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SCHLEY ON THE WITNESS STAND.

When His Name Was Called There Was a Flutter of Excitement Throughout the Courtroom — He Details the Cuban Campaign, Telling Disposition of the Squadron—The Journey to Key West —Discussing Cervera's Probable Destination — Conference With Admiral Sampson.

Captain Clark of the Oregon Gives Testimony Strongly in Favor of Schley — Said the Brooklyn at One Time Engaged Four of the Spanish Warships —That Vessel and His Own Kept Parallel Courses for a Long Time—When He Suggested, in Reference to a Suggestion by Admiral Sampson, that Schley Accompany Him in Chase of Other Spaniards, He (Schley) Most Cheerfully Acquiesced—What Impressed Him (Clark) Was His Great Cheerfulness, There Was No Hesitation, No Hint that it Was Improper for a Junior to Suggest What a Senior Officer Should do.

Washington, Oct. 24.—Every available unreserved seat in the large room in the gunners' workshop at the navy yard, where the Schley court of inquiry is sitting, was occupied today half an hour before the court was called to order at 11 o'clock. The announcement of the approaching close of the case, and of the possibility, that Admiral Schley would take the witness stand during the day had the effect of increasing the public interest and of bringing to the courtroom a far greater number than could hear the proceedings.

A number of yesterday's witnesses were recalled as usual for the correction of testimony and after they had concluded Lieut.-Com. Charles H. Harlow, who had concluded his statement in chief when the court adjourned yesterday, was immediately taken in hand by Capt. Lemly for cross-examination. This was devoted principally to the notes taken by Mr. Harlow of the battle of July 3 from the Vixen's deck, but was not very extended. After Commander Harlow, Rear Admiral Barker and Capt. M. C. Borden of the marines, were introduced to testify to incidents of the Cuban campaign, Capt. Charles E. Clark, whose record on the Oregon during the campaign of '98 is the boast of every American citizen, was called as the third witness of the day, and the last witness in Admiral Schley's behalf to be heard before the admiral himself should come on.

LT. WELLS.

Lieut. B. W. Wells, the first of former witnesses, called for the purpose of correcting testimony, said in response to a question from Capt. Lemly, that he had made a translation of a cipher dispatch prepared at Commodore Schley's instance on May 24, 1898, to which reference was made while Lieut. Wells was on the stand yesterday.

"Was the dispatch sent?" asked Admiral Dewey, and when he was told that it had not been, the admiral said it was not relevant. "We only want the facts," he said.

Capt. Lemly and Mr. Hanna contended for its admission. Mr. Hanna said that it indicated hesitation at a critical time. Mr. Raynor urged that this dispatch was no more admissible than was the commodore's dispatch giving an account of the battle of July 3, which was not sent, and which had been ruled out.

Admiral Dewey then told Capt. Lemly and Mr. Hanna that they could ask questions bearing upon any supposed conversation with Commodore Schley, but ruled again that the dispatch itself could not be introduced.

Mr. Hanna started to examine the witness when the latter again referred to the dispatch. Mr. Raynor objected. Mr. Hanna said he had a right to refer to it to refresh his memory.

"The court decided as we decide it now, that this cannot go in," said Admiral Dewey. "Now let us go on to something else. We are losing a lot of time here."

MAJ. MURPHY.

Maj. Murphy corrected his testimony of yesterday so as to say that the vessels of the flying squadron in steaming back and forth at night in front of the mouth of the harbor at Santiago had gone only about 800 yards to either side of the harbor instead of 1,500 yards as stated yesterday.

In response to a question by Mr. Raynor Maj. Murphy detailed an incident in which Commodore Schley figured at the close of the battle of July 3.

Maj. Murphy said: "I remember the incident distinctly because it made a very great impression on me at the time. It was when they were preparing a cutter to take Capt. Cook to the Colon to receive the surrender of that ship. She had hauled down her flag and was ashore. The officers and many of the men were gathered forward in the neighborhood of the forecastle and Commodore Schley addressed the men, cautioning them not to cheer when the Spanish captain came on board. He spoke of their gallantry, that they had made a good fight, and that they should not be humiliated; that we should treat them chivalrously and not humiliate them by cheers. It was a gallant speech, and we all felt it very deeply. The commodore made the same speech about midnight of the same day when we were ranging alongside the Iowa, and we had learned that Admiral Cervera and his officers were on board that ship. It afterward developed that Admiral Cervera heard Commodore Schley make the remark and he appreciated it very much, so we were told."

COMMANDER HARLOW.

Maj. Murphy was then excused and Commander Harlow called. Capt. Lemly asked him about the coaling of the ships of the flying squadron on May 25 and 26. He said that on the 25th no one would have attempted to coal ship, and that without experience coaling could not have been undertaken in the forenoon of the 26th.

The notes taken by himself during the battle of July 3, he said, give the exact time consumed by the Brooklyn in its turn, but showed that time to be less than 25 minutes. When asked to state how long a time elapsed after the Spanish vessels came out of the harbor before they turned to the westward the witness said that the time was only such as would have been consumed in going a few ships' length.

In reply to a question from Capt. Lemly, the witness said that he remembered the incident of Commodore Schley's transferring his flag to the Massachusetts for the purpose of making a reconnaissance, the Vixen having been used for that purpose. He had seen the commodore both going and coming and had spoken to him on his return.

"What, if anything, was said when returning about the guns that were discovered or developed?"

"A remark was made, I think, by myself, that at any rate we had developed the batteries. The commodore replied that 'that was what we went in for.' A remark was also made by Commodore Schley about a ten-inch on a disappearing carriage we did not believe. We found afterward the disappearing carriage was there."

"What was the manner and bearing of Commodore Schley upon this occasion?"

"Commodore Schley looked badly, and as I would have suspected from a man who probably had been up a great deal at night and laboring under a great deal of feeling of responsibility. From the impression at the time he seemed to be seriously affected by the situation as a result of his watching and feeling of responsibility."

"Have you ever said in regard to this matter 'That there is no doubt about it that Schley was worrying over the situation and afraid to take the responsibility?'"

"I said that in my own private notes, my diary, was my opinion at the time."

Mr. Raynor called attention to this answer and said that the witness' opinion was not evidence.

Admiral Dewey—The question was eminently proper. The answer went a little too far. Answer that question not from your opinion.

The witness—"Of course I shall have to limit my reply to that by saying he looked badly.

The witness—Of course I shall have know from what cause.

After argument by counsel on both sides in which Capt. Lemly referred to Mr. Raynor as the "would-be governor of Maryland," the witness said that he had referred in his testimony to a letter which he had written to the judge-advocate. He was then asked if Commodore Schley was nervous. Notwithstanding that Mr. Raynor objected, the question was admitted and the witness answered that he was not nervous nor excited.

"I saw the Brooklyn receiving almost the entire fire of the two leading ships with an occasional shot from the Colon. I was in a position to see a flash, and shortly afterward the fall of the projectile and these showed that a large proportion was about the Brooklyn. The Colon evidently was using smokeless powder and I was not able to tell so well where her shots fell."

BROOKLYN SET VISCAYA ON FIRE.

The witness said he was satisfied that the Brooklyn set the Viscaya on fire and caused her to run ashore. There was no other American ship within range of the Viscaya at that time, he said. The Maria Teresa was driven ashore by the concentrated fire of all the ships of the American fleet. The Oquendo was so far in the rear he could not estimate what vessels caused her destruction. In response to a question by the court, Commander Harlow said that the Vixen was able to maintain the standard speed of nine knots an hour while with the fleet in the voyage from Cienfuegos to Santiago. He also said in response to a question by the court that with searchlights the Vixen was near enough to the mouth of the harbor at Santiago to see the enemy's ships in case of an effort to escape.

The court asked: "Were there any vessels of our fleet between the Brooklyn and the Spanish vessels at any time prior to the turn made by the Brooklyn?"

"No; I should say there was not."

The witness also said that he did not consider that the Texas was near enough to the Brooklyn at the time of the loop to render a collision liable and that he thought the Viscaya made an effort to ram.

CLARK OF THE OREGON.

Lieut. Harlow was then excused and Capt. C. E. Clark of the Oregon called.

The large audience manifested signs of interest as the captain of the Oregon approached the witness stand. Admiral Dewey smiled as he walked around to the end of the table to administer the oath. Capt. Clark at first spoke in an undertone and was two or three times requested to raise his voice. This he did as he progressed and was soon distinctly heard in the vicinity of the court.

DESCRIBES THE BATTLE.

At the request of Mr. Raynor he began a description of the battle of July 3 as follows:

"When we discovered the Spanish ships coming out, our fleet closed in at once to attack them, each ship being ordered to keep her head directly toward the harbor entrance. The Spaniards turned to the westward, breaking through our line and crossing it and our ships swung off to the westward in pursuit. Both sides opened fire promptly and fired rapidly. Dense smoke soon obscured the vessels, making it difficult to distinguish them.

"The Oregon ran between the Iowa and the Texas and the next ship to the westward in our line, and soon after we sighted four Spanish ships ahead, apparently uninjured at the time. They had gained so much ground that I believed they had been successful in attempting to escape, but it was soon evident we were gaining at least on one of them, which afterwards proved to be the Maria Teresa, the flagship, and I thought we should bring her to close action but might be exposed to the concentrated fire of all the Spanish ships. Just then the smoke lifted or broke away to the left and I discovered the Brooklyn.

BROOKLYN'S POSITION.

"She was well forward of our port beam and broadside to the enemy's fleet. Her course was perhaps a little divergent from ours, because the Oregon was attempting to draw up on the Teresa. But the Brooklyn and Oregon maintained this relative position, bow and quarter, approximately to the end of the battle, the Brooklyn steaming straight ahead as nearly as I could judge, and engaging any and all of the Spanish ships, the Oregon endeavoring to come to close action with the sternmost one, and when she was driven out of action and pointed to the beach, then pushed on for the next one ahead, and so on until the entire fleet was driven ashore, burning or sinking."

Mr. Raynor—Did you get any signals from the Brooklyn on the day of the battle?

"Yes, sir."

"Can you recall what they were?"

"FOLLOW THE FLAG."

"Of my own knowledge and remembrance the signals that impressed themselves upon me at the time were 'Follow the flag.' I had this repeated to the vessels following, thinking that they might not see the Brooklyn and might see us. I remember another signal 'One of my compartments filled with water.' I recollect it because it perplexed me a little. I was fearful that the Brooklyn might have to haul out of action and run in shore and I concluded it was given to me as a warning in case she did haul out that I would be prepared to look out for the chase alone and not to pay any attention to her and that she would look out for herself. I also remember a signal because I did not understand it at first, 'The enemy's ship appears to have been built in Italy,' to which I told the signal officer to answer, 'She will end on the coast of Cuba.' I also remember a signal 'Congratulations over the grand victory and thanks for your splendid assistance.' There were other signals made. I have seen the list of them, but these are the ones I recollect that made any impression upon me at the time. Of my own recollection, I cannot recall any others."

"What distance was it that you were engaged in the chase of the Colon after the Viscaya ran ashore? How many miles do you suppose the Oregon and the Brooklyn ran in the chase of the Colon before she surrendered?"

"I cannot tell you that. I have heard the chart has limited the distance to a certain number of miles, and the speed of the ships has been called in question. I presume fifty or fifty-five miles."

"Can you tell me with how many ships the Brooklyn was engaged when the smoke lifted and you saw her on her westward course?"

BROOKLYN ENGAGED FOUR.

"She must have been engaged with all four."

"Did you see the turn of the Brooklyn?"

"No, sir. I never saw the Brooklyn until I came out of the smoke."

"How did the Brooklyn's fire appear to you at that time?"

"I remember nothing about that. I remember seeing her. It made a deep impression upon me to find her there, and I felt that we should mutually support and sustain each other. I felt that a battleship was needed and that we were to be there together."

"Did you see the commodore on the day of the battle of July 3?"

"Yes, sir."

"Will you kindly state where and when you saw him?"

"After the New York came up, after the surrender of the Colon."

"Was any conversation held between you and the commodore on board the New York."

"A Spanish battleship was reported by Capt. Eaton, of the Resolute. She had arrived off Santiago and I think he said he had been pursued by her. The admiral did not seem to be impressed by that. He seemed incredulous, but I remarked that it must be Camara's fleet; that they had arrived there to form a conjunction with Cervera's fleet, but had arrived too late. The admiral did not assent. Finally he said: 'Well, Clark, you will have to go after that ship,' and believing as I did, that there was really a Spanish vessel there I said: 'Admiral, in war, we ought to overpower an enemy if possible. Why could not the Brooklyn go along?'

"He turned and said: 'Certainly, Schley, you go also.' I then felt that I had perhaps assumed too much in speaking to an admiral and suggesting that a commodore also accompany me. I turned to the commodore and said: 'Commodore, we have knocked out several vessels this morning. We can knock out another, can't we?' He said: 'Certainly we can. Come on.' He then started over the side and I started after him for my boat on the other side.

HOW SCHLEY IMPRESSED CLARK.

"What impressed me was his cheery manner of approving of my having mentioned his going and that he had no feeling against me for mentioning it as a senior and was rather approving in his manner."

Capt. Clark's examination in chief occupied fifteen minutes and at ten minutes of one o'clock Mr. Hanna began the cross-examination.

"Did you," he asked, "see the Iowa during the earlier portion of the engagement?"

"Yes," replied the witness. "I saw the Iowa standing in toward the entrance of the harbor and her position was a little to westward of the Oregon. At first she seemed to be steaming faster than we were and I thought she was gaining ground and would get in ahead of us. Then the smoke became so dense that I lost sight of her, but I could see the Spanish ships as they came out. Later I saw her again so near that I was fearful that the two ships would collide. Consequently I gave the order, 'Hard to starboard,' and cleared her. I never saw the Iowa again during the action."

Responding to a request from Mr. Hanna Capt. Clark described the manner in which the Spanish ships came out of the harbor.

STANDING ORDERS.

In response to another question he said that the order under which he closed in was a standing order, as was the order to attack at once in case the enemy appeared. "I remember," he said, "that I had a feeling of satisfaction at that time that there was a standing order to close in because of a possibility of accident in executing movement."

The witness also said, in responding to another question from Mr. Hanna, that while he had seen the Texas he had not noticed which way she was heading, as it was his especial concern to clear her.

Speaking of the ranges used during the engagement he said that they changed so rapidly he could not undertake to give them and he at last told the officers to decide the range for themselves.

Capt. Clark was also questioned regarding his statement in chief that the Brooklyn had at one time during the engagement engaged four different vessels, and confirmed his previous testimon, saying that she was alongside all four of the enemy's ships, and in response to a question from Mr. Hanna as to whether there were not other American vessels engaged at the same time, he replied:

"The Oregon was firing as fast as she could with her bow guns."

Proceeding with the description, he said that for some time after the Viscaya went ashore and when the Colon only was left of the enemy's ships, the Oregon did not fire and when she did resume the work only the 13-inch guns were used with the exception of one or two shots from the 8-inch guns in the forward turret.

"Did you fire the 13-inch guns in pursuance of a signal from the Brooklyn?" Mr. Hanna asked, and the witness replied:

FIRING 13-INCH GUNS.

"No; the 13-inch guns were fired after a conference with officers on board the Oregon. I had feared damage to the guns' mechanism and hesitated to use the guns, but decided to do so. If any signal was made from the Brooklyn I did not see it, and it was not reported to me."

At this point the court took a recess for luncheon.

Capt. Clark resumed the witness stand after luncheon. As he took his seat Admiral Dewey remarked to those near him: "It is the best house yet."

Capt. Lemly announced that he had no further questions.

Mr. Raynor asked: "Were any of the Spanish vessels run ashore or destroyed in the channel as provided in the standing squadron orders to close in, and destroy the enemy in the channel?"

"No, sir."

"Was the battle of July 3 completed in accordance with any squadron orders previously issued?"

"No, sir."

"Do you know anything about a signal to close up and follow flag made by Commodore Schley from the Brooklyn?"

"I remember a signal 'Follow flag' being made because I ordered it repeated. We did close up."

The court asked Capt. Clark a few questions.

ADMIRAL SCHLEY CALLED.

Capt. Clark was then excused, and Rear Admiral Schley was called to the stand at 2:06 p. m.

There was a flutter of excitement when the name of the rear admiral was called. When he took the stand and after giving his name and rank, he was requested by Mr. Raynor to relate his conduct of the campaign in narrative form. He began by relating the particulars of his taking command of the flying squadron at Hampton Roads, where he said, "The general plan of campaign was threshed out."

He said that the captains of his squadron had diversified views and he resolved to take the helm himself. The question of the torpedoes in the fleet was early discussed and he decided the manner in which they should be cared for. Continuing, he said:

ARRANGED SQUADRON

"I put the squadron immediately upon a war footing, established the matter of pickets and patrols, and also the masking of lights which were under inspection on several occasions to ascertain how effective and complete it was. At first there was some fault. Later, I am glad to say, the masking was absolutely complete, so that it was impossible, when the ships were under way, in the column or line of battle, to distinguish any one at more than ordinary distance from it."

He had he said, explained it would be impossible to arrange a general plan of battle, but he had explained to his commanders that in a general way, it was his idea "to attack the head and leading ship of the enemy attacking us and concentrate the fire upon her. My reason for this," he continued, "was two-fold, the first being the moral effect upon the enemy and the second the confusion it would create. The older plans for naval attack were to attack the center or rear of any enemy's fleet, which would result in the escape of some of the enemy's vessels. I felt that if we get the head we could get the whole. I think the plan was indicated by the result of the battle some six weeks or two months later, he said, concluding this point."

CRUISE TO KEY WEST.

He then related the details of the cruise to Key West and his meeting there with Admiral Sampson. "The admiral was much worried," he said, "and necessarily so because his responsibility had been great. He showed me a number of orders, one of which was for a division of the two squadrons, one to take the north and the other the south coast of Cuba.

"I asked which he preferred and expressed a preference for the Havana command. He told me confidentially that whichever command I should take I must remember not to attack heavily fortified places on the shore until the Spanish ships were disposed of, that we must not risk the ships until the Spanish fleet was out of the way.

DISCUSSED CEVERA.

"We discussed Cervera's probable destination. He said that his information was that the orders of the Spanish squadron to reach Havana or some other point were imperative, and he believed that Cienfuegos would be the point, as that came under the acceptation of the order more directly. We looked over maps and I must say that I agreed with him. I could not imagine that any one who had studied the military situation of the island at all could have supposed that Santiago would have filled any conditions of his instructions. We had quite a talk together. I told him that I had been ordered to report for duty to Admiral Remy which, I imagined, necessarily meant himself and that I wanted to assure him at the outset that I should be loyal absolutely and unreservedly to the cause that we were both representing. Capt. Chadwick, who was present, I don't remember all the time or not, said 'Of course, commodore, any one who has known your character would know that it would be impossible for you to be otherwise than loyal.'

"I asked the admiral is there had been established any means of communicating with the insurgents, whether there were pilots or whether any locality was known where they were to be found. He told me that he did not know but that when he got the situation better in hand he would communicate with me and that he thought it would be better for me to proceed to the blockade of Cienfuegos as soon as possible. I said, 'Very well.' I was very glad, of course, to go anywhere. That terminated our conversation except so far as it related to complimentary allusions of such a visit.'

The admiral said that he then left the New York and went on board his own flagship, in order to hasten the operation of coaling. Later the Algonquin came out with an order from the secretary of the navy to Commodore Remey directing the witness to proceed to Havana.

COALING DESCRIBED.

Admiral Schley said he signaled Admiral Sampson and the latter said he understood that his (Sampson's) coming to Key West modified his (Schley's) orders and instructing him to cary out the plans agreed upon. The admiral then described the coaling of his squadron which he said was a more tedious task than it became later. He told of the amount of coal his ships had, and said that between 7 and 8 o'clock on the morning of the 19th he sailed for Cienfuegos.

The admiral then read the order under which he had sailed from Key West. In this order Admiral Sampson had told Commodore Schley that he should establish a blockade at Cienfuegos with the least possible delay and had said that after he had the situation more in hand he would write the commodore.

CRUISE TO CIENFUEGOS.

"Under the direction of this order, my squadron got under way," he said. Then he related the details of the cruise to Cienfuegos. That same night he had fallen in with McCalla and his subsquadron. McCalla had sent the Eagle to intercept him and had himself asked permission to pass on. He had sent the Scorpion to meet the Eagle and the former vessel had reported as was recorded in its log.

"That," he said, "is all the information she gave us. After this the Eagle came within hail, telling us that there was no news. I feel very positive that this was the case. It seems burnt into my mind, but from what I have heard, I begin to think I may possibly be mistaken."

MEETING WITH CAPT. CHESTER.

Relating the particulars of his meeting with Capt. Chester, of the Cincinnati, he said that the captain was anxious to join the flying squadron. The admiral said that it was not feasible. The captain had suggested one or two banks on the Cuban coast at which he thought coaling would be possible. Still it was problematical as it would depend upon the weather and the sea.

After Chester left the admiral said the squadron had continued its voyage toward Cienfuegos, where it arrived on the night of May 21.

"Toward sundown that evening I was standing on the bridge when we were 30 or 40 miles out I heard six or seven guns fired with the cadence of a salute. The report was so distinct that the officer spoke of it. The next day in the early morning the fleet had steamed in and looked into the harbor, but it had been impossible to see in."

"I never saw any smokestacks there," he said, "and I was a very close watcher from 7 to 8 o'clock in the morning until 12 or 1 at night. Very few circumstances escaped me."

GETS "DEAR SCHLEY" LETTER.

Towards 9 o'clock of the 22, he said the Dupont brought to him the now celebrated "Dear Schley" letter. In obedience to his dispatch he had sent the Scorpion east to communicate with the scout boats about the Spaniards, "as I was very doubtful about there being at Santiago as I think the admiral was." He recalled the arrival of the Iowa, but he did not recollect that it brought anything to him in the way of dispatches. He did recall, however, that he had gotten letters, among others one from his wife. Speaking of the blockade at Cienfuegos he said the line was three or four miles out. "It was closer at night than in the day time," he said, "and that was the rule always, both at Cienfuegos and Santiago."

"I believe at that time," said he, "from the sound of the firing and the conversation I had had with Admiral Sampson that that squadron was in Cienfuegos. The line of formation was kept ready for any emergency and was never abandoned. During the day we feigned a little disorder in hopes that we might invite those people out. We knew there would be difficulty in getting in as the flagship was of great draught, as were most of the other ships. The channel was very crooked and our only wish was that they might come out. The movements of the squadron were rather an invitation for them to do so. That was what I felt during all the period of this blockade."

WOOD CONVERSATION NOT RECALLED.

"Lieut. Wood has testified to a conversation which he says he had with me in relation to the delivery of dispatches which, for the life of me, I cannot recall, and I have a good deal of recollection but I am glad to say very little imagination. Lieut. Wood when he came on board was almost prostrated. His condition to me was pitiable. Not from fear, but from the exhaustion of torpedo service and I told him when he came over the side that if I were king I would promote every torpedo officer five grades if I could.

"He handed me the dispatch. I think he did me an injustice when he spoke of my speaking disrespectfully of Admiral Sampson. I used no such terms. There was no reason why I should have done so. I invariably spoke of him as Admiral Sampson and I do not recollect one word of the conversation which he recites; not one word, and I recollect a good many things very well."

ARRIVAL OF THE HAWK.

The admiral then told of the arrival of the Hawk on the morning of May 23, bringing dispatch No. 8. This is the dispatch from Admiral Sampson which had brought the information that the Spanish fleet was probably at Santiago, and in which Commodore Schley had been told that "If satisfied they were not at Cienfuegos to proceed with all dispatch to Santiago." In this dispatch was enclosed the McCalla memoranda saying that a good landing place could be secured thirteen and a half miles west of Cienfuegos.

With regard to Commander Hood's testimony concerning the delivery of this dispatch the admiral said he did not remember, "and," he went on, "I think I can show you by a memorandum in the official government report that if he had any verbal orders he forgot to report them. This memorandum had run to the effect that Hood had said: 'There are a good many officers here who do not believe the Spaniards are there.'

"That," said the admiral, "goes to show that Hood was not very certain or that if he had the information he did not deliver it to the commander-in-chief, which was an indiscretion. He seems to have remembered a good deal that was said by me, but to have forgotten a good deal that he should have remembered."

THE ADULA.

The witness also told of the arrival of the British ship Adula and of his having that vessel boarded and his allowing it to proceed inside. He also

(Continued on Page Two)

GEN. BULLER'S RETIREMENT.

"Petticoat Influence" Had Much to Do With It.

LADY ROBERTS HIS ENEMY.

King Only Consented to Removal When "Bobs" and Mr. Brodrick Threatened to Resign.

New York, Oct. 24.—Interesting details concerning the enforced retirement of Sir Redvers Buller are given in a dispatch from London to the Herald. It is an open secret that what is known as "petticoat influence" has been far too strong at the war office ever since the Duke of Cambridge resigned, and the present commander-in-chief has not escaped it.

There are many people who are inclined to applaud the speech of H. C. Richards the night before last at Northampton, who declared that if Lord Roberts would leave bazar openings to Lady Roberts and take the staff selections and war office reforms into his own hands there might be great reform at the war office.

It is doubtful if King Edward will ever have to face a more painful dilemma than the one he encountered when Mr. Brodrick and Lord Roberts had an audience with him at Marlborough house, said a member of the king's household.

When the news reached Balmoral house of Gen. Buller's Westminster speech, everybody in the household suspended judgment until something was apparent how the king regarded it.

Ever since Gen. Buller's departure from Waterloo, for the war, when the king—then Prince of Wales—gave the cue to popular opinion of the former commander-in-chief with his parting salute: "Good Old Buller," he has thus been spoken of.

Even since his return to England it was known that the king had not changed his opinion of his former "bon camarade." The day after the Westminster speech it became bruited among the household that the king still held his faith in the bluff general, and regarded his oratorical outburst as merely a military explosion in the face of bitter goading.

So it became an accepted conclusion that, no matter what the papers might say, the king would stand by his former friend, even to the extent of conferring a peerage, as a mark of personal friendship. Some leakages of this opinion found their way to the public press and were transmitted to the war office.

It is said that ever since Gen. Buller refused to correct his Spionkop dispatches he has been subjected to the bitter hostility of Lady Roberts, who used every effort to force her husband to demand his recall.

Within the last few days her antipathy has found fresh vent, owing to his Westminster speech. It is said she induced "Bobs" to go to the war office and demand of Mr. Brodrick that he issue an order for Gen. Buller's resignation.

Such an order was issued, but "Old Buller" replied with a flat refusal to resign. Then Lord Roberts and Mr. Brodrick put their heads together and waited for the instant of the king's return to London to lay before his majesty the alternative of Buller's dismissal or their resignation.

It was by no means a pleasant interview. At first the king refused point blank to countenance any such drastic proceeding. He defended Buller right and left and declared that such a provocation as anonymous attacks was sufficient warrant for such an explosion on the part of the bluff old soldier, but Lord Roberts and Mr. Brodrick were equally stubborn.

Lord Roberts threatened to resign instanter unless a royal mandate were issued for Buller's decapitation. To this Mr. Brodrick also added his intention to relinquish the seals of the war office.

The latter threat would have not weighed for a moment with the king, but "Bobs'" popularity is a different matter. His majesty used every effort to induce the commander-in-chief to reconsider his determination. Only when he finally discovered that this was out of the question was the royal consent reluctantly given to the order for Gen. Buller's dismissal.

MORLEY ON GLADSTONE.

He Misread the Civil War in America in Common with Others.

London, Oct. 24.—John Morley, unveiling a statue of Gladstone at Manchester yesterday, said in the course of an eloquent eulogy:

"Gladstone misread the civil war in America, but he misread it in common with nearly all the leading statesmen of the time. Let us remember, however, that no man was more ready to admit how grievously he had erred and that he made the noblest reparation ever made for rash word by healing deed in the Geneva arbitration, while the Alabama arbitration inaugurated the first substantial precedent for the substitution of reason for force."

ST. SAENS' "LES BARBARES."

First Performance of the Opera Given in Paris.

Paris, Oct. 24.—The premier of St. Saens' "Les Barbares" with words by Victorien Sardou and Pierre Gheusi, was given at the opera last night. The libretto deals with the invasion of Italy by barbarians in the first century before Christ, interweaving the love of Marcomir, a barbarian chief, for Floria, a vestal virgin, who sacrificed her vows and accepts his hand and heart. Marcomir saves the town of Orange from pillage and massacre, the opera closing with a superb march of the departing barbarians and antique dances expressive of the joy of the citizens at being relieved of their presence.

The music, which is on the whole of the wagnerian order, contains many harmonious and beautiful passages, but did not seem to excite the enthusiasm of the fashionable audience, which included M. and Mme. Loubet, although the critics of the morning papers admit the opera was splendidly staged and finely interpreted by MM. Vaguet and Delmas and Mmes. Hatto and Heglon in the principal roles.

Price of Prints Raised.

Fall River, Mass., Oct. 24.—By offering 3 1-16 cents for any amount of regulars which can be delivered before next February, M. C. D. Borden today raised the print cloth market 1 1-16 cents.

A NEW APOSTLE CHOSEN TODAY.

Elder Hyrum M. Smith, Son of Pres. Smith, The Man—O. P. Miller Chosen Counselor to W. B. Preston.

OFFICIAL ANNOUNCEMENT.

At the regular meeting of the First Presidency and Apostles, held today in the Salt Lake Temple, Elder Hyrum M. Smith was unanimously chosen and ordained by that body to fill the vacancy in the Quorum of the Twelve Apostles.

At the same meeting Elder Orrin P. Miller, President of the Jordan Stake, was chosen as the second counselor of Presiding Bishop William B. Preston, to fill the vacancy occasioned by the selection of Bishop Winder as first counselor to President Joseph F. Smith.

Elder Hyrum Goff, first counselor of President Orrin P. Miller of the Jordan Stake was nominated to succeed President Miller.

JOSEPH F. SMITH,
JOHN R. WINDER,
ANTHON H. LUND,
First Presidency.

LIFE SKETCHES.

APOSTLE HYRUM MACK SMITH.

Elder Hyrum Mack Smith, who was today unanimously chosen by the Twelve Apostles to fill the vacancy existing in their body, was born in Salt Lake City, Utah, on March 21, 1872. He is the son of President Joseph F. and Edna L. Smith and has inherited in large degree the sterling qualities of his distinguished and estimable parents.

As a boy he attended the common schools of this city and later entered the Latter-day Saints College, from which institution he was graduated in 1894. During that year he was married to Miss Ida Bowman of Ogden, a charming young lady who was a great favorite in her home city. In 1895 he went on a mission to England and labored zealously in the Leeds conference for a period of several months, after which he was made president of the New Castle conference, a position he filled with signal credit and success. He returned to his home in the spring of 1898, since which time he has been employed in the wholesale grocery department of the Z. C. M. I.

When seen by the "News" at a late hour this afternoon he said that the first intimation of his elevation to the Apostleship had been received less than an hour before. It came as a great surprise to him and he stated that he was unable to find words that were adequate to express the new feelings that had so suddenly and unexpectedly been stirred within him.

BISHOP ORRIN P. MILLER.

Bishop Orrin P. Miller, who has been chosen as the second counselor to Presiding Bishop William B. Preston, is 43 years of age and a native of Utah, being born at Mill Creek, Salt Lake county, on September 11, 1858, where his parents, Reuben and Ann C. Miller, were among the early settlers.

Bishop Miller's boyhood days were spent upon the farm. It was there he learned the first lessons of industry—the lessons that have made him the successful business man that he is today. His opportunities for obtaining a scholastic education were limited but such as were afforded him he made the most of in the district schools and as he grew up came to be known as an intelligent and thoughtful young man. Agriculture and stock raising have been his principal pursuits. When 23 years of age he was made president of the Riverton branch and when that place was organized into a ward on August 8, 1886, became a Bishop, a position he held until January, 1900, when he became president of the newly created Jordan Stake, after which he took up his residence at East Jordan.

In 1889-90, Mr. Miller was one of the selectmen of Salt Lake county. He also served as deputy registrar under the Utah commission for a term of six years. On two occasions he was the candidate of his party for legislative honors, and although he ran well to the front of his ticket, went down to defeat with it. For years he has acted as the agent of the General Bishop's office in the south end of Salt Lake county, and is therefore well acquainted with the new duties that have be imposed upon him.

PRESIDENT HYRUM GOFF.

Elder Hyrum Goff, the new president of the Jordan Stake of Zion, was born on the 29th day of July, 1847, at Long Whatton, Leicester, England, and was the son of Isaac and Mary Naylor Goff. He was baptized into the Church on the 29th of July, 1857, and confirmed on the same day. He came to Utah while a youth and for many years has resided at West Jordan in this county where he is a well known and highly respected business man. On June 1st, 1891, he was ordained a High Priest under the hands of the late Apostle Abraham H. Cannon and was serving as Bishop of the East Jordan ward at the time of the division of the Salt Lake Stake into three, at which time he was chosen as counselor to President Miller.

CORPORATIONS MUST BE ASSESSED

The Illinois Supreme Court Upholds Teachers' Contention in Tax Case—Hundreds of Millions Have Gone Untaxed.

Springfield, Ill., Oct. 24.—The supreme court today affirmed the judgment of the circuit court of Sangamon county in what is known as the Chicago teachers' tax case. This in effect awards a writ of mandamus against the state board of equalization, to compel it to assess the capital stock, including franchises, including that of twenty Chicago corporations, the fair cash value of whose capital stock, including franchises, over and above the value of their tangible property, is alleged to aggregate $235,000,000.

The suit was instituted by the state's attorney of Sangamon county at the instance of the Chicago teachers' federation.

The court holds that the board in assessing corporations does not act as a board of review, but as an original assessor. Instead of making a proper assessment, the court says that the board arbitrarily and wilfully failed to follow a proper and long established rule in force in this state for making such assessments, by refusing to take into consideration the bonded indebtedness of said corporations. They also disregarded all other rules in force for the making of such assessments, sought to pass new rules for their government, refused to consider the information furnished them by the assessors, as provided and assessed the capital and franchises of said corporations at a nominal sum instead of at the fair cash value thereof. "For these reasons," the decision says, "the court is justified in holding that fraud in making of such assessments has been established and such pretended assessments may be properly disregarded and treated as no assessment, and such board be coerced by the writ of mandamus to assess such property."

The opinion quotes the order of the lower court commanding the members of the board to convene forthwith at the capitol building in the county office of Sagamon county and value and assess the capital stock including the franchies of the companies named in the manner provided by law.

AS VIEWED IN CHICAGO.

Chicago, Oct. 24.—The tax decision given today by the Illinois supreme court relates to twenty-three local corporations enjoying municipal franchises, including traction companies, gas companies, whose total capital stock was estimated to be $368,000,000, all of which had escaped taxation previously, and was likely to be omitted again by the state board, which adjourned last December without assessing this vast amount of property.

The trial of the case was begun before Judge Thompson in Springfield, March 23, and the decision was handed down May 2, commanding the board to reassemble June 13 and assess these corporations in accordance with the rules of the board in regard to the assessment of capital stock. But the board not only neglected to make the assessment, but repealed the rules of the board on the subject which had been in force for thirty years, and had been sustained by the United States Supreme Court as the only fair and legal plan of assessment.

What was considered the weak point in the teachers' case was that the mandamus was asked while the board was still in session and while it was protesting that it meant to do the very thing which the mandamus required. The teachers' contention was that the board was a continuing body and that it had refused for years to make these assessments, and that if a mandamus could not issue until after the board had adjourned it might as well never be issued at all, and there was absolutely no way to compel the board to perform its manifest duty. The teachers' view of the case seems to have been sustained by the supreme court.

Broad as is the sweep of this decision in itself, its logical results are much greater, as the decision, it is said, really applies just as well to railroad corporation in the state and may lead to the collection of back taxes.

WAR IN SOUTH AFRICA.

Winston Churchill, M. P., Says it is an "Unmitigated Nuisance."

London, Oct. 24.—Winston Churchill, M. P., in the course of a speech at Leicester last night, which is much commented on today, declared that the war in South Africa had become "an unmitigated nuisance."

"The danger is greater today than it was two years ago," Mr. Churchill declared, "and the means of meeting the strain are being seriously reduced."

He urged the government to "relieve Lord Kitchener of the heavy detail work and prepare for a new campaign with a refreshed army and a definite plan."

TO BE PORTS OF CALL.

Hamburg-American Steamers Stop at San Diego and San Francisco.

San Diego, Cal., Oct. 24.—Capt. W. W. Diehlenberg, of the Kosmos liner Rameses says that San Diego and San Francisco are to be made ports of call for the Hamburg-American line of steamers and that the steamers are under instructions to take cargo for these ports from all the southern and Central American ports.

Asked as to the relations between the Kosmos and the Hamburg-American line the captain replied that all business will be done in the name of the Kosmos company, but that two distinct lines will be maintained and that this arrangement will be continued so long as trade warrants.