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SAMPSON HAS NO PART IN THE CASE

Request to be Represented by Counsel Refused.

LIEUT. WOOD TESTIFIES

Declares That Schley Maintained a Picket Line at Santiago.

IN THIS HE CONTRADICTS HARPER

Wood Himself Was on Picket Duty Watching the Mouth of the Harbor. Hood of the Hawk on the Stand.

(By the Associated Press.)

Washington, Sept. 27.—In the Schley Court of Inquiry today a letter was presented from Rear Admiral Sampson asking to be allowed to be represented in the court by counsel, but the court refused to grant the request on the ground that "the court does not at this time regard you as a party to the case."

The principal witnesses of the day were Lieutenant John Hood, who commanded the dispatch boat, The Hawk, during the Spanish War and Captain Bowman H. McCalla, who was in command of the Marblehead. The testimony of both these officers dealt with the delivery of dispatches from Admiral Sampson to Commodore Schley and both related conversations with the latter.

Today's session began with the recall of Captain Wise, who said he had carried out the order to "inform every vessel off Santiago that the Flying Squadron is off Cienfuegos."

Lieutenant Spencer S. Wood, who commanded the dispatch boat Dupont, was cross-examined by Mr. Rayner. The witness said that while off Cienfuegos he had been on picket duty two miles from shore on the night of May 22nd and had been instructed to signal the squadron with two red lights in case the enemy's torpedo boats came out of the harbor.

HARPER IS CONTRADICTED.

Mr. Rayner then read from the testimony of Captain Harper, of the Texas, saying that there had been no picket vessels within the line of the fleet off Cienfuegos. The witness said that the statement was wrong.

Mr. Hanna asked what steps had been taken while the flying squadron was off Cienfuegos to ascertain if the Spanish fleet was inside the harbor there. "None that I know of," was the response.

"Was there any effort to destroy the shore batteries there?" The witness replied that he knew of none. He said, replying to another question by Mr. Rayner, that vessels in the inside harbor could not have been discerned from the outside.

Lieutenant Wood was then dismissed, and as he was leaving the court room Mr. Hanna took occasion to say: "I will make an announcement while we are waiting. There has been introduced before the court a question of the correctness of the identity of a certain very important dispatch sent by the Harvard, May 27th from off Santiago by the commanding officer of the flying squadron. It appears that in the process of translation from the commander in chief to the department some changes in the language of that dispatch occurred. I do not desire at this moment to interrupt the proceedings by any discussion of that point, but I shall merely make the announcement here that we do intend to enter into that matter very fully and completely; that is to say as fully and as completely as the court may desire before we leave it."

HOOD TAKES THE STAND.

Lieutenant John Hood, who commanded the Hawk, said that on May 23rd he had delivered dispatches from Admiral Sampson to Admiral Schley, when the latter was off Cienfuegos. His instructions were contained in a memorandum handed him to be delivered to Admiral Schley, which was read to him.

Lieutenant Hood related the conversation he had with Admiral Schley after delivering the orders, saying that it (the witness) had told the Admiral that it was Admiral Sampson's wish that the Flying Squadron should proceed immediately to Santiago as his information was very positive. His statement was as follows: "Commodore Schley read the dispatches and then turning to me said: 'Captain, Admiral Sampson wishes me to go to Santiago. I cannot do it.' I told Commodore Schley that the Admiral certainly expected the squadron to leave the instant I arrived. Commodore Schley then said in nearly these words: 'I am not at all satisfied that the Spaniards are not here in Cienfuegos. Beside my ships all want coal.' I told Commodore Schley that I had passed a collier conveyed by a gunboat only a little before daylight that morning and it would certainly be there with at least four or five thousand tons of coal within two or three hours. He referred again to his belief of the Spaniards being in Cienfuegos and stated that he had heard some firing about forty miles from port, which he took to be a welcome to the Spanish squadron; he had also seen some smoke which he conceived to be the Spanish squadron and he believed they were there."

"I said to Commodore Schley then that the information which the Admiral had considered as definite; he had no doubt

that the Spanish squadron was at Santiago. Commodore Schley then said to me: 'Captain Sampson doesn't understand. He is not on the spot and cannot judge.' I also informed Commodore Schley that they certainly expected the squadron to leave immediately and that I had verbal orders from the commander-in-chief which did not appear in my written orders to remain with The Hawk alone at Cienfuegos after the squadron had left and conduct a blockade for a day or two or as long as my coal supply lasted."

"Can you state whether or not during the time you were in Cienfuegos with The Hawk any effort was made to communicate with the insurgent Cubans?" "There was not."

The witness then testified that the steamer Adula in passing had reported to the Brooklyn that a cable report had been received at Kingston on May 19th saying that the Spanish squadron was in the harbor at Santiago.

Afternoon Session. At the afternoon session Mr. Rayner asked Lieutenant Hood: "I want to ask you whether in this conversation with Commodore Schley upon this occasion he did not tell you that Admiral Sampson had instructed him before he left for Santiago to satisfy himself that the Spanish fleet was not at Cienfuegos?"

The reply was: "I gathered from his conversation that had that information in some of the dispatches which were carried previously to the dispatch I carried him, which was of a considerably later date and therefore, of course, annulled all the others."

"But this dispatch you carried gave him that discretion?" "That was not the latest dispatch whose contents I knew."

M'CALLA TESTIFIES. Captain Bowman H. McCalla, who commanded the Marblehead during the Spanish War was called. Witness had first come into contact with the Flying Squadron on May 19th, 1898, when he was proceeding from the south coast of Cuba to Key West. He met the squadron on its way to Cuba. Witness said he had not been asked to come aboard the Brooklyn for the purpose of making a report on conditions in Cuba, but had made a full report to Captain Chadwick, Admiral Sampson's chief of staff, when he arrived at Key West.

On this point he said: "In addition to written reports on dispatches which I carried, I explained to the chief of staff the secret code which I had established with the Cubans near Cienfuegos. That was not done until I heard that Commodore Schley was proceeding to Cienfuegos."

THE SECRET SIGNAL CODE. "What was the secret code, briefly?" "On the 15th and 16th of May 1898, I had been in communication with three Cuban officers and two privates on the Marblehead and I had arranged with Lieutenant Lavarez, who spoke English very well, a system of signals in case they wished to communicate with the Marblehead or my force. There were to be three horizontal lights at night and three horses in line on the beach by day."

"To whom, according to the best of your recollection, did you communicate that secret code of signals?" "Only to Captain Chadwick, chief of staff."

"Did you make any written report respecting these signals?" "Never. It was a secret code arranged by myself and I did not wish any publicity to be given this code, because the Cubans might be betrayed by any publicity which would reach the Spanish Government in Havana."

Captain McCalla next told of his return to Cienfuegos on the 24th of May with dispatches from Admiral Schley. He said: "It had been reported authoritatively in Key West on the 19th of May, and when I sailed on the afternoon of the 21st of May, that the Spanish squadron was still at Santiago."

McCALLA ON A MISSION. "And you communicated that information to Commodore Schley verbally?" "Commodore Schley told me he thought the Spanish squadron was in Cienfuegos; that he had received newspapers from the steamer Adula some days previous; that one of the newspapers contained a cable dispatch from Santiago and from that he gathered that the Spanish force under Admiral Cervera might have sailed from Cienfuegos in time to reach Cienfuegos just before the arrival of the force under his command. I said that I had brought arms, ammunition and dynamite for the Cuban camp to the westward, and that if he would let me go I would find out at once whether they were in Cienfuegos. He immediately assented. I asked him if he had seen lights on the beach. He said he had. I asked if he saw three. He said he had. I then said the lights were from Cubans trying to communicate. I may have asked him if he saw three horses in line on the beach by day."

Captain McCalla then related how he had gone ashore near Cienfuegos and found the Cubans drawn up in line. He gave them food and ammunition. "We found," he added, "that Cervera was not inside the harbor and that in fact the situation in Cienfuegos was exactly as it was when I left it on the 16th of the same month."

Captain McCalla said he sent the information obtained to Admiral Schley by the Eagle, signalling that vessel to proceed at full speed and report to the Brooklyn that Cervera was not in Cienfuegos. He then followed in the Marblehead.

THE DANIEL SUFFRAGE PLAN.

The Minority Report of the Committee Presented to the Convention. (By the Associated Press.)

Richmond, Va., Sept. 27.—The Daniel suffrage plan was presented to the Constitutional Convention today by Chairman Daniel, of the Suffrage committee. It is the minority report of the committee and

THIRTEEN MEN SWEEP TO DEATH

Sleeping Prospectors Are Overtaken in a Ravine

Near the Rio Grande by a Flood From a Cloudburst.

(By the Associated Press.)

San Antonio, Tex., Sept. 27.—News has just been received here of a terrible disaster in Presidio county, near the Rio Grande River, on the 25th instant, thirteen men who were prospecting for claimers losing their lives in floods caused by a waterspout or cloudburst. The dead are:

- HENRY CARTER. HERNANDEZ CASTELLO. PHILIP HUMPHREY. PETER SCHAFER. ALFREDO MONTEZ. WILLIAM JEFFERSON. THOMAS FREZZELL. ALGERNON RHEA. CASPER DEUTSCHMAN. GEORGE AINSCH. GABRIEL CARR. WILLIAM BOLIS.

is signed by John W. Daniel, William A. Anderson, Thomas W. Harrison, H. C. Stuart, Wood Rouldin and Francis L. Smith. It provides in part as follows: Section 1.—Every male citizen of the United States, at least 21 years of age, who possesses the following qualifications shall be entitled to vote for members of the General Assembly and all officers elective by the people.

First—He shall have been a resident of this State for at least two years, of the county or city one year, and of the precinct in which he shall offer to vote. Second—He shall have been duly registered. Third—After January first, nineteen hundred and three he shall have paid to the State at least six months before the election in which he offers to vote a poll tax of one dollar and two cents for the year nineteen hundred and two and six months before any election held after January first, nineteen hundred and four he shall have paid to the State all poll taxes for every preceding year which shall have become due and payable under and by virtue of this constitution; provided, that the payment of a poll tax shall not be prerequisite for voting at any election prior to January first, nineteen hundred and three and that no person who has served in time of war in the army or navy of the United States, or of the Confederate States shall at any time be required to pay a poll tax as a prerequisite to vote.

Fourth—If registered after the adoption of the Constitution and prior to January 1st, 1904, he shall be: (1) a person who has heretofore served in time of war in the military or naval forces of the United States or of the Confederate States or of one of the States of the United States, or (2) he shall be able to read any section of the Constitution of this State submitted to him by the registration officers, or he shall be able to understand the same when read to him, or to give a reasonable explanation thereof; or (3) he shall have paid to the State taxes for the year preceding that in which he offers to vote as much as one dollar on property owned by and assessed against him.

Section 2.—All citizens registered under the foregoing provisions of this Constitution prior to January 1st, 1904, shall continue to be citizens so long as they possess the qualifications prescribed hereof, unless they shall come under some one of its disqualifying provisions, and may be aided in preparing and depositing their ballot by a person of their own selection in the presence of the judges of election; provided, that not more than five such voters shall receive such aid from the same person at any election.

Section 3.—After January 1st, 1904, every male citizen not previously registered under the foregoing provisions of this constitution except as herein provided shall in addition to the qualifications prescribed as to age, residence and tax, make application for registration in his own handwriting, as may be provided by law; and any person registered after that time shall prepare and deposit his ballot without aid from another; provided, that if he has heretofore served in time of war in the military or naval forces of the United States, or of the Confederate States or of any State of the United States, or if he be a person who is blind or physically disabled, he shall not be required at any time to make application in writing to be registered and may receive aid in preparing his ballot from a person of his own selection in the presence of the judges of election; but not more than five such voters shall receive such aid from the same person at any election.

The convention in committee of the whole, continued discussion of the report of the Legislative committee, making but few changes therein. Mr. Flood gave notice that he would move a reconsideration of the vote on Section 7—providing for quadrennial sessions of the Legislature—and Mr. Wise gave notice that he would ask for a recorded vote on the question when the report should be submitted to the convention. The convention adjourned at 2 o'clock.

THE KU KLUX GANG ON TRIAL.

Charged With Murder, Highway Robbery and Attempts to Wreck Trains. (By the Associated Press.)

Roanoke, Va., Sept. 27.—A special from Pineville, Bell county, Kentucky, which adjoins Virginia, says: "The Ku Klux gang of outlaws which were captured in Letcher county a few days ago and brought to this place, are now on trial for a number of crimes, such as murder, highway robbery and attempting to wreck trains. The trial of this gang was transferred to this place from Whitesburg, Ky., the

DE BERRY SAID TO BE INSANE.

Dr. J. F. Miller Makes Report to the Governor as to His Sanity. Dr. J. F. Miller, Superintendent of the Eastern Hospital for the insane, has submitted to the Governor his report as to the sanity of John DeBerry, the condemned negro rapist, who is in jail at Rockingham.

The Governor will not make public the report at this time, and it is not known what are the results of the investigation by Dr. Miller, who was commissioned by the Governor as an expert to enquire into the mental condition of DeBerry. The Governor and Dr. Miller alone know the contents of the report.

The claim is made by a number of persons, who have seen DeBerry, that he is mentally unbalanced. There has not been much of an effort in his behalf. DeBerry is a 15-year-old negro boy under sentence of death for committing rape on a 6-year-old child. He will be hanged on October 10th, if the Governor does not interfere. DeBerry's counsel requests that his sentence be commuted to imprisonment.

SHAFER WILL ACCEPT.

He Takes Up the Gage Flung Down by Compers and Mitchell.

(By the Associated Press.) Pittsburgh, Pa., Sept. 26.—When President Shafer of the Amalgamated Association of Iron and Steel Workers was shown the open letter issued last night by President Samuel Compers of the American Federation of Labor, and John Mitchell, President of the United Mine Workers 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 his charges.

"I have no objection," said he, "to the men named by Mr. Compers to act as a committee of investigation, but as he always 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 Compers and Mitchell the third party."

On the Diamond.

THE NATIONAL LEAGUE.

Pittsburg Wins the Pennant by Wrestling Victory From Brooklyn.

(By the Associated Press.) Pittsburg, Pa., Sept. 27.—Pittsburg won the league pennant today by wrestling victory from Brooklyn in the eighth inning when the ex-champions seemed to have the game practically won. Wagner has the honor of scoring the first and last runs in the game and of batting in the two runs that tied the score. The game throughout was a splendid exhibit of scientific ball playing, with only enough mis-play to spice the general work. The enthusiasm of the crowd when the winning run came over the plate was intense.

Attendance 4,000. Score: Pittsburg, . . . 9 1 1 0 0 0 3 x-5 10 4 Brooklyn . . . 2 1 0 0 1 2 0 0-4 10 2 Batteries: Phillippi and Zimmer; Kitson and Farrell. Time, 1:55. Umpire, Emslie.

At Cincinnati—Boston, . . . 0 0 0 0 1 2 0 0 0 1-4 7 3 Cincinnati . . . 0 0 0 1 0 1 0 1 2-5 3 5 (Second Game.) Boston, . . . 0 0 0 0 0 0 0 0 1-1 4 1 Cincinnati . . . 0 0 0 0 0 0 0 0 0-0 0 0 At St. Louis—St. Louis, . . . 0 0 6 0 1 0 2 x-9 13 1 Philadelphia . . . 0 0 0 0 0 0 0 0 0-2 5 5 (Third Game.)

American League.

At Philadelphia—Cleveland, . . . 1 0 0 0 1 0 3 1 0-6 11 5 Philadelphia . . . 1 2 5 1 4 0 0 1 x-14 16 2 At Baltimore—Baltimore, . . . 0 2 0 0 1 2 1 0 x-6 10 3 Detroit, . . . 1 0 0 0 0 1 0 1 1-4 6 4 At Boston—Boston, . . . 0 3 0 3 0 0 0 1 x-7 11 1 Milwaukee . . . 1 0 0 0 0 0 0 0 1-2 6 2 At Washington—Washington, . . . 0 1 0 1 1 0 1-4 7 2 Chicago, . . . 2 6 1 0 2 1 0-6 10 1

TO BALLAST A ROAD

A & N.C.'s Entire Length to be Laid With Gravel.

The Work Was Begun Yesterday. Orders Have Been Issued to Reduce All Surplus Force. (Special to News and Observer.)

Goldsboro, N. C., Sept. 27.—The Atlantic and North Carolina Railroad is to be gravel ballasted its entire length. Work begins today. W. F. Carlisle, chief engineer, will take charge of the department of roadway on October 1st. Orders announcing this fact were issued today as were also orders to all conductors to reduce any surplus force.

Two New Steamers For Mobile.

(By the Associated Press.) Mobile, Ala., Sept. 27.—The Norwegian Steamship Company of Mobile, has given out a contract for the building of two steamers 8,000 tons net register, to operate out of Mobile. The vessels will be built at Christiania, Norway, and are to be completed during the coming year.

COLUMBIA MONEY TO BURN.

No Large Bets Announced Though Big Odds Are Offered. (By the Associated Press.)

New York, Sept. 26.—Numerous wagers on the yacht races were dropped in stock exchange circles today. Most of these were at odds of 10 to 8 on Columbia, but as good as 10 to 7 was offered at times. No very large bets were announced, although Columbia money is offered in almost any amount. One brokerage firm offered to wager any part of 4,000 even that Shamrock would not win two races of the series. About \$4,000 was placed on Columbia at 5 to 3 1/2. Most of this money was taken in \$100 to \$200 lots. One broker said he had \$5,000 to bet even against Shamrock's winning two of the races. On the curb as good as ten to six and a half was offered today on Columbia with no takers.

London Deeply Chagrined.

(By the Associated Press.) London, Sept. 26.—The failure of the yacht race to cover the course in time to constitute a race has created general disappointment in Great Britain but chagrin, at the apparent poor showing of Shamrock II overshadows all other expressions of feeling. The great suburban population of London was kept advised of the progress of events by pyrotechnics at the Alexandria and Crystal Palaces on the north and south sides of the city. The London crowds chiefly gathered on the embankment watching the red and green electric lights making progress up the high tower on the Surry side in accordance with the varying position of the yachts. Steam launches carrying the same colors and patrolling the Thames from London Bridge to Westminster also served to keep the eager multitude in touch with the trans-Atlantic contest.

VENEZUELA TO DECLARE WAR.

Advices From Caracas Say She Will Probably do so on the 28th. (By the Associated Press.)

Port of Spain, Island of Trinidad, Sept. 26th.—Advices received here from Caracas say Venezuela will probably declare war on Colombia September 28th. A financial crisis exists in Venezuela owing to the refusal of the bank of Venezuela and the bank of commerce to comply with President Castro's demand that they subscribe to a forced loan.

The McKinley Monument Move.

(By the Associated Press.) Canton, O., Sept. 26.—Articles of incorporation for an organization having for its object the erection of a suitable monument to the late President McKinley, were forwarded to Columbus today. The name of the organization will be the McKinley National Memorial Association.

CZOLGOSZ MOBBED AT PRISON GATES

Prison Guards and Deputies Had Hot Work.

BUT THEY RESCUED HIM

In the Prison He Fell Frothing at the Mouth.

HE CRIED OUT THAT THE LAW IS JUST

Outside the Gates the Mob K-p-t Yelling "Give Him to Us." Czolgosz Struck on the Head in the Struggle.

(By the Associated Press.) Auburn, N. Y., Sept. 27.—Czolgosz collapsed completely on his arrival at Auburn prison at 3:10 o'clock this morning. A crowd of several hundred people surrounded the prison gate, rushed upon the prisoner and struck at him furiously. It took the combined force of the Buffalo deputies and the prison guard to protect him.

One burly man struck him on the head, and it brought collapse. When inside the prison Czolgosz fell upon his knees in abject terror, frothing at the mouth, and uttering terrified cries. He stumbled to a cane-seated settie and lay there moaning while the crowd outside the iron gates yelled: "Give him to us!" "Let us get at the murderer."

Later Czolgosz said to the prison authorities: "I got an idea it was right. I now know it was wrong. I've done all the harm a man could. There is no use talking. The law is right and just. It was my own act. There was nobody with me."

Hester's Cotton Statement.

(By the Associated Press.) New Orleans, La., Sept. 27.—Secretary Hester's statement of the world's visible supply of cotton issued today shows the total visible supply to be 1,472,256 bales, against 1,408,598 bales last week and 1,838,246 bales last year. Of this total of American cotton is 1,011,256 bales, against 909,508 bales and 988,249 bales, and of all other kinds, including Egypt, Brazil, India, etc., 461,000 bales, against 499,000 bales and 410,000 bales.

Of the world's visible supply there is now afloat and held in Great Britain and Continental Europe 645,000 bales, against 567,000 bales last year; in Egypt 43,000 bales against 37,000 bales; in India 257,000 bales against 222,000 bales, and in the United States 529,000 bales, against 572,000 bales.

Secretary Hester's weekly statement issued today shows the amount brought into sight for the week ending today to be 225,833 bales, against 314,157 bales for the seven days ending September 27th last year. This brings the total of the crop movement into sight for the twenty seven days of the new season to 585,819 bales, against 557,413 bales last year. Receipts at all United States ports since September 1st were 365,166 bales, against 511,068 bales last year. Overland across the Mississippi, Ohio and Potomac Rivers to Northern mills and Canada 15,107 bales, against 17,892 bales last year; interior stocks in excess of September 1st, 75,546 bales, against 123,115 bales last year; Southern mill takings 130,000 bales, against 105,298 bales. Foreign exports since September 1st have been 234,463 bales, against 209,750 bales last year. The total takings of American mills, North and South and Canada thus far for the season have been 188,611 bales, against 134,507 bales last year.

Including amounts left over in stocks at ports and interior towns from the last crop and the number of bales brought into sight thus far for the new crop the supply to date is 945,996 bales, against 879,947 for the same period last year.

Colombians Claim the Victory.

(By the Associated Press.) Mobile, Ala., Sept. 27.—Captain Torrestadt, of the steamer Banos, from Boca del Toro reports that the battle fought on September 12th and 13th is claimed by the Colombian troops. The loss he says, was heavy on both sides. When the Banos left there were no more than twenty-five Government troops in Boca. About 20 insurgents were outside the place, but made no serious damage. From another source it is learned that the insurgents get their supplies from Chinese merchants. Foreign firms experience trouble in getting messages to and from their agent, some of the latter being in prison charged with aiding the insurgents.

Passenger Agent of Southern.

(By the Associated Press.) Atlanta, Ga., Sept. 27.—Jerome C. Beam, Northwestwestern passenger agent of the Southern Railway at Chicago, has been appointed district passenger agent of the Southern at Atlanta, succeeding Brooks Morgan, who goes to Washington. Mr. Beam was at one time connected with the Memphis and Charleston at Memphis.

The man who courts an heiress usually figures on drawing a capital prize in the matrimonial lottery.