that the ships could move either way by turning with the helm. The admiral replied that he thought a circular blockade where all the vessels charged to the center would produce confusion and inevitably lead to a different arrangement according as the enemy moved east or west. "The outcome," said he, "could only be more or less confusion such as did actually occur later."

FOLGER'S SIGNAL READ.

The admiral's attention was called to Capt. Folger's statement that the latter had advised him to go in closer at Santiago and his own statement in chief that on the next day Capt. Folger had signalled him that they were within range of the batteries. The admiral in reply changed the date of the signal to a day later. He read Folger's signal: "I think the forts may open on this range." He said that Folger made this signal the admiral was in practically the same position as on the day Folger testified he had asked the admiral to go in closer.

RECONNAISSANCE OF MAY 31.

Coming to the reconnaissance of May 31, when the Spanish ship Colon was bombarded as it lay in the harbor at Santiago, Capt. Lemly asked Admiral Schley when he first received notice that the commander-in-chief wanted him at Santiago. The witness replied that the notice had come in the dispatch brought to him by Capt. Cotton, which was dated May 29. This telegram was, he said, not received until May 31. Possibly, too, the New Orleans might have brought information of the coming of Admiral Sampson.

RECONNAISSANCE OF MAY 31.

"Why did you wait two days after the discovery of the presence of the fleet in the harbor before undertaking your reconnaissance?"

"For the reason I had used those two days for coaling the vessels of the fleet, so as to be prepared in case the enemy should come out."

RELATING THE OCCURRENCES OF THE BOMBARDMENT he said he recalled that Capt. Higginson had asked after he (Schley) went aboard the Massachusetts that the bombardment be postponed until after dinner; that he warned some people to get off the turrets, and that Lieut. Commander Potts had given notice that they were on the range. He did not recall, he said, the signal not to go in closer but it was possible that such a signal had been sent and it had not been recorded. It might be that it was with this as with other signals which had not been recorded, because the writing of them was always done the next day.

PRESS CORRESPONDENTS PRAISED.

"No man," he said, "except press correspondents who brave all dangers, can always have paper and pencil at hand while a battle is in progress and as a consequence there is a failure to record many occurrences that should be recorded."

Here followed an examination of the various signals of the Massachusetts on the day of the bombardment which the admiral verified. At the same time he remarked he thought there were other signals unrecorded.

Admiral Schley said he had ordered the range at 7,000 yards for that day, but he had not supposed the Colon was so far up the harbor.

"Of course," he said, "I left the measurement of the range to the executive officer."

"Does your letter to the Senate, dated February 15, 1899, plead the precautionary order of the department for not destroying the Colon?"

"I should rather think that is the inference."

THE ADMIRAL TO THE SENATE

The admiral then, at the request of the judge-advocate, read what he wrote to the Senate. The letter contained the precautionary order of the department at the opening of the war. He again explained, as he had done before, that when he wrote his communication to the Senate he did not have all the

general instructions to close in and destroy the fleet at 1,000 yards away, outside of the broadside torpedo range. When the time came for the turn Capt. Cook's conception of the movement coincided with his own. Although Capt. Cook gave the order he would have done so if the captain had failed to do so.

ASSUMES FULL RESPONSIBILITY.

"Do you assume full responsibility for the loss of the Colon?"

"Absolutely. If I did not give the order I approved it."

Asked where he had heretofore, before the beginning of this inquiry, mentioned that he had during the battle given the signal "Follow the flag," Admiral Schley replied:

"I think I have kept my mouth pretty close on all these subjects, and do not recall speaking of this incident. I distinctly recollect giving the signal and that it was flying for twenty minutes."

"Did the Brooklyn stand in and attempt to sink the Spanish fleet in the channel?"

"I started in at first to help the other vessels and to stop them. I never had any idea that they would get away."

Continuing, he said in reply to questions, he estimated that the Brooklyn had gone into within from a mile to a mile and a half from the mouth of the harbor and was within range of the shore batteries. He thought that from twelve to fourteen minutes the flag ship had been within a range of less than 2,000 yards from the Spanish ships. "They looked very close," he said.

"When the Spanish ships succeeded in getting out of the harbor without being sunk in accordance with their order what alternative was there but to chase them?"

NO ALTERNATIVE.

"There was no alternative—no other course was open but much depended upon the character of the chase, whether it was made in the proper way. It was not a very good thing, while a poorly conducted and ineffective blockade would have been another thing."

The admiral said, in reply to questions, that while several of the vessels had failed to join in the chase, leaving the work after the sinking of the Teresa and the Oquendo to the Brooklyn and the Oregon, this was because they could not follow at the pace set by the Spanish ships.

At this point Capt. Lemly introduced the following paragraph from Admiral Schley's report dated Guantanamo, July 13, 1898:

"Since conversing with several of the captains, viz: Capt. Eulate, of the Viscaya, and the second in command of the Colon, Commander Contres, I have learned that the Spanish admiral's scheme was to concentrate all fire for a while on the Brooklyn and the Viscaya to ram her, in hopes that if they could destroy her the chances of escape would be greatly increased. It was supposed she was the swiftest ship of the squadron."

"This explains the heavy fire mentioned and the Viscaya's action in the morning movements of the engagement. The execution of this purpose was promptly defeated by the fact that all the ships of the squadron advanced in close range and opened an irresistible fire. The Spanish admiral's scheme as it was coming out of the harbor."

At 2:30 p. m. Judge-Advocate Lemly announced that he had no further questions to ask Admiral Schley.

Raynor stated that he had not a single question to ask. Admiral Dewey announced that the court had some questions.

CZOLGOSZ'S DEATH.

London Papers Congratulate America on Course of Justice.

New York, Oct. 30.—Some of this morning's papers refer editorially to the execution of Czolgosz, says the Tribune. The London correspondent, they congratulate the American people on the steady and consistent course that justice has taken in the assassin's case and on the utter absence of sensationalism which has marked its close. The Morning Post considers the fact that himself provided the true explanation of his crime when he expressed a desire to make a statement where there were lots of people. A morbid desire for notoriety in half the secret of anarchism, says that paper.

CZOLGOSZ'S DEATH CELEBRATED.

Anarchist Clubs of London Make It a Great Occasion.

London, Oct. 30.—The anarchist clubs of London celebrated the execution of Czolgosz by dances in honor of his "noble death." Various groups met at their respective headquarters at a late hour last night and most of the gatherings were held in the city. This morning after singing the "Internationale" all the meetings lustily cheered every mention of Czolgosz, whose portrait, draped with black and red, occupied the place of honor on the platforms. There were remarkable scenes on the dispersal of the clubs, groups of anarchists shouting "Vive la Republique," singing "Carmancho" and dancing and shouting "Long live the brave." The police dispersed some of the groups.

The increasing activity of the anarchists is causing some concern to Scotland yard authorities.

DUTCH RED CROSS SOCIETY.

Report Deals Bitterly with Capture of Ambulance Corps.

The Hague, Oct. 30.—The report of the Dutch Red Cross society, published today, deals bitterly with the capture of the Dutch ambulance corps near Pretoria, July 5, 1900. It declares the British knew before the ambulance left Pretoria that it carried private letters from Boer families to men in the field and that they did not protest, but allowed the ambulance to start, captured it outside the town and used the letters as a pretext for deporting the nurses and doctors who are still in captivity on the island of Ceylon. The Red Cross committee, subsequently, persistently appealed to Lord Kitchener to release his prisoners. James Haggan, division supervisor, and Michael Padjen, supervisor's clerk, it is feared will die.

Newmarket Houghton Meeting.

London, Oct. 30.—There was a big attendance at the Newmarket Houghton meeting, the Newmarket Houghton meeting, to witness the contest for the Cambridge-shire stakes, the principal event of the meeting.

The result was a tremendous upset

for the betting men. W. C. Whitney's Watershed, the winner of the race, ridden by Johnny Reiff, was considered to be a rank outsider, and started at 25 to 1 against Lord, Wolverton and Osoboko. Lord, the 15-year-old son of W. B. Booth, is responsible for the information obtained, and is the result of a little detective work on the part of the boy.

It seems that shortly after the brutal assault, four soldiers entered Booth's camp and asked Ray if he wanted to purchase a watch. He said yes and the soldier produced a watch and Ray examined it. He found the nickel worn off the back of the time piece showing the brass and said he would not have it. The soldier wanted \$5 for it. The men "roasted" the boy because he would not take the watch and finally one of them said, "Come on Riley, he is giving you hot air."

Yesterday Ray read the account of the hold up and immediately made his way to scholars. He is well acquainted with the family, being an intimate friend of Mr. Schluter's son. He asked Mr. Schluter to describe the watch taken from him and then told the soldier that he would sell a watch to him. He said he was sure it was the same, and instead of going to school went up to the Fort to locate it, if possible, the soldier. He met a sergeant, who asked him if he was looking for Ray and told him the story. The officer offered to assist him and together they went through the barracks. Before long they ran across the tall fellow who wanted the watch to leave the store. They met him twice and each time he looked at Ray in a peculiar manner. The boy told the officer that he was one of the men and they went to see the captain after which the tall man was sent for. Asked if he had seen the boy before, the man said he had but denied trying to sell him a watch. He admitted, however, that his companion had. He could not remember, but Ray asked him if it was not Riley. "Oh, yes, Riley is his name," replied the soldier. The man was locked up in the guard house and later Riley was taken into custody, together with three other men.

Today Mr. Schluter went up to the Fort for the purpose of identifying the prisoners and of locating his watch if there. He is to meet the commanding officer and the matter will be gone into thoroughly. If it develops that the prisoners are the right men, warrants will be issued for them by Judge Diehl and they will be brought for examination on the charge of robbery.

Pearl Harbor Station.

Government Institutes Condemnation Proceedings.

Honolulu, Oct. 29, via San Francisco, Oct. 30.—(Correspondence of the Associated Press.)—U. S. Judge Esteo has ordered a jury trial in the case of the United States vs. Bishop & Co., the government to condemn lands for the Pearl harbor station. This is regarded as a substantial victory for all the defendants in the case, as all have been free for jury trials, under the impression that a jury would value the land to be condemned higher than would the court. The valuation set in the pleadings for the government is less than \$17,000, while the defendants claim one million and a half. Esteo set the Bishop case for trial by a jury for November 25 and ordered the other cases of other defendants to be tried before that date. The order for a jury in the Bishop case was not made applicable to the others it is expected to be followed as a precedent.

Presidential Appointments.

Washington, Oct. 30.—The President today made the following appointments:

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Navy—Lieutenant commanders: Clarence A. Carr, John B. Smith, Jr., Lieutenants—Leland J. James; L. S. Sticht.

Gunners—Owen Hill, Charles Herdahl.

Greece May Annex Crete.

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Col. Fortescue, the dispatch adds, had a day-long running fight with the Boers. The Boer commando, October 27, northward of Balmoral. He killed four Boers and captured 45 prisoners, 26 wagons and much stock.

BARN DESTROYED BY FIRE.

Believed to Be Work of Incendiary Seeking Revenge.

In the meantime his uncle, Prof. Wm. M. Stewart, Judge S. B. Stewart and C. B. Stewart, all of this city, have been in constant attendance at the hospital.

The accident happened while the two young boys were on the south hills near Draper. They were going to herd sheep and had begun to hitch the horses to a wagon. Leslie Stewart was in the wagon, and young Smith, who was a revolver lying on the ground near by, in some manner it discharged and the bullet passing in an upward angle shot the victim of the accident in the abdomen. The young man's mother died when he was quite young and the father is prostrated with grief over this accident. Leslie is the youngest of two sons and has always been a good, upright young boy.

FIGHT AT POLICE STATION.

Drunk Man Makes Things Lively For a Time.

There was a lively little mix-up over at the police station early this afternoon and for a few minutes serious trouble was looked for. It occurred when Officers Sperry and Armstrong tried to search a drunken man whom they had arrested. The fellow tried to run things generally in a barber shop at 116 State street, and had about half a dozen people badly scared. He entered the tenebrous establishment and demanded to be shaved at once. He was informed that nothing could be done for him while he was drunk, which made him angry and he wanted to fight. Placing himself in a chair he refused to move and started to run things with a high hand when word was sent to the police station. Officers Sperry and Armstrong were sent to the scene of the trouble and at the sight of them the drunken man became enraged and put up a fight.

The officers made a rush at him. Sperry getting a half twist on his arm while Armstrong secured a half twist on his. Half dragging and half carrying him the officers succeeded in getting him into the station, and then the real difficulty came when Armstrong tried to search him. He put up another fight and Sperry rushed to the rescue. The man struggled and struck out savagely and begged to be given a chance at the blue coats. "Let him go," said Sperry. "I will take care of him," but Armstrong held on until the fellow's pockets were cleaned out.

Asked for his name he said he needed it himself, but if they wanted to know last night it was "Mick," "shay," did you ever hear of that name before?" he demanded. "No name of D-e-r-ming-see?" Whatnell "smatter 'th-y, lemme go, no doan," he yelled. Then he made a rush at Sperry but the latter seized him by the neck and had him out in front of the jail before he had time to realize where he was. The fellow weighed in the neighborhood of 250 pounds and he thought that means of resistance was to sit down, and down he went.

Sperry hesitated a moment, and then grabbing him by the neck dragged him bodily into the drunk man's trousers and he was out of the station before he gets out. His name is J. R. Dergeman, and he claims to be a machinist. He will have a hearing before Judge Diehl tomorrow afternoon.

WELLS PLEADS GUILTY.

George Wells, the house breaker who entered the home of E. J. Jones on Twenty-second street the other night, was pluckily captured by Mrs. Jones pleaded guilty before Judge Joseph Hall this morning. In default of \$500 bonds he was remanded to the custody of the sheriff pending his sentence by the higher court.

GETS FIFTEEN DAYS.

James Campbell was arrested last night on the charge of obtaining money under false pretenses. Early in the evening he met Edwin White, a Crofton, Morgan county, an elderly gentleman, and worked upon his sympathies by telling him a hard luck story. He represented to him that he had some trunks in a store up town which contained several hundred dollars, but he required \$5 to get the trunks and would the kind gentleman be good enough to loan him the \$5 for a few minutes. The kind gentleman was good enough to come back. Crofton however put the policemen on the trail and within a short time Campbell was in the toils of the law. He was arraigned this morning and given fifteen days in jail to think it over.

John Brown was given ten days for stealing a pair of trousers.

OFFICERS VIGILANT.

Military Authorities at Fort Douglas After Lawless Soldiers.

Vigorous efforts are being made by the authorities at Fort Douglas, and by the police to ascertain who held up and robbed W. H. Schluter, the plumber, Monday evening. Five soldiers are now locked up in the guard house at the Fort pending an investigation.

ation, and two of them have been identified as the men who tried to dispose of the watch taken from Schluter. Ray Booth, the 15-year-old son of W. B. Booth, is responsible for the information obtained, and is the result of a little detective work on the part of the boy.

It seems that shortly after the brutal assault, four soldiers entered Booth's camp and asked Ray if he wanted to purchase a watch. He said yes and the soldier produced a watch and Ray examined it. He found the nickel worn off the back of the time piece showing the brass and said he would not have it. The soldier wanted \$5 for it. The men "roasted" the boy because he would not take the watch and finally one of them said, "Come on Riley, he is giving you hot air."

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IN CRIMINAL COURT CIRCLES.

Allred Enters Plea of Not Guilty To Grand Larceny Charge.

WHAT DELVECCIO WANTS.

Shurtliff-Wilson Murder Trial Set for Monday, November 18th—Various Other Court Cases.

James P. Allred this morning entered a plea of not guilty to the charge of grand larceny on which he was arraigned last Monday. His trial was set for Nov. 14th. Charles O. Levey entered a similar plea to a charge of housebreaking, reserving the right to demur. He will be tried on Nov. 13th.

DELVECCIO'S CASE.

The court then resumed hearing of the arguments for and against a new trial for Vedo Delveccio, the young Italian who was found guilty of rape on the person of Bertha Westlund, a servant girl at the Cannon farm, on the night of June 24th last. The motion was argued at length by Attorney D. F. Truman for the defense, and District Attorney Elchert for the State, and taken under advisement till Saturday morning, when the court will either grant the motion for a new trial or pass sentence.

ON HIS OWN RECOGNIZANCE.

The case of fornication against Dan Vasconcelos, the defendant was allowed to go on his own recognizance, on motion of Will P. Wanless, his attorney.

Frank Shurtliff trial for murder in the second degree has been set for Monday, Nov. 18th. Shurtliff is the youth who with a number of others drank an eight-gallon keg of beer on Sunday, June 30th at Big Cottonwood, and then went out shooting with a rifle. Mrs. Jane Wilson was shot in the neck with one of the bullets, and subsequently on July 15th died from the effects of the wound. Frank Shurtliff is charged with having fired the fatal bullet.

Answer Filed.

An answer was filed today in the Federal court to the complaint of Sarah T. Fowler against the Bear River Irrigation and Ogden W. W. company, Wm. C. Weaver, receiver. In the complaint it is alleged that the plaintiff was the owner of a certain amount of land in the Bear River valley, and that she transferred certain portions of the same to the defendant company for a perpetual water right for the remainder of the land. It is further alleged that the defendants made a general denial to the complaint and the plaintiffs ask that the title to the land be given to her again with such other consideration as the court may deem proper. The answer filed today makes a general denial to the complaint, especially as regards the clauses which allege fraud and the breaking of contracts.

COURT NOTES.

Harriet Wilson was yesterday afternoon granted a divorce from her husband, John H. Wilson, on the testimony of the plaintiff, her son, Earl, and Mrs. Schrom. The defendant was in default. The plaintiff was granted a month's alimony, with \$50 attorney fees.

Lillian Bennett has petitioned the probate court to appoint her guardian of the estate of Simon Bennett, an incompetent and inmate of the state asylum, who has a claim of \$200 against the Order of Patricians. Hearing will be on Nov. 5th.

Catherine Peters wishes the probate court to appoint her administratrix of the estate of her late husband, James O. Peters, who left a half-interest in a saloon at 208 south, East Temple street, valued at \$1,500. The heirs are the petitioner and her daughter. Hearing Nov. 15th.

Trial of the case of William M. Felner and other creditors of the estate of the late William A. Norton against John E. Dooly and the Norton estate heirs as intervenors for an accounting of the partnership of said deceased in the Charles Dickens mine in Idaho, is still progressing before Judge Morse and bids fair to run over into the morning hours of Thursday. Evidence for the plaintiffs is still being introduced.

In the case of Samuel H. Ayerbach vs. Rose G. Mayers, et al., the order granting a stay of proceedings entered by inadvertence and mistake on April 30th was today set aside by Judge Hall.

Albert G. Wagstaff today began suit against Jane E. and William G. Wagstaff, guardians of the minor children of John Wagstaff, deceased, and the administrators of the decedent's estate to quiet title in himself to certain property in five-acre plat A, B, field survey.

O. H. Schade has commenced a damage suit against Victor Youngberg, who, he alleges, had him arrested on September 11th, and taken before a justice of the peace on a charge of intending to defraud his creditors by leaving the city without settling his debts. He admits that he owes the defendant \$25, but had no intent of "beating" him out of it. Schade claims that Youngberg's action has damaged his credit to the extent of \$5,000, to which sum he adds \$100 attorney fees and \$15 which he had to expend in obtaining a new bondman for the administration of his father's estate