

ADMIRAL SCHLEY COURT OF INQUIRY

The following testimony given before the Schley court of inquiry Wednesday was received too late for publication in our issue of yesterday:

AFTERNOON SESSION.

At the afternoon session, Admiral Taylor said that on the morning of the battle of July 3 the Indiana had signaled: "The enemy is escaping."

The court asked only one question of Admiral Taylor: "Was the Indiana in such position with reference to the Brooklyn and the enemy's ships just after they cleared the entrance of the harbor, that you would form a fairly correct estimate of the distance between them?"

COMMANDER POTTS ON STAND.

Admiral Taylor was then excused and Commander Potts, M. Potts, who was navigator of the Massachusetts, was called.

Commander Potts said that he had been on the Massachusetts on May 31, the day of the bombardment of the Colon, when Commodore Schley had used that vessel as his flagship. Detailing Commodore Schley's conversation on that occasion, the witness said:

"When Commodore Schley came on board I heard him say: 'Higginson, I am going in with you and the Iowa and the Colon with your big guns. I want to be here tomorrow, and I wish to destroy the Colon,' or words to that effect. After that there was a conversation between Commodore Schley and the commanding officer of the ship as to when we would go in, and it was determined that we would go in tomorrow, and go in after dark, and go in afterward, which we did."

"Later on, about 1 o'clock, I think, while on the port battery, I saw the light-house, I was present at a conversation between Commodore Schley and Captain Higginson, in which the question of where the ship was to go was discussed. Commodore Schley asked Captain Higginson what position he intended to take. He replied, 'I think the coming tower.' Commodore Schley replied, 'Yes, I think that is best.'"

"Shortly after this Commodore Schley and his staff, the captain and myself, went down to the coming tower on the forward thirteen-inch turret. Commodore Schley, Commander Schroeder, and I think Commodore Schley's personal staff and myself were standing as the ship was standing toward the entrance. Commodore Schley said to me, 'Gentlemen, we are very conspicuous objects here in the coming tower. I think that we had better get out of this.' Commodore Schley left the forward thirteen-inch turret and took his place on the small platform on the side of the coming tower."

"Capt. Lemly—At what stage of the engagement was this?"

"As we were standing in toward the entrance before we had turned to the eastward."

"Capt. Lemly—Did you hear any further conversation?"

"I heard the conversation when Commodore Schley was leaving the ship, in which he stated that he was satisfied with the reconnaissance that he had made in drawing the fire of the batteries, or in words to that effect."

"What was the bearing and manner of Commodore Schley during the engagement of May 31, to which you have already referred?"

"His bearing and manner was that of a man suffering under extreme mental excitement; of one who had a disagreeable duty to perform, and performed it reluctantly and tried to get through with it as soon as he could."

"Mr. Raynor then began his cross-examination."

"Who was the captain of your ship?"

"Francis J. Higginson."

"I want to remind you what Capt. Higginson says about Commodore Schley's manner and bearing on that occasion. He says, 'His manner was that of a commander-in-chief. He left a different impression in your mind from that of a captain of a ship.'"

"Apparently."

"Had Capt. Higginson an opportunity to observe him on that occasion?"

"Not as well as I did."

"Why was that?"

"Because Capt. Higginson was in the coming tower and I was outside."

"Did not Capt. Higginson have any conversation with the commodore at that time?"

"From time to time, yes."

"What do you mean by 'mental excitement'?"

"I quoted conversations that I had heard. The first thing was the apparent anxiety of Commodore Schley about being the coming tower. Secondly, his stating that at a distance of five or six miles from the coming tower, the thirteen-inch turret were conspicuous objects."

"Did the commodore use the coming tower?"

"I did not see the commodore go into the coming tower. To the best of my knowledge and belief he did not. He was outside the coming tower and between the coming tower and the heavy plate that protects the manhole in the coming tower. My preconceived idea of Commodore Schley previous to that occasion was so entirely different from the impression I received on that day, that I concluded he was certainly under a tremendous mental strain."

"Have you ever been under any mental strain in time of battle?"

"I have been scared."

"Have you any other facts from which you base your statement to the court that he was laboring under mental excitement, except the facts which you have given?"

"Yes. When Commodore Schley came on board the Massachusetts he stated in distinct terms that he was going to destroy the Colon. The Colon was not destroyed. When he left the ship he called it a 'reconnaissance,' drawing the fire of the batteries and developing the weakness of the Colon."

"Do you gather from that that he was laboring under great mental excitement?"

"From that and from circumstances I have already stated from my observation of him from the time he came aboard the ship until he left."

"Suppose you were made aware of the fact that when he entered into that engagement he was under orders from the navy department to not engage in battle if the enemy was in danger of the shore batteries crippling the ships, would you say, if you knew of that, that he was laboring under great mental excitement?"

"I cannot answer that."

"Capt. Lemly objected to the introduction of the navy department orders as evidence but the court decided they could be put in."

"Mr. Raynor then asked concerning the weather on the trip from Cienfuegos, and the witness said that on May 31, he had been present during the bombardment of the Colon, when Commodore Schley had remarked that, as they were conspicuous objects on the thirteen-inch turret, it would be better to move away."

"Referring to the Spanish shore batteries at Santiago, Commander Potts said they would have been no menace to armored ships passing them."

"On the suggestion of Judge Advocate Lemly, and in accordance with the decision of the court, Mr. Raynor formally introduced as evidence the order from the navy department concerning the exposing of the American ships to the fire of the shore batteries. The order is that issued by Secy. Long April 6, 1898, and directed to Admiral Sampson."

"The court asked questions as follows: 'Can you give the distance the large vessels were from the entrance to Cienfuegos on the early morning of either the 22nd or 23rd of May?'"

"I do not recollect being nearer than I have said—four or five miles. I did not measure the distance there."

"What efforts were made by the vessels of the lying squadron, prior to the arrival of the Barbadoes, to determine whether or not Cienfuegos was in the harbor of Cienfuegos?"

"None that I ever knew of."

"Referring to the range of the guns for that day, Commander Potts said that the range given to entering the engagement was 7,000 yards, but he had increased it to 7,500 yards, then to 8,000 yards, and finally to 10,000 yards. Only one shot which had been fired at the American fleet had impressed him as being at all dangerous."

"That was the shot from the Spanish war and told the participation of that vessel in the bombardment of the Colon on May 31. He described the engagement, saying the first shot from the Massachusetts had fallen outside the Morro, and notwithstanding the range was increased, all the shots fell short of the Colon."

"There were, he said, no orders either to fire at or to make observations of the batteries. But notwithstanding this, he did fire at the eastern batteries on his own responsibility. He had personally aimed the guns, but the distance was so great that only the red line of earth could be seen; neither guns nor men were discernible. One shot from the enemy fell thirty or forty yards from the New Orleans. The projectile was so small he had been surprised that it reached such a range. All told, the firing of his vessel on the Colon had not consumed more than six minutes."

"He thought all the shots from the American ships had fallen short of the Colon. The witness said he had seen no evidence of the presence of large or powerful guns in the shore batteries, and was of the opinion there were none to exceed six inches in caliber."

"The witness said he had secured his most accurate idea of the strength of the shore batteries by the fact that on June 14 the New Orleans had approached to within 1,500 yards of them, remaining for twenty minutes and then retreating after four or five minutes. Lieut. Leiper was still on the stand when the court adjourned for the day."

MRS. H. F. ROBERTS Says to All Sick Women: "Give Mrs. Pinkham a Chance, I Know She Can Help You as She Did Me."

"DEAR MRS. PINKHAM: The world praises great reformers; their names and faces are in the ears of everybody, and the public press helps spread the good tidings. Among them all Lydia E. Pinkham's name goes to posterity."

"I have been scared."

"Have you any other facts from which you base your statement to the court that he was laboring under mental excitement, except the facts which you have given?"

"Yes. When Commodore Schley came on board the Massachusetts he stated in distinct terms that he was going to destroy the Colon. The Colon was not destroyed. When he left the ship he called it a 'reconnaissance,' drawing the fire of the batteries and developing the weakness of the Colon."

"Do you gather from that that he was laboring under great mental excitement?"

"From that and from circumstances I have already stated from my observation of him from the time he came aboard the ship until he left."

"Suppose you were made aware of the fact that when he entered into that engagement he was under orders from the navy department to not engage in battle if the enemy was in danger of the shore batteries crippling the ships, would you say, if you knew of that, that he was laboring under great mental excitement?"

"I cannot answer that."

"Capt. Lemly objected to the introduction of the navy department orders as evidence but the court decided they could be put in."

"Mr. Raynor then asked concerning the weather on the trip from Cienfuegos, and the witness said that on May 31, he had been present during the bombardment of the Colon, when Commodore Schley had remarked that, as they were conspicuous objects on the thirteen-inch turret, it would be better to move away."

"Referring to the Spanish shore batteries at Santiago, Commander Potts said they would have been no menace to armored ships passing them."

"On the suggestion of Judge Advocate Lemly, and in accordance with the decision of the court, Mr. Raynor formally introduced as evidence the order from the navy department concerning the exposing of the American ships to the fire of the shore batteries. The order is that issued by Secy. Long April 6, 1898, and directed to Admiral Sampson."

"The court asked questions as follows: 'Can you give the distance the large vessels were from the entrance to Cienfuegos on the early morning of either the 22nd or 23rd of May?'"

"I do not recollect being nearer than I have said—four or five miles. I did not measure the distance there."

"What efforts were made by the vessels of the lying squadron, prior to the arrival of the Barbadoes, to determine whether or not Cienfuegos was in the harbor of Cienfuegos?"

"None that I ever knew of."

"Referring to the range of the guns for that day, Commander Potts said that the range given to entering the engagement was 7,000 yards, but he had increased it to 7,500 yards, then to 8,000 yards, and finally to 10,000 yards. Only one shot which had been fired at the American fleet had impressed him as being at all dangerous."

"That was the shot from the Spanish war and told the participation of that vessel in the bombardment of the Colon on May 31. He described the engagement, saying the first shot from the Massachusetts had fallen outside the Morro, and notwithstanding the range was increased, all the shots fell short of the Colon."

"There were, he said, no orders either to fire at or to make observations of the batteries. But notwithstanding this, he did fire at the eastern batteries on his own responsibility. He had personally aimed the guns, but the distance was so great that only the red line of earth could be seen; neither guns nor men were discernible. One shot from the enemy fell thirty or forty yards from the New Orleans. The projectile was so small he had been surprised that it reached such a range. All told, the firing of his vessel on the Colon had not consumed more than six minutes."

"He thought all the shots from the American ships had fallen short of the Colon. The witness said he had seen no evidence of the presence of large or powerful guns in the shore batteries, and was of the opinion there were none to exceed six inches in caliber."

"The witness said he had secured his most accurate idea of the strength of the shore batteries by the fact that on June 14 the New Orleans had approached to within 1,500 yards of them, remaining for twenty minutes and then retreating after four or five minutes. Lieut. Leiper was still on the stand when the court adjourned for the day."

"Did the commodore use the coming tower?"

"I did not see the commodore go into the coming tower. To the best of my knowledge and belief he did not. He was outside the coming tower and between the coming tower and the heavy plate that protects the manhole in the coming tower. My preconceived idea of Commodore Schley previous to that occasion was so entirely different from the impression I received on that day, that I concluded he was certainly under a tremendous mental strain."

"Have you ever been under any mental strain in time of battle?"

"I have been scared."

"Have you any other facts from which you base your statement to the court that he was laboring under mental excitement, except the facts which you have given?"

"Yes. When Commodore Schley came on board the Massachusetts he stated in distinct terms that he was going to destroy the Colon. The Colon was not destroyed. When he left the ship he called it a 'reconnaissance,' drawing the fire of the batteries and developing the weakness of the Colon."

"Do you gather from that that he was laboring under great mental excitement?"

"From that and from circumstances I have already stated from my observation of him from the time he came aboard the ship until he left."

"Suppose you were made aware of the fact that when he entered into that engagement he was under orders from the navy department to not engage in battle if the enemy was in danger of the shore batteries crippling the ships, would you say, if you knew of that, that he was laboring under great mental excitement?"

"I cannot answer that."

"Capt. Lemly objected to the introduction of the navy department orders as evidence but the court decided they could be put in."

"Mr. Raynor then asked concerning the weather on the trip from Cienfuegos, and the witness said that on May 31, he had been present during the bombardment of the Colon, when Commodore Schley had remarked that, as they were conspicuous objects on the thirteen-inch turret, it would be better to move away."

"Referring to the Spanish shore batteries at Santiago, Commander Potts said they would have been no menace to armored ships passing them."

"On the suggestion of Judge Advocate Lemly, and in accordance with the decision of the court, Mr. Raynor formally introduced as evidence the order from the navy department concerning the exposing of the American ships to the fire of the shore batteries. The order is that issued by Secy. Long April 6, 1898, and directed to Admiral Sampson."

"The court asked questions as follows: 'Can you give the distance the large vessels were from the entrance to Cienfuegos on the early morning of either the 22nd or 23rd of May?'"

"I do not recollect being nearer than I have said—four or five miles. I did not measure the distance there."

"What efforts were made by the vessels of the lying squadron, prior to the arrival of the Barbadoes, to determine whether or not Cienfuegos was in the harbor of Cienfuegos?"

"None that I ever knew of."

"Referring to the range of the guns for that day, Commander Potts said that the range given to entering the engagement was 7,000 yards, but he had increased it to 7,500 yards, then to 8,000 yards, and finally to 10,000 yards. Only one shot which had been fired at the American fleet had impressed him as being at all dangerous."

"That was the shot from the Spanish war and told the participation of that vessel in the bombardment of the Colon on May 31. He described the engagement, saying the first shot from the Massachusetts had fallen outside the Morro, and notwithstanding the range was increased, all the shots fell short of the Colon."

"There were, he said, no orders either to fire at or to make observations of the batteries. But notwithstanding this, he did fire at the eastern batteries on his own responsibility. He had personally aimed the guns, but the distance was so great that only the red line of earth could be seen; neither guns nor men were discernible. One shot from the enemy fell thirty or forty yards from the New Orleans. The projectile was so small he had been surprised that it reached such a range. All told, the firing of his vessel on the Colon had not consumed more than six minutes."

"He thought all the shots from the American ships had fallen short of the Colon. The witness said he had seen no evidence of the presence of large or powerful guns in the shore batteries, and was of the opinion there were none to exceed six inches in caliber."

"The witness said he had secured his most accurate idea of the strength of the shore batteries by the fact that on June 14 the New Orleans had approached to within 1,500 yards of them, remaining for twenty minutes and then retreating after four or five minutes. Lieut. Leiper was still on the stand when the court adjourned for the day."

"Did the commodore use the coming tower?"

"I did not see the commodore go into the coming tower. To the best of my knowledge and belief he did not. He was outside the coming tower and between the coming tower and the heavy plate that protects the manhole in the coming tower. My preconceived idea of Commodore Schley previous to that occasion was so entirely different from the impression I received on that day, that I concluded he was certainly under a tremendous mental strain."

"Have you ever been under any mental strain in time of battle?"

"I have been scared."

"Have you any other facts from which you base your statement to the court that he was laboring under mental excitement, except the facts which you have given?"

"Yes. When Commodore Schley came on board the Massachusetts he stated in distinct terms that he was going to destroy the Colon. The Colon was not destroyed. When he left the ship he called it a 'reconnaissance,' drawing the fire of the batteries and developing the weakness of the Colon."

"Do you gather from that that he was laboring under great mental excitement?"

"From that and from circumstances I have already stated from my observation of him from the time he came aboard the ship until he left."

"Suppose you were made aware of the fact that when he entered into that engagement he was under orders from the navy department to not engage in battle if the enemy was in danger of the shore batteries crippling the ships, would you say, if you knew of that, that he was laboring under great mental excitement?"

"I cannot answer that."

"Capt. Lemly objected to the introduction of the navy department orders as evidence but the court decided they could be put in."

"Mr. Raynor then asked concerning the weather on the trip from Cienfuegos, and the witness said that on May 31, he had been present during the bombardment of the Colon, when Commodore Schley had remarked that, as they were conspicuous objects on the thirteen-inch turret, it would be better to move away."

"Referring to the Spanish shore batteries at Santiago, Commander Potts said they would have been no menace to armored ships passing them."

"On the suggestion of Judge Advocate Lemly, and in accordance with the decision of the court, Mr. Raynor formally introduced as evidence the order from the navy department concerning the exposing of the American ships to the fire of the shore batteries. The order is that issued by Secy. Long April 6, 1898, and directed to Admiral Sampson."

"The court asked questions as follows: 'Can you give the distance the large vessels were from the entrance to Cienfuegos on the early morning of either the 22nd or 23rd of May?'"

"I do not recollect being nearer than I have said—four or five miles. I did not measure the distance there."

"What efforts were made by the vessels of the lying squadron, prior to the arrival of the Barbadoes, to determine whether or not Cienfuegos was in the harbor of Cienfuegos?"

"None that I ever knew of."

"Referring to the range of the guns for that day, Commander Potts said that the range given to entering the engagement was 7,000 yards, but he had increased it to 7,500 yards, then to 8,000 yards, and finally to 10,000 yards. Only one shot which had been fired at the American fleet had impressed him as being at all dangerous."

MRS. H. F. ROBERTS Says to All Sick Women: "Give Mrs. Pinkham a Chance, I Know She Can Help You as She Did Me."

"DEAR MRS. PINKHAM: The world praises great reformers; their names and faces are in the ears of everybody, and the public press helps spread the good tidings. Among them all Lydia E. Pinkham's name goes to posterity."

"I have been scared."

"Have you any other facts from which you base your statement to the court that he was laboring under mental excitement, except the facts which you have given?"

"Yes. When Commodore Schley came on board the Massachusetts he stated in distinct terms that he was going to destroy the Colon. The Colon was not destroyed. When he left the ship he called it a 'reconnaissance,' drawing the fire of the batteries and developing the weakness of the Colon."

"Do you gather from that that he was laboring under great mental excitement?"

"From that and from circumstances I have already stated from my observation of him from the time he came aboard the ship until he left."

"Suppose you were made aware of the fact that when he entered into that engagement he was under orders from the navy department to not engage in battle if the enemy was in danger of the shore batteries crippling the ships, would you say, if you knew of that, that he was laboring under great mental excitement?"

"I cannot answer that."

"Capt. Lemly objected to the introduction of the navy department orders as evidence but the court decided they could be put in."

"Mr. Raynor then asked concerning the weather on the trip from Cienfuegos, and the witness said that on May 31, he had been present during the bombardment of the Colon, when Commodore Schley had remarked that, as they were conspicuous objects on the thirteen-inch turret, it would be better to move away."

"Referring to the Spanish shore batteries at Santiago, Commander Potts said they would have been no menace to armored ships passing them."

"On the suggestion of Judge Advocate Lemly, and in accordance with the decision of the court, Mr. Raynor formally introduced as evidence the order from the navy department concerning the exposing of the American ships to the fire of the shore batteries. The order is that issued by Secy. Long April 6, 1898, and directed to Admiral Sampson."

"The court asked questions as follows: 'Can you give the distance the large vessels were from the entrance to Cienfuegos on the early morning of either the 22nd or 23rd of May?'"

"I do not recollect being nearer than I have said—four or five miles. I did not measure the distance there."

"What efforts were made by the vessels of the lying squadron, prior to the arrival of the Barbadoes, to determine whether or not Cienfuegos was in the harbor of Cienfuegos?"

"None that I ever knew of."

"Referring to the range of the guns for that day, Commander Potts said that the range given to entering the engagement was 7,000 yards, but he had increased it to 7,500 yards, then to 8,000 yards, and finally to 10,000 yards. Only one shot which had been fired at the American fleet had impressed him as being at all dangerous."

"That was the shot from the Spanish war and told the participation of that vessel in the bombardment of the Colon on May 31. He described the engagement, saying the first shot from the Massachusetts had fallen outside the Morro, and notwithstanding the range was increased, all the shots fell short of the Colon."

"There were, he said, no orders either to fire at or to make observations of the batteries. But notwithstanding this, he did fire at the eastern batteries on his own responsibility. He had personally aimed the guns, but the distance was so great that only the red line of earth could be seen; neither guns nor men were discernible. One shot from the enemy fell thirty or forty yards from the New Orleans. The projectile was so small he had been surprised that it reached such a range. All told, the firing of his vessel on the Colon had not consumed more than six minutes."

"He thought all the shots from the American ships had fallen short of the Colon. The witness said he had seen no evidence of the presence of large or powerful guns in the shore batteries, and was of the opinion there were none to exceed six inches in caliber."

"The witness said he had secured his most accurate idea of the strength of the shore batteries by the fact that on June 14 the New Orleans had approached to within 1,500 yards of them, remaining for twenty minutes and then retreating after four or five minutes. Lieut. Leiper was still on the stand when the court adjourned for the day."

"Did the commodore use the coming tower?"

"I did not see the commodore go into the coming tower. To the best of my knowledge and belief he did not. He was outside the coming tower and between the coming tower and the heavy plate that protects the manhole in the coming tower. My preconceived idea of Commodore Schley previous to that occasion was so entirely different from the impression I received on that day, that I concluded he was certainly under a tremendous mental strain."

"Have you ever been under any mental strain in time of battle?"

"I have been scared."

"Have you any other facts from which you base your statement to the court that he was laboring under mental excitement, except the facts which you have given?"

"Yes. When Commodore Schley came on board the Massachusetts he stated in distinct terms that he was going to destroy the Colon. The Colon was not destroyed. When he left the ship he called it a 'reconnaissance,' drawing the fire of the batteries and developing the weakness of the Colon."

"Do you gather from that that he was laboring under great mental excitement?"

"From that and from circumstances I have already stated from my observation of him from the time he came aboard the ship until he left."

"Suppose you were made aware of the fact that when he entered into that engagement he was under orders from the navy department to not engage in battle if the enemy was in danger of the shore batteries crippling the ships, would you say, if you knew of that, that he was laboring under great mental excitement?"

"I cannot answer that."

"Capt. Lemly objected to the introduction of the navy department orders as evidence but the court decided they could be put in."

"Mr. Raynor then asked concerning the weather on the trip from Cienfuegos, and the witness said that on May 31, he had been present during the bombardment of the Colon, when Commodore Schley had remarked that, as they were conspicuous objects on the thirteen-inch turret, it would be better to move away."

"Referring to the Spanish shore batteries at Santiago, Commander Potts said they would have been no menace to armored ships passing them."

"On the suggestion of Judge Advocate Lemly, and in accordance with the decision of the court, Mr. Raynor formally introduced as evidence the order from the navy department concerning the exposing of the American ships to the fire of the shore batteries. The order is that issued by Secy. Long April 6, 1898, and directed to Admiral Sampson."

"The court asked questions as follows: 'Can you give the distance the large vessels were from the entrance to Cienfuegos on the early morning of either the 22nd or 23rd of May?'"

"I do not recollect being nearer than I have said—four or five miles. I did not measure the distance there."

"What efforts were made by the vessels of the lying squadron, prior to the arrival of the Barbadoes, to determine whether or not Cienfuegos was in the harbor of Cienfuegos?"

"None that I ever knew of."

"Referring to the range of the guns for that day, Commander Potts said that the range given to entering the engagement was 7,000 yards, but he had increased it to 7,500 yards, then to 8,000 yards, and finally to 10,000 yards. Only one shot which had been fired at the American fleet had impressed him as being at all dangerous."

"That was the shot from the Spanish war and told the participation of that vessel in the bombardment of the Colon on May 31. He described the engagement, saying the first shot from the Massachusetts had fallen outside the Morro, and notwithstanding the range was increased, all the shots fell short of the Colon."

"There were, he said, no orders either to fire at or to make observations of the batteries. But notwithstanding this, he did fire at the eastern batteries on his own responsibility. He had personally aimed the guns, but the distance was so great that only the red line of earth could be seen; neither guns nor men were discernible. One shot from the enemy fell thirty or forty yards from the New Orleans. The projectile was so small he had been surprised that it reached such a range. All told, the firing of his vessel on the Colon had not consumed more than six minutes."

"He thought all the shots from the American ships had fallen short of the Colon. The witness said he had seen no evidence of the presence of large or powerful guns in the shore batteries, and was of the opinion there were none to exceed six inches in caliber."

"The witness said he had secured his most accurate idea of the strength of the shore batteries by the fact that on June 14 the New Orleans had approached to within 1,500 yards of them, remaining for twenty minutes and then retreating after four or five minutes. Lieut. Leiper was still on the stand when the court adjourned for the day."

"Did the commodore use the coming tower?"

"I did not see the commodore go into the coming tower. To the best of my knowledge and belief he did not. He was outside the coming tower and between the coming tower and the heavy plate that protects the manhole in the coming tower. My preconceived idea of Commodore Schley previous to that occasion was so entirely different from the impression I received on that day, that I concluded he was certainly under a tremendous mental strain."

"Have you ever been under any mental strain in time of battle?"

"I have been scared."

"Have you any other facts from which you base your statement to the court that he was laboring under mental excitement, except the facts which you have given?"

"Yes. When Commodore Schley came on board the Massachusetts he stated in distinct terms that he was going to destroy the Colon. The Colon was not destroyed. When he left the ship he called it a 'reconnaissance,' drawing the fire of the batteries and developing the weakness of the Colon."

"Do you gather from that that he was laboring under great mental excitement?"

"From that and from circumstances I have already stated from my observation of him from the time he came aboard the ship until he left."

"Suppose you were made aware of the fact that when he entered into that engagement he was under orders from the navy department to not engage in battle if the enemy was in danger of the shore batteries crippling the ships, would you say, if you knew of that, that he was laboring under great mental excitement?"

"I cannot answer that."

"Capt. Lemly objected to the introduction of the navy department orders as evidence but the court decided they could be put in."

"Mr. Raynor then asked concerning the weather on the trip from Cienfuegos, and the witness said that on May 31, he had been present during the bombardment of the Colon, when Commodore Schley had remarked that, as they were conspicuous objects on the thirteen-inch turret, it would be better to move away."

"Referring to the Spanish shore batteries at Santiago, Commander Potts said they would have been no menace to armored ships passing them."

"On the suggestion of Judge Advocate Lemly, and in accordance with the decision of the court, Mr. Raynor formally introduced as evidence the order from the navy department concerning the exposing of the American ships to the fire of the shore batteries. The order is that issued by Secy. Long April 6, 1898, and directed to Admiral Sampson."

"The court asked questions as follows: 'Can you give the distance the large vessels were from the entrance to Cienfuegos on the early morning of either the 22nd or 23rd of May?'"

"I do not recollect being nearer than I have said—four or five miles. I did not measure the distance there."

"What efforts were made by the vessels of the lying squadron, prior to the arrival of the Barbadoes, to determine whether or not Cienfuegos was in the harbor of Cienfuegos?"

"None that I ever knew of."

"Referring to the range of the guns for that day, Commander Potts said that the range given to entering the engagement was 7,000 yards, but he had increased it to 7,500 yards, then to 8,000 yards, and finally to 10,000 yards. Only one shot which had