

RUN NO RISK OF DANGER

TO THE WARSHIPS FROM THE SPANISH COAST BATTERIES.

ORDERS OF NAVY DEPARTMENT

Under Which Admiral Schley Was Acting While Blockading Cienfuegos and Santiago—Lieutenant Bristol Continues to Contradict Leading Department Witnesses on Important Points in the Schley Investigation. Three New Witnesses Examined. More Conflicting Testimony.

Washington, October 9.—In the Schley naval court of inquiry today Lieutenant M. L. Bristol completed his testimony, which was begun yesterday, and three new witnesses were introduced. They were Rear Admiral Henry C. Taylor, who, as captain, commanded the battleship Indiana during the war with Spain; Lieutenant Commander T. M. Potts, who was navigator of the battleship Massachusetts during that period and Lieutenant Edward F. Leiper, who was on the New Orleans during the war, the last named being still on the stand when the court adjourned for the day.

During Commander Pott's examination Mr. Rayner secured permission from the court to introduce as evidence the order of Secretary Long to Admiral Sampson, dated April 6th in which he was admonished against the exposure of the American vessels to the fire of strongly fortified ports. The paragraph in that order which he especially wished to have considered reads as follows:

"The department does not wish the vessels of your squadron to be exposed to the fire of the batteries at Havana, Santiago, or other strongly fortified ports in Cuba, unless the more formidable Spanish vessels take refuge within these harbors. Even in this case the department would suggest that a rigid blockade and employment of our torpedo boats might accomplish the desired object, viz: The destruction of the enemy's vessels, without subjecting unnecessary men to war to the fire of the land batteries."

This dispatch also contains the following order: "The department further desires that in case of war you will maintain a strict blockade of Cuba particularly at ports of Havana, Matanzas and, if possible, Santiago, Manzanillo and Cienfuegos."

Lieutenant Bristol was questioned by Mr. Rayner concerning the distance out of the blockading ships at Cienfuegos, but he declined to change his estimate of yesterday that it was from eight to ten miles distant from harbor.

Mr. Rayner read Commodore Schley's report as to the blockade of Cienfuegos in which he said: "A line of blockade was established about four miles off shore at Cienfuegos," and asked: "That is not a correct statement of the commodore's is it?"

"The statements I make are what I thought were and what I believe to be right. I do not question other people's words."

Speaking of the weather during the cruise of the flying squadron from Cienfuegos to Santiago, the witness said there were fresh breezes and there was a moderate sea. A small boat could, he said, have been lowered at any time during the voyage.

Mr. Rayner asked the witness whether there had been any menace to any of the American ships on July 3rd from the shore batteries.

Lieutenant Bristol replied that there was danger to the Gloucester because that vessel was unarmored. He said that he did not consider the New York in danger.

At the request of Mr. Rayner the witness made measurements from his chart to show the distance the Brooklyn was from the Spanish ships during the fight off Santiago.

He replied: "The distance of the Quendo from the Brooklyn, taken from the chart, just before the turn is 4,000 yards, the Maria Teresa 3,700 yards. Taken from the chart when the Maria Teresa and Quendo were about to run ashore, which is practically the nearest point, the Quendo was 2,800 yards from the Brooklyn and the Maria Teresa 3,000 yards."

Quoting Lieutenant Commander Hodgson's statement that the shortest range of the Brooklyn's guns in the battle was 1,400 yards and her greatest 2,500 yards, and referring to the fact that no shells had struck the Spanish ships, Mr. Rayner asked a number of questions for the purpose of showing that if the distance was as great as the chart shows and the guns were set for the range given, it would have been impossible for the shots to go to the mark.

of the Brooklyn at the time of the beginning of the battle said: "Just before the beginning of the battle I did, and on two occasions thereafter."

"After the beginning of the battle, please state where you observed the Brooklyn, whether you noticed her proximity to the Texas and what it was."

"When the battle had been on about ten or fifteen minutes my attention was attracted to the Brooklyn by my signal officer, Captain Dawson. He said to me that the Brooklyn must be injured or words to that effect, as she was dropping out of action. I observed the Brooklyn heading apparently about south or off shore. She was then on my port bow half a mile perhaps ahead of me and at that time a quarter of a mile outside of the line of our column. She was not turning as far as I could see. The Texas was apparently lying still in the water. I did not see whether she was backing or not. The distance between those two ships was impossible for me to see as they were too nearly in a line for me to judge of the distance between them. A few minutes later my attention was again turned to the Brooklyn. She had then proceeded a distance not over two miles and not under one mile from the time I had seen her first, and the second time was as near as I could figure out, one and a half miles to seaward of our column of battle."

"Did you observe whether there was any attempt on the part of the Spanish vessels to ram any of the vessels of the American squadron?"

"I observed that there was no such attempt."

TAYLOR CROSS EXAMINED. Mr. Rayner began his cross examination with an effort to introduce certain signals which had passed between the Indiana and Admiral Sampson's flagship, the New York, in the early morning of July 3rd, 1898. Captain Lemly made immediate objection, and Mr. Rayner presented an earnest plea to be allowed to read the signals. He was not permitted at that time to do so, but it is understood that the signal which he desired to introduce as having been sent from the New York to the Indiana was dated at 8:15 a. m. of that day and was an invitation from the flagship to accompany her to Siboney, while the response was a declination to do so.

The admiral's invitation was wig-wagged by Captain Chadwick, and was as follows: "The admiral wishes to know if you will join this morning in going to see General Shafter?"

To this Captain Taylor replied at 8:37: "Work aboard ship previously going on prevents me from going with you today."

Mr. Rayner contended that the signals were among the most important occurrences of the day prior to the time of the command of the fleet developed upon Commodore Schley.

Captain Lemly replied that under previous rulings of the court the reading of the signals was clearly inadmissible. He, however, agreed that he would consult with Mr. Rayner, and, after this consultation the question including the reading of the signals should appear proper, Admiral Taylor could be re-called and the question asked. To this Mr. Rayner consented.

At the afternoon session of the court Mr. Rayner asked that on the morning of July 3rd, 1898, the Indiana had signalled "The enemy is escaping." The Indiana was, he said, at that time always cleared for action.

He said, personally seen the Brooklyn while on her detour, commonly known as the loop.

The court asked only one question of Admiral Taylor, as follows: "Was the Indiana in such position with reference to the Brooklyn and the enemy's ships that after this consultation of the signals should appear proper, Admiral Taylor could be re-called and the question asked. To this Mr. Rayner consented."

The reply was: "At the time mentioned there were but two occasions when the smoke permitted me to see the Brooklyn distinctly. I could not therefore say what was the distance between the enemy and the Brooklyn just after the Spanish fleet came out of the harbor."

COMMANDER POTTS. Commander Potts said that during the blockade of Santiago the distance observed by the flying squadron was from seven to nine miles from the mouth of the harbor. At Cienfuegos the distance out was from four to five miles, with an increase of the distance at night.

During 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 pot the Colon with your big guns. I want to fire deliberately. Admiral Sampson will be here tomorrow morning 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 to sea. It was determined that we would allow the men to go to dinner, and go in afterward, which we did. Later on, about 1 o'clock I think, while on the port bridge just abeam the pilot house, I was present at a conversation between Commodore Schley and Captain Higginson in which the question of where the ship was to be fought was under discussion. Commodore Schley asked Higginson what position he intended to take. He replied: 'I think the conning tower. Commodore Schley replied: 'Yes, I think that is wisest.' Shortly after this Commodore Schley and his staff, the captain and myself went down to the conning tower on the forward 13-inch turret. Commodore Schley, Commander Schroeder, I think Commodore Schley's personal staff, and myself were standing as the ship was standing in toward the entrance. Commodore Schley said in my hearing and presence: 'Gentlemen, we are very conspicuous objects here in white. I think we had better get out of this.' 'Commodore Schley took his place on the small platform on the lee side of the conning tower.'"

By the court: "Did you hear any further conversation?"

during the engagement of May 31st to which you have already referred?"

"His bearing and manner was that of a man who was suffering under excitement, 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."

THE CROSS EXAMINATION. Mr. Rayner then began his cross examination: "Who was the captain of your ship?"

"Francis J. Higginson."

"I want to read you what Captain Higginson says about Commodore Schley's manner and bearing upon that occasion. He says: 'His manner was that of a commander-in-chief. He left a different impression on my mind from what he left on Captain Higginson's mind then?'"

"Apparently."

"Had Captain Higginson opportunity to observe him on that occasion?"

"As well as I did."

"Why was that?"

"Because Captain Higginson was in the conning tower and I was outside."

"Did not Captain 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. The first thing was the apparent absurdity of Commodore Schley about using the conning tower. Secondly his stating that at a distance of five to six miles men standing on the forward 13-inch turret were conspicuous objects."

"Did the commodore use the conning tower?"

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

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

TO PROMOTE COMMERCE

THE IMPROVEMENT OF OUR RIVERS AND HARBORS NECESSARY.

FOR LIBERAL GOVERNMENT AID

Resolutions Adopted by River and Harbor Convention Declaring in Favor of Extensive Improvements in This Line at National Expense—Early Construction of an Isthmian Canal Advocated—Resolutions Expressing Confidence in Roosevelt Ruled Out of Point of Order.

Baltimore, October 9.—The national rivers and harbors congress adjourned sine die today after adopting resolutions embodying its sentiments with regard to congressional appropriations for the improvement of waterways. Congress was urged to take speedy action in the matter of the construction of an isthmian canal.

The place of meeting for the next congress was not decided upon. Invitations were received from Beaumont and St. Louis, Mo.

An incident of today's session was the ruling out of a resolution of confidence in President Roosevelt, offered by A. R. Smith, of New York, who asked that it be adopted without reference to the committee. Objection was raised on the ground that the resolution was not germane and it was referred to the committee.

The resolutions are as follows: Resolved, That this congress asserts that the best development of our national resources demands the adequate improvement of our waterways, and therefore, it endorses and urges upon the congress of the United States a liberal policy in their improvements, through systematic and adequate appropriations therefor. In equally unqualified terms it condemns any action which leads to the failure of river and harbor legislation.

Resolved, That it is the sense of this congress that the improvement of rivers and harbors is fully as important as the work carried on by any department of the general government, and for this reason we urge that appropriations therefor be placed upon such a footing as will insure, at all times, ample funds for the vigorous prosecution of the work; and to this end, we endorse the system of continuing contracts.

Resolved, That in the judgment of this congress all items should be excluded from the river and harbor bill that do not pertain to the improvement of harbors and waterways for the purpose of water-borne commerce.

Resolved, That the wonderful prosperity of our country is largely due to the vast increase in our foreign commerce, and to the position, as a great commercial nation, all possible facilities must be afforded—deeper and wider channels must be created to meet the requirements of the modern steamships that have revolutionized the commerce of the world.

Resolved, That our great systems of internal navigation by the lakes and waterways of our country, besides being so essential as great highways of commerce to the fullest development of our national resources, are a natural and effective regulators of freight rates and we, therefore, urge their continuous and systematic improvement, with liberal appropriations therefor.

Resolved, That an executive committee be appointed by this president of this congress, representing the different sections of the country who shall have general charge of the affairs of this congress, with power to convene future meetings and to perform such other duties as may be necessary to carry into effect the purposes and objects of its organization.

Resolved, That the foregoing resolutions be formally submitted to the appropriate committees of congress at its next session by a committee consisting of one delegate from each state, to be appointed by the president of this congress, who shall be, ex officio, a member of the committee.

Resolved, That we regard the construction of an isthmian canal as most important and urge upon congress to take speedy action on the same.

Farmers provide yourself with Pain-Killer at this season of the year, when colic, cholera morbus, dysentery, diarrhoea, &c., may disable your hands—use it in every case of the kind, but be sure that you trust to no other remedy but the old, long tried Perry Davis' Pain-Killer which never failed. Avoid substitutes, there is but one Pain-Killer, Perry Davis'. Price 25c. and 50c.

Delegates to National Prison Congress (Special to the Messenger). Raleigh, N. C., October 9.—The governor appoints as delegates to the annual congress of the national prison association at Kansas City, November 9th to 13th: T. W. Patton and O. B. Vanhorn, of Asheville; J. S. Mann, W. H. Day and J. W. Bailey, of Raleigh; J. E. Woodward, of Wilson; A. Leazer, of Mooresville; W. A. Blair, of Winston; Rev. Dr. J. E. Stagg, and J. P. Caldwell, of Charlotte; Rev. Rev. Leo Haid, O. S. D., of Belmont; Dr. T. B. Kingsbury, of Wilmington; E. L. Travis, of Halifax; W. E. Crossland, of Rockingham; J. A. Brown, of Chadbourn; J. G. Hargett, of North Wilkesboro; N. O. Berry, of Goldsboro.

The state charters the Spray Hotel Company, to build a hotel at Spray, Rockingham county; incorporates J. S. Patterson and others; authorized capital \$125,000; also the Southern Hosiery Mills Company at Newbern, P. H. Pellitier and others stockholders; authorized capital \$125,000; also the J. H. Hampton Buggy Company, of Spray, D. F. King and others stockholders; authorized capital \$100,000.

TWO BUILDINGS WRECKED

By a Boiler Explosion—Miraculous Escape of Inmates From Death

Erie, Pa., October 9.—This evening a large boiler in the brass foundry of the Hays Manufacturing Company on west Eleventh street exploded with terrific force and completely demolished the three story brick building in which it stood. Adjoining this building and directly back of the Liebel house, which fronts on State street, was another three story brick building connected with the hotel by a covered passage way across the alley. The first floor of this building was used as a store room for the second floor sleeping rooms for some of the girls and an ironing room, and the third floor as the hotel kitchen, the covered passage way leading direct to the dining room which is on the second floor of the hotel. This hotel annex was also completely demolished, nothing but a portion of the side wall remaining.

At the time of the explosion supper was being served and six girls who were in the kitchen were carried down in the wreck. A general fire alarm was sent in and in a very few moments the entire fire department was at work extinguishing the flames which had started and rescuing the injured.

The building was badly damaged by the explosion, all the windows were broken as well as the plate windows in the stores in that vicinity. The drift of the explosion passed through the hotel barroom and that part of the hotel was completely wrecked. How any one escaped serious injury seems marvellous.

The cause of the boiler explosion is unknown. Damage to the Hays Manufacturing Company and to the hotel is about \$50,000.

WILL NOT RACE THE SHAMROCK

New York Yacht Club Declines to Let Her Contest for Cup Next Summer

New York, October 9.—The New York Yacht Club today declined Sir Thomas Lipton's proposal to race the Shamrock again next summer for the America's cup.

Sir Thomas's proposition was submitted by Vice Commodore Sharmar Crawford. He stated that his committee, on behalf of Sir Thomas, desired to ask if the New York Yacht Club would withdraw in favor of the Shamrock that paragraph of the deed of gift providing that "no vessel which has defeated in a match for this cup can be again selected by any club as its representative until after a contest for it by some other vessel has intervened, and that the expiration of two years from the time of such defeat."

Commodore Ledyard stated that the committee of the New York Yacht Club was of the opinion that the mutual agreement clause gives no power to the club holding the cup to accept a challenge which the instrument itself prohibits absolutely. The committee did not think it was intended that, after a boat had had a trial for the cup and been defeated, she should be allowed to challenge again until the time specified has elapsed, and so declined to accede to the request.

A DESPERADO CAPTURED

After a Long Pursuit and Hot Fight With Sheriff's posse

Madison, Fla., October 9.—Will Jones, a negro outlaw, is in jail here seriously wounded after having experienced one of the most desperate fights with a posse of officers ever known in Florida. Immediately preceding his flight with the officers, Jones killed a woman, because of jealousy, and a negro man, Sheriff Armstrong was notified of the murder of the woman in the southeastern part of the county, and with deputies hurried to the scene. He found that the woman had been shot down as she sat by the side of her husband in her home and that Jones had escaped to the woods.

The outlaw in the meantime, in his flight, had run upon Dan Anderson, a white man who was hunting, and, believing the man to be an officer, had without warning shot him down. Jones was finally surrounded in a vacant house, but kept the small posse at bay with his rifle and finally escaped.

The sheriff increased his posse and resumed the hunt this morning, following the trail for miles, when the negro was finally surrounded in a live oak prairie near Higdon.

At the sight of the posse the outlaw opened fire and a vigorous fusillade continued for several minutes. After the smoke had cleared, Sheriff Armstrong and Deputy Yarbrough were both wounded, one ball striking the former in the head. Neither officer, however, is fatally wounded. The negro outlaw was also found prostrate in his own blood, with several wounds in his body. He is yet alive.

Presiding Elder's Appointments

Carver's Creek, October 12, 13. Grace, October 20. Fifth Street, October 20. Clinton, Johnson's Chapel, October 26, 27. Zion church, Zion, October 30. Bladen circuit, Windsor, Nov. 2, 3. Southport, November 4. Elizabeth, Elizabethtown, Nov. 9, 10. Burgaw, circuit, Burgaw, Nov. 13. Jacksonville and Richlands, Nov. 15. Onslow, Tabernacle, Nov. 16, 17. Scott's Hill circuit, Scott's Hill, November 19. Waccamaw, November 22. Whiteville, Chadbourne, Nov. 23, 24. Bladen street, November 27. Market street, November 28. Kenansville, Charity, November 29. Magnolia, Providence, November 30. December 1.

South Carolina's New Revenue Collector

Washington, October 7.—It was announced authoritatively today that President Roosevelt has selected Loomis Blacklock as internal revenue collector for South Carolina to succeed the late F. A. Webster. The appointment, it is expected, will be announced shortly.

EPISCOPAL CONVENTION

House of Bishops Passes Canon Prohibiting the Marriage of Divorced Persons.

San Francisco, October 9.—The action of greatest importance taken today by the triennial Episcopal convention was the adoption by the house of bishops by a vote of 37 to 21 of Canon 38, which relates to the solemnization of marriage. All of its provisions had previously been argued except those contained in Section 4, which forbade the marriage of persons divorced for any cause not existing before marriage.

"For any cause not existing before marriage," is subject to refer to such causes as insanity, inability to execute a contract, the existence of a living wife or husband, or like reasons which practically render the marriage null and void. This section has been a bone of contention, a strong element in the church holding that the remarriage of the innocent party to a divorce, granted on the ground of infidelity should not be forbidden. The bishops have refused to accept this view of the matter.

The question is by no means settled, as the whole subject is now to come up in the house of deputies, where it is expected to cause a protracted debate. The canon, as finally passed by the house of bishops, reads:

"The solemnization of matrimony in the church, in which the mutual consent of the party entering into this state of life is given in the presence of a minister who, having pronounced them in the name of the Holy Trinity to be man and wife, invokes the Divine blessing upon their union."

"The requirements of the laws of the state regarding the conditions for the civil contract of marriage shall in all cases be carefully observed, before the marriage is solemnized."

"No minister shall solemnize the marriage of any person who is a minor under the law of the place of marriage unless the parent or guardian of such minor is present and consenting, or shall have given written consent to the marriage, or is permanently resident in a foreign country. No minister shall solemnize a marriage except in the presence of at least two witnesses, the minister or the witnesses being personally acquainted with the parties. Every minister shall without delay formally record in the proper register the name, age and residence of each party. Such record shall be kept by the minister who performs the ceremony, and if practicable by the married parties, and by at least two witnesses of the marriage."

"No minister shall solemnize a marriage between any two persons unless, nor until by inquiry, he shall have satisfied himself that the person has been or is the husband, or the wife of any other person then living; unless the former marriage was annulled by a decree of some civil court of competent jurisdiction for cause existing before such former marriage."

The bishops have yet to consider Canon 37, providing for the discipline of persons marrying after having been divorced. This also will cause lively discussion. The appointment of bishops today was the appointment of a committee of five to act with similar committees of priests and laymen, constituting a joint committee of fifteen, to consider the proposed change in the name of the church. The committee has been empowered to act, but is to report its findings at the next general convention to be held in Boston in 1904.

At the session of the house of deputies J. Pierpont Morgan, of the joint committee in place of meeting of the next general convention, reported in favor of the selection of Boston, and so moved, the house of bishops concurring. The motion was unanimously adopted by the deputies.

The special committee submitted resolutions in regard to the death of President McKinley which were adopted by a standing vote. The resolutions follow:

"Resolved, That the general convention of the Protestant Episcopal church meeting in the city of San Francisco, hereby records its feeling of deep regret that so dastardly a crime resulted in the death of our chief magistrate William McKinley, and expression of hope that this common sorrow may unite our people in a bond that may tend more and more to exalt our government in truth and justice."

"That the guilt of the assassination is aggravated by the fact that it is a menace to the American idea of law and respect for the country's rulers."

"That we appreciate the conscientious ability of his public service, the beauty of his private life and the noble sense of his great faith."

"Be it resolved further that a copy of these resolutions be forwarded to Mrs. McKinley and to the congress of the United States."

After a brief discussion of a proposed amendment of an explanatory nature, to Section 5 of Canon 19, the matter of marginalia on the books was taken up. The discussion was continued without action until recess.

A Woman's Death From Fright. Shelbyville, Ky., October 9.—Mrs. Ben C. Perkins, wife of the jailer at this place, is dead as the result of shock and fright suffered Wednesday morning when a mob attacked the jail and lynched two negroes. At that time Mrs. Perkins was ill with a nervous attack and Dr. Easton, physician, declares that the raid of the lynchers is responsible for the woman's death.

State of Ohio, City of Toledo, ss. Lucas County. Frank J. Cheney makes oath that he is the senior partner of the firm of F. J. Cheney & Co., proprietors of the Hall's Catarrh Cure, and that he is a resident of the city of Toledo, County and State aforesaid, and that said firm will pay the sum of ONE HUNDRED DOLLARS for each and every case of Catarrh that cannot be cured by the use of Hall's Catarrh Cure. FRANK J. CHENEY. Sworn to before me and subscribed in presence, this 6th day of December, A. D. 1886. A. W. GLEASON, Notary Public. Hall's Catarrh Cure is taken internally and acts directly on the blood and mucous surfaces of the system. Send for testimonials, free. F. J. CHENEY & CO., Toledo, O. Sold by Druggists, 75c. Hall's Family Pills are the best.