

INFORMATION OF
CERVERA'S FLEET

Effort of Navy Department Was to Show
That Admiral Schley Had Knowledge
of Its Whereabouts.

Washington, Sept. 26.—The Schley court of inquiry began its session today with the intention of holding one sitting, having decided to forego the afternoon session in order to permit the members of the counsel and court to attend the funeral of Judge Wilson.

The counsel for the navy department today continued their efforts to show that Admiral Schley had information of Cervera and his fleet in the harbor of Santiago and introduced for this purpose additional officers of the auxiliary cruisers which were at the time doing duty as scout boats in West Indian waters.

Capt. Wise, who commanded the scout ship Yale during the Spanish war, continued his narration of the retrograde movement of the flying squadron toward Key West on May 27. He first told of how the Yale had taken the Merrimac in tow under direction of Admiral Schley. He said that the admiral had signalled upon starting to ask if there was coal enough to carry him to Key West, to which he had responded in the affirmative. On the next day he reported in response to an inquiry that he had coal sufficient for two days of full steaming, and for four days of moderate steaming.

He was then dispatched to Newport News, reporting to Admiral Sampson on the way. He had told Admiral Sampson, he said, that the flying squadron was about thirty miles west of Santiago. In response to a question of the admiral he had said he did not know what it was doing there. In detailing the trip westward toward Key West the witness told of the breaking of the Yale's hawser on the Merrimac. He said this had caused delay.

"What was the difficulty?" asked Capt. Lemly.

"Improper securing of hawser on the Merrimac."

"Was it due to tempestuous weather or not?"

"Not at all."

READS FROM SCHLEY'S REPORT.

Mr. Hanna read the following extract of Admiral Schley's report of February 15, to the committee on naval affairs, in reference to the letter from the secretary of the navy of February 6, 1898, beginning, "After having been informed by the scouts, commanded by Sigbee, Jewell and Wise, that although they had all been off Santiago de Cuba for a week, they had seen nothing of it (the Spanish fleet), and knew nothing of its movements or its whereabouts, etc."

He then asked Capt. Wise if he had made such a communication to the admiral.

"I did not," was the response.

"Did you give Admiral Schley any information respecting the Spanish squadron?"

"Only through Capt. Sigbee. I did not go on board the Brooklyn at all. I gave Capt. Sigbee all the information I had."

"Had you been off Santiago for a week?"

"I was there from the morning of the 22nd until the evening of the 26th when the flying squadron arrived."

"Capt. Wise was cross-examined on this point by Mr. Raynor. He asked:

"From the morning of the 22nd until the arrival of the flying squadron on the evening of the 26th you were trying to get in touch with the enemy and watching the harbor?"

"Yes."

"You saw nothing in there?"

"I could not see any harbor at all."

"You could not see around the corner of Cayman?"

"We saw the masts of a small vessel. Could not distinguish which it was."

"You sent no one on shore to try to establish communication?"

"Not at all."

"Is not the natural condition of the harbor such that it is possible to see considerable up the harbor?"

"You can see only a short distance up the harbor."

"And there was nothing in sight whatever, was there?"

"Nothing at all."

The witness said that Capt. Sigbee had taken the dispatch beginning "Get in touch with the enemy."

A QUESTION BY DEWEY.

He court, through Admiral Dewey, asked:

"Was it your duty or Capt. Sigbee's to convey the information in the dispatch referred to Commander Schley?"

"I think it was Capt. Sigbee's, as he was intercepted by orders from the commander to take the Merrimac in tow."

Mr. Hanna:

"Did you receive any inquiry, or did the commanding officer of the flying squadron ask you for any information at any time?"

"Nothing."

Mr. Raynor continued his questions, devoting himself especially to the signalling between the Yale and the flagship. The witness said he was sure that on May 26th, when he hailed the Texas, he had not passed within hailing distance of the Brooklyn, being one and a half miles distant.

Mr. Raynor read from a report made on May 20 by Admiral Sampson in which he stated that Capt. Wise had told him that he believed Santiago harbor to be strongly fortified. "Is that true?" Mr. Raynor asked.

"It is," was the reply.

Capt. Wise said in reply to questions by Capt. Parker that he would at any time when off Santiago have been able to signal any information he might have had in regard to the situation. He had seen the masts of a vessel and thought it to be a small military vessel. He had gone near enough to observe the land batteries.

In reply to an inquiry from the court the witness said that the land batteries did not fire on the Yale while that vessel was reconnoitering the harbor. He also said that even though he had been the senior officer of Santiago prior to the arrival of Capt. Cotton he had not commanded Capt. Sigbee to give to Commander Schley the information which he (Wise) had given to him, (Sigbee).

DID NOT FIRE ON YALE.

The questions by the court and the replies to them were as follows:

"Did the batteries at or near Santiago fire on the Yale while she was reconnoitering?"

"Not at all."

"Who was the senior officer of San-

ago prior to the arrival of the flying squadron?"

"I was senior officer until Capt. Cotton came on the 23rd. He was there until the 24th, and I was senior officer on the 25th and the squadron came there on the 26th."

"Did you not direct Capt. Sigbee to give to Commander Schley the information that you had received from the navy department with regard to the whereabouts of the Spanish squadron?"

"I did not."

ADMIRAL COTTON RECALLED.

At this point Capt. Wise was excused and Admiral Cotton was recalled to make verbal corrections to the testimony previously given by him.

Admiral Cotton was questioned concerning some points of the Santiago campaign. He said that on the morning of May 21, after arriving from Kingston, he had gone aboard the Brooklyn with dispatches for Admiral Schley.

Asked by Capt. Lemly to relate his conversation with Admiral Schley on the occasion of that visit, he said:

"He informed me that it had been ascertained that some, at least, of the ships of Admiral Cervera's squadron were within the harbor of Santiago; that they had been seen and were in sight, and as a matter of fact, one of them was in sight at the entrance to the harbor. In language, as nearly as I can remember, he said, 'After dinner I am going to hoist my flag on board the Massachusetts, and take her to the Iowa and go in and have a pot shot at those fellows.'"

Mr. Lemly—Anything further?"

"There was, of course, some further conversation. I cannot recall the words nor aside from what I have mentioned, the particular subjects."

CHIEF MACHINIST GRAY.

Wm. C. Gray, who was chief machinist on the Texas during the battle off Santiago on July 3, testified that on that date he had been on duty at the throttle of the starboard engine of the battleship. He said that when he went to the engine room the vessel was going ahead. "The next signal," he said, "was to stop a minute afterward to reverse. The engines were then reversed."

"The witness said that the reversal was very brief, the revolutions not exceeding 100 and the time being short. He had, he said, heard afterward that the reversal was because they were passing the Brooklyn."

LT. WOOD TESTIFIES.

Lieut. Spencer S. Wood, who commanded the dispatch boat Dupont during the Spanish war, was the next witness.

Lieut. Wood related the particulars of his mission as a dispatch carrier from Admiral Sampson lying at Key West to Admiral Schley, who was off the Texas on July 3. He said that on May 20, carrying dispatches of which the Iowa carried duplicates, and had reached Cienfuegos several hours in advance of the Iowa.

"On my arrival," the witness said, "I went aboard and personally delivered the dispatches which I carried from Admiral Sampson to Commander Schley in his cabin at 9 o'clock. He asked me about the Spanish squadron, and I told him I did not know; he asked me of Admiral Sampson's intentions. I told him I did not know them. He told me he thought the Spanish squadron was there. The conversation was on the line to endeavor to find out from me what Admiral Sampson's plans were. I could give him no information."

"How long were you on board the flagship?"

"Until just before luncheon."

"Have you anything further to state with respect to this interview which took place on the subject of this inquiry?"

"The commodore hesitated some about giving me coal. He did not think he could spare coal at first. I said it was absolutely necessary; that we were short of coal, having made the run from Key West. He said, 'Very well, go below and I will think it over.'"

"I went below to the ward room and was afterwards called up and informed that the coal was ready. He had never before met the admiral. He immediately impressed me as being very nervous. He would get up and walk around, come back and sit down, and a number of questions he asked me about Admiral Sampson's intentions I was unable to answer."

"I understand you clearly you had no knowledge of the contents of the dispatch which you delivered?"

"Admiral Sampson did not tell me what was in them. He simply told me those were duplicate dispatches he was sending by the Iowa. Those duplicates, he thought the Dupont could make better speed. I left after the Iowa passed her off Cape San Antonio and arrived in Cienfuegos some three or four hours before she did. I left Key West at 11:30 a. m. on the 20th."

"During this interview in which you made some statements with respect to the admiral's manner, had he read the dispatches? Did he read them in your presence?"

"Oh, yes."

"Did he advise you of their contents then?"

"He did not tell me positively what they were. I gathered while I was about the flagship what they contained, but whether it was while I was in the cabin or later in the ward room, I do not know. I never saw his contents, and Admiral Sampson never told me what they were."

"I wish to ascertain exactly the particulars of this interview."

"All the dispatches seemed to be of an important character. Judging from the admiral's manner upon receiving them. As I stated, he was very nervous."

Asked by Mr. Raynor if Admiral Sampson or any one else had informed him before he left Key West for Cienfuegos that a code of signals had been agreed upon between the American forces and the Cuban insurgents, Lieut. Wood replied in the negative. He had not, he said, received such information officially, but he added it was current talk at Key West that the Marblehead on a previous trip had established communication with the Cubans. If, however, a code had been arranged he did not know of it.

Before Lieut. Wood had concluded his

testimony the court at 12:45 adjourned for the day, the attendance at Judge Wilson's funeral.

SHAFER ACCEPTS CHALLENGE.

Willing to Meet Gompers and Mitchell Before Arbitration Committee.

Pittsburg, Sept. 26.—When President Shaffer of the Amalgamated Association of Iron and Steel workers was shown the open letter issued last night by the President Samuel Gompers of the American Federation of Labor and John Mitchell, president of the United Mine Workers of America, in reply to his statement charging them with the responsibility for the failure of the great steel strike, he said he would accept their challenge and was ready to submit to an investigation as to the truth of the charges.

"I have no objections," said he, "to the men named by Mr. Gompers to act as a committee of investigation but as he looks to arbitration that is what I will agree to. I desire to go to the root of this matter and will select as my man, Simon Burns, president of the Knights of Labor, and the National Window Glass Workers' association, Mr. Burns can choose a second man and Gompers and Mitchell the third party."

"The meeting should take place in Pittsburg. Gompers and Mitchell gave us three hours to accept the proposition of the United States Steel corporation, as a matter of fact, one of their terms, they now limit me to three days."

RIGHT MEN KILLED.

The Result of an Explosion of Gas in Newark, N. J.

New York, Sept. 26.—Eight men were killed and seven seriously injured in an explosion at the works of the Essex and Hudson Gas company at Newark, N. J., today.

The foreman of the works, Newman Otto, and two workmen named Meyers and Kesch were cleaning the inside of a tank when they were overcome by gas.

Rescuers were called for and nine men volunteered. All were overcome by gas while engaged in removing a plate from the tank to get the three unconscious men out. A spark ignited the gas and an explosion followed.

Four of the injured men were taken to a hospital. The explosion was followed by a fire and the flames spread rapidly.

Later—Six bodies had been recovered and the police think that more men were killed than at first reported.

Looking for Shamrock Money.

New York, Sept. 26.—Wall street is still looking for Shamrock money. The largest bet reported recently was \$2,000 put up by Frederick Brooks, of Seligman & Co., in the bankers, on Columbia against \$1,500 by Fred. Cakes on Shamrock. The latter amount was provided by a number of Canadian yachtsmen.

A pool has been formed by members of the stock exchange of \$10,000 which will be placed in a jump sum against \$7,500 or divided up into \$3,000 wagers, at odds of 7 to 5.

None of this money was covered by the sale of Shamrock up to the close of the market.

DID HE KILL

WILL BROWN?

State's Testimony All In at Logan In the Abe Majors Case.

DEFENSE TO HAVE INNING.

Mr. McGarrin States What His Side Expects to Prove—Says Majors Was Not the Slayer.

[Special to the "News-"]

Logan, Utah, Sept. 26.—J. S. Stokes, of Brigham City, followed Officer Belnap on the witness stand Wednesday afternoon.

He testified that while in jail at Brigham City he heard Abe Majors threaten to kill Brown. He admitted that he was in jail for fornication.

Sheriff Layne, of Weber county, was the first witness on Thursday morning.

He testified as to Brown's clothing and correlated testimony as to circumstances after the coroner's inquest.

Belnap and Thompson were recalled for brief cross-examination.

ATTORNEYS BEGIN.

Attorney McGarrin made the opening statement for the defense and was a most effective address. He said in substance:

"Gentlemen of the Jury: We will prove to you that the defendant could not have killed W. A. Brown. We will prove to you that neither of the Majors boys killed Brown. You have heard witnesses testify that they coolly witnessed Majors fire at Brown and kill him, but we will prove to you that those witnesses were crazy with excitement at the time of the death, and that it was impossible for them to give an exact account of what occurred. We will prove that the revolver from which two shots were fired was found by close to the dead Majors and the full pistol near Abe Majors. We will prove that the bullet which killed Brown was a rifle bullet and that it came from up the hill instead of down where the Majors were. Yet a pistol could not have carried a bullet from Majors to Brown and done the execution that was done. It was a scientific impossibility. We will prove to you that these Majors boys were hounded like dogs by the officers after the robbery and that the officers began shooting at them each time as soon as they shouted to them. We will prove to you that Stokes' tale is absolutely untrue because he was never alone with Majors, and that Dr. Rich was wrong when he said the bullet ranged up through Brown's body instead of down. It would be a crime, under those circumstances, to deprive this defendant of his life or deprive his mother of his society."

Joseph Jensen, of Brigham City, was called to testify as to the papers in the preliminary examination, but his testimony was ruled out and court adjourned till 2 p. m.

MRS. PATTERSON APPOINTED.

[Special to the "News-"]

Washington, D. C., Sept. 26.—Mrs. Lullia M. Patterson, of Salt Lake, has been appointed assistant matron at the Indian school, Oregon.

OGDEN VISITED

BY THE REAPER

Bright and Accomplished Ethel Ford Dies of Typhoid.

PIONEER JOHN ELLIS DEAD.

Mr. Ellis Came to Utah Fifty Years Ago and Was Admired For His Sturdiness.

[Special to the "News-"]

Ogden, Utah, Sept. 26.—Seldona has this city been visited by the hand of death where it was so keenly felt as at the present time. At 8:10 o'clock last night Ethel Ford, daughter of Mr. and Mrs. L. W. Ford, passed away after an illness of over a week from typhoid fever. Ethel was born in Ogden and was over 17 years of age when death stole her away. She was the pet of the whole town because of her extraordinary accomplishments as a violinist, and on account of the sweet disposition which she possessed. For some time Miss Ford had been studying violin at San Francisco under Prof. Minnetti of Berlin and made rapid progress in dispatching the schooling which she had already received from her father, whose ability is so well known among musicians throughout the State. Mr. and Mrs. Ford had been married for five years and their daughter's taking away, but their grief is scarcely greater than is that of their musical friends in Ogden, who thought of her more as a daughter and host of friends who had heard of her. For a couple of years she had been a member of the Grand Opera House orchestra and her constant appearance at the house has particularly endeared her to the public. Messages of condolence are pouring in to the family at their home, No. 722 Poplar avenue.

Funeral services will be held from the Second ward meeting house at 2 o'clock on Sunday afternoon, when a large number of friends will pay their last respects to the deceased.

PIONEER JOHN ELLIS.

At 11:05 o'clock last night Ogden sustained another loss, although in this case the sorrow is softened by the knowledge that this was the natural going out of a long life of sturdy uprightness and unobtrusive usefulness.

Succumbing to general debility, at his home on Wall avenue, John Ellis, after blessing earth with his presence for over 72 years, went to meet the Great Creator, and so far as thorough goodness is concerned, few have been so well prepared for the last journey. Most everybody in Ogden knew the deceased, and many a wayward boy can mark his good turning point with a kindly pat on the back and a quiet word of encouragement from "Uncle" John Ellis. It was fifty years ago that this pioneer came here from England, and for true kindness and splendid manhood his life has been a model.

Funeral services will be held at the Second ward meeting house at 2 o'clock tomorrow (Friday) afternoon.

DEATH OF A BABE.

For some reason the newspapers have failed to chronicle the death at Payson last week of Baby Albert E. Carroll, infant son of E. S. and Rhoda Carroll of this city. The funeral was held last Saturday, and was attended by many friends. The remains were interred in the cemetery of Bishop J. E. Huisk, Patriarch Evans, President Page of the Nebo Stake, and Elders Brewerton and Hanson participated in the services. Mr. Carroll is city editor of the Standard here.

STAR ROUTE CONTRACTS.

Bids Must be in by December 3 for New Four Year Contracts.

Advertisements have been issued by the department for bids for carrying star route mails for the term of four years, beginning July 1, 1902, says the Wheatland World. List of routes, forms of bids, etc., can be had by applying to the department or from postmasters. Bids must be in by December 3, 1901.

Under the new regulations contractors will be required to live on or near the route on which they undertake to carry the mails, and they will be required to give their personal attention to the matter and see that the service is well performed. Contractors will also be required to deliver and collect without extra compensation mail to all patrons living on or near their routes. The only requirement on the part of patrons being that of providing suitable boxes for use in depositing and collecting the mail.

It is expected that under the new regulations, and the requirements of the new contracts, a much better service will result than has been procured under the old system of speculative wholesale bidding by a few contractors, who depended upon sub-contracting to get the service performed. Under the old system many abuses have crept into the service which the department is determined to eradicate. The parties actually carrying the mail are frequently paid so small compensation that adequate and satisfactory service has been impossible. Only broken-down horses have been pounded over the hills of Wyoming and other western states, half fed, and totally unable to comply with schedules in many cases, in order that a few contractors might receive a margin over the price of the horses, and feed, and buggies, and other things, to perform a mail route service.

VAN KURAN TRIAL

COMMENCES TODAY

Alleged Defaulting Local Treasurer of Oregon Short Line in Court.

JURY WAS QUICKLY SECURED

Attorney C. S. Varian Assists in Prosecution and Watches Short Line Interests.

[Special to the "News-"]

Jury empaneled in the Van Kuran embezzlement trial:

Francis Taylor,

John Nichols,

W. B. Moreton,

Edmund S. Lovesey,

C. G. Johnson,

J. P. Cahoon,

Henry A. Tuckett,

Samuel H. B. Smith.

The embezzlement trial of Arthur J. Van Kuran was commenced before Judge Stewart in the criminal division of the Third district court this morning. The defendant's wife occupied a place near her husband in court. She is a handsome woman of about 40 years of age. She seemed much worried at the position that she and her husband were in. The audience was small during the morning. Mr. C. Abbott, the claim agent of the National Surety company of New York was present in court and sat behind Judge Varian. Both sides had agreed that five peremptory challenges would be used by the defense, and a jury was empaneled an hour and a quarter after the examination of jurors had commenced.

Judge C. S. Varian is associated with Prosecutor Richard as counsel for the prosecution and H. B. Booth of Booth, Lee & Ritchie, with Powers, Straup & Lippman for the defense.

STATEMENT FOR DEFENSE.

Judge Powers made the opening statement to the jurors to the effect that Arthur J. Van Kuran was charged with having on Feb. 8th, while acting in the capacity of local treasurer, embezzled a sum of \$5,000, that he was arrested on Feb. 14th, and had a preliminary trial before Justice Dana Smith on April 24th.

The first juror to be examined was Henry Rudy. Answering Judge Powers' questions he said that he had heard of the case, but was in no way connected with the Oregon Short Line railroad or any other railway. He said that he had not formed any opinion as to Van Kuran's guilt or innocence. Judge Powers then commenced the examination of Francis Taylor. He said that he believed he could give the defendant a fair and impartial trial. John Riches, of Mill Creek, was next put through the same line of questioning. He also was temporarily passed by the defense and E. E. Rich was the next to be examined. He also passed muster and counsel passed on to W. B. Moreton. Mr. Moreton said that he did not know Mr. Crank, traveling auditor. Mr. His auditor, of Mr. Bancroft, general manager of the Oregon Short Line Railroad company. He seemed to be unbiased, and counsel passed to Morris Levy. The defendant's wife was not aware of anything to bias or prejudice him either towards the innocence or guilt of the defendant. Edwin L. Carpenter said that he had formed an opinion on the case in view of questioning. He was temporarily passed by the defense.

PENALTY FOR EMBEZZLEMENT.

Mr. Eichner then took up the examination. He asked Mr. Moreton if the fact that the penalty for embezzlement is from one to ten years in the penitentiary would have any weight in deciding his verdict. Judge Powers objected, but the court ruled that the question might be answered and the jury answered that he did not consider the penalty too severe, and the defense noted an objection. The prosecutor then put the other men in the box through the same line of questioning. Mr. Levy created a laugh in court when asked if he had any objection to corporations financially charge more than they pay for.

Counsel on both sides then passed the remaining seven jurors in the box and the defense peremptorily challenged Henry Rudy and E. E. Rich, and the State Morris Levy. The remaining four jurors were then accepted and sworn. They are Francis Taylor, John Riches, W. B. Moreton and Edmund Lovesey.

The next call brought out of the box the names of D. F. Walker, Jr. who was excused by the court; Joseph E. Gallagher, George T. Odell, W. E. Barnett. Judge Powers passed Mr. Gallagher. When it came to Mr. Odell's examination a laugh was raised at the question of traveling on a railroad pass. Mr. Odell said he traveled on bought tickets, and Judge Varian introduced the information that all short line passes had been called in. The defense made no challenge for cause, and neither did the State after examining them. On peremptory challenges the State excused Mr. Barnett, and the defense Mr. Morris Levy, and the jury was then sworn.

J. P. Cahoon, Henry A. Tuckett and Charles A. Montrose were the next names taken out of the box—the name of William P. Colton was called but Mr. Colton was not in court, having been previously excused.

LACKED ONE JUROR.

Mr. Booth then examined the new jurors all for cause. The State did likewise, but peremptorily challenged Mr. Montrose. This left but one juror required to fill the panel, and Samuel H. B. Smith was called. At this time the defense had exercised four of its five peremptory challenges and the State three. Mr. Booth passed Mr. Smith for cause, and so did Mr. Eichner. Counsel on both sides then accepted Mr. Smith, which completed the jury. All jurors not serving in this panel were then excused till Monday morning at 10 o'clock.

INFORMATION READ.

At 11:30 o'clock Frank Hines read the information to the jury. Judge Varian for the State then made the opening statement to the jury. He explained to the court and jury that he appeared at

the instance of one of the interested parties, the National Surety company of New York. Mr. Varian then went fully into the meaning of embezzlement as defined in the statutes and explained to the jury the duties of the local treasurer of the Oregon Short Line company. He said that every day the cash was counted and the amount put down in the cash blotter along with the disbursements by Mr. Van Kuran, or his absence by Chief Clerk Kimball. The following morning the account was submitted to the auditor. Judge Varian reviewed the alleged discovery of the shortage and Auditor Hille's opinion of Mr. Van Kuran. He told how Mr. Hill had treated Van Kuran with kindness and how Mr. Van Kuran at the time entirely exonerated Chief Clerk Kimball. At this point the court took a recess till 2 o'clock.

AFTERNOON SESSION.

Judge Varian continued when court reopened this afternoon. He said that Mr. Hill had asked him if he could do anything to help him recover the missing money. Van Kuran had replied that it was not his business. Mr. Abbott had asked him what he intended to do. Mr. Van Kuran had said that "there was only one thing to do." Mr. Van Kuran had said that he had "blown in process of translation from the money." This practically concluded the case. Judge Varian's statement to the jury some changes in the language of that local treasurer's office. Oregon Short Line Railroad company, was then put by any discussion of that point. Judge Varian said that he would merely make the announcement that we do intend to enter into the Union Pacific. The judge said that he was not sure that the jury would be satisfied with the Union Pacific. He had been completely as the court may desire appointed by Mr. Van Kuran. Mr. Kimball then described the system of keeping books followed in the local treasurer's office. He said that the cash receipts book showed the totals for each day and also the total up to that day of the month. Mr. Kimball also related the kinds of accounts that were entered into the cash receipts book, also how the cash disbursements book was made up. "When these books were made up," asked Judge Varian, "what did you do with them?"

"They were sent into the auditor's office."

"What did Mr. Van Kuran do every day in relation to accounts?"

"There was a report made every day to the New York office and one to the general manager."

"How were these reports designated?"

"Statement of cash receipts and disbursements by the local treasurer."

"Who signed them?"

"Mr. Van Kuran or when he was not there I did."

Various samples of statements were then submitted to Mr. Kimball, who identified them, and they were then admitted as exhibits in evidence. Mr. Kimball was still on the stand when this report closed.

THE COURT SUSTAINS OBJECTION.

The court retired to consider the objections,