

SCHLEY BRAVED DANGER

Admiral Exposed Himself Recklessly To Fire Says Sears.

TESTIMONY OF CAPTAIN COOK

Tells of the Battle of Santiago Bay and the Chase of the Spanish Vessels—The Oregon's Startling Appearance—Texas Not Endangered.

Washington, Oct. 16.—Only one new witness was heard in detail by the Schley court of inquiry yesterday. This was Lieutenant Commander James H. Sears, who was Admiral Schley's flag lieutenant during the Spanish war.

He placed the distance out of the blockading line at Cienfuegos at from one to four miles and at Santiago at from three to six miles. He expressed the opinion that in the battle of July 3 it had been the Viscaya's intention to ram the Brooklyn.

When asked "What was Schley's bearing while under fire?" Commander Sears answered: "He was a model for anybody. His conduct was worthy of emulation at all times. His faculties were, if anything, clearer when he was in personal danger. He was always putting himself in exposed positions, and I was continually begging him to be more careful."

While Commander Sears was on the stand Captain Lemly asked his age, but the court after quite a prolonged consultation in retirement decided that the question was not admissible. It held, however, that the time of service could be inquired into.

Mr. Rayner sought to secure the introduction of a brief report of the battle of July 3, which Commodore Schley prepared for transmission to the secretary of the navy. It was stated that Commander Sears had taken this dispatch ashore to be cabled to the secretary, but that it never had reached that official. The dispatch was ruled out on the ground that as it was not received it was not an official communication. It was not read in the court room, but the following is a copy of it:

"The Secretary of the Navy, Washington, D. C.:
"Spanish squadron came out of Santiago harbor this morning, July 3, at 9.30, and were all captured or destroyed in a running fight to the westward of about three and one-half hours. Very few casualties in our fleet; Ellis, chief yeoman, killed, and one man wounded on the Brooklyn. Reports from other ships not in yet. The commander-in-chief now superintending transfer of prisoners from the Cristobal Colon, which surrendered to the Brooklyn and Oregon at 1.15 p. m. About 1,000 prisoners in all, including Spanish admiral. Victory complete; details later."
SCHLEY.

Captain Cook was recalled during the day, and in response to a question by Captain Lemly, made an additional statement concerning the retrograde movement of the flying squadron from May 26 to May 28. He also said, in answer to a question by the court, that Commodore Schley during the battle of July 3 was "cool, brave and enthusiastic. I cannot imagine any conduct in battle more admirable."

At Monday's session Judge Advocate Lemly concluded presentation of testimony for the government and the first of Admiral Schley's witnesses was introduced. Captain Francis A. Cook, who commanded Admiral (then commodore) Schley's flagship, the Brooklyn, during the Santiago campaign, and who acted, though unofficially, in the capacity of chief of staff for the commodore, was on the witness stand the greater part of the day.

Captain Cook's testimony was a review of the entire campaign after Cerbera's fleet, beginning with the departure of the Flying Squadron from Key West on May 19, and concluding with the battle off Santiago July 3.

He said that at first it had been believed by both Sampson and Schley that the Spanish fleet was in the harbor at Cienfuegos and that no notification to the contrary had been conveyed to Commodore Schley until the arrival of Captain McCalla on May 24; that it was Commodore Schley's expectation to meet the Spaniards in the open sea and his constant care was to have coal enough for such emergency.

He said that Schley's first intimation that the Spanish fleet was not at Cienfuegos was learned from McCalla during a consultation. Schley said to McCalla: "We have seen three peculiar lights, one ahead of the other, here, but we cannot make out what they are, and I believe it is something in connection with the Spanish fleet."

Captain McCalla gave a start, threw up his hands and said, "That is the signal from the insurgent camp. They want to communicate with you," he added, "Well, I can go there and find out at once." The commodore told him to go, to get off as soon as possible.

In his story of the battle of July 3, Captain Cook said that it was he who gave the order for the Brooklyn's loop at the battle off Santiago, and that he considered the movement eminently successful. He said that when the loop was made the thought of a collision with the Texas never entered

his head. The Brooklyn, he said, turned perfectly clear of the Texas.

"Then," he continued, "we had the Viscaya on our starboard bow and about abeam was the Quendo and then the Colon. At the time I thought it was the Teresa, but I soon discovered this vessel was dropping out and heading for the beach. That was about the hottest time of the action. It was a critical time. There was not any time for indecision and I do not think there was any. I have always felt in my mind, in studying the positions, that the chances would have been for a disaster had we shifted helm at such a time. However, we got around and we had those three vessels.

"I looked and could see nothing but smoke astern and vessels seemed undisturbed in this smoke. I could not understand it. I could not understand exactly how we got there. They were all three firing on the Brooklyn, when almost immediately, faster than I could tell it, I saw a large white bone in the water, and through the smoke I saw the bow of a vessel. I exclaimed at the time, 'What is that?' The navigator, who was near me, said it was the Massachusetts, or something to that effect. I said she was away, and he then said, 'That is the Oregon.' I felt perfectly assured from that moment. She came up very rapidly. She was making more speed than we were at that time. She had all her boilers on, had shifted boilers that morning from forward to aft. She had steam and hot water on."

He stated that the Oregon was never between the Brooklyn and the Spanish ships.

Just before the court took a recess for lunch Mr. Hanna asked Captain Cook, who was on the stand: "What was the conduct and bearing of Commodore Schley under fire on such occasions as you had the opportunity of observing?"

"I have always regarded him as an enthusiastically brave and patriotic officer; never in any other way," replied the witness.

Continuing his statement after the noon recess, Captain Cook said he thought that if the engines of the Texas had been backed he would have observed the movement, "although," he said, "the Texas was quite a distance from us." He recalled a brief conversation between Lieutenant Hodgson and himself concerning the Texas while the Brooklyn was making its famous loop. He said that on that occasion Hodgson had called his attention to the Texas, and that he had replied, saying he saw the vessel, which Hodgson had afterward told him had entirely missed him. He had never himself used the expression, "D— the Texas" to Hodgson.

"On the contrary," he said, "I had every reason to bless her." He said he had not at the time known of the change in the Brooklyn's log in which the entry had at first been to the effect that the helm was put to starboard and then changed to "helm a port." He remembered the addenda to the log and had consented that it should be written, but he had given instructions that there should be no change in the original log.

The court asked what ships would have had their fire blanketed if the Brooklyn had turned with starboard helm. Captain Cook replied that "the fire of the Texas might have been blanketed and the movement of the Oregon might have been interfered with. This," he added, "is, however, an afterthought. I never thought of anything at the time but turning the vessel to the southward."

A NEW MOLINEUX TRIAL

Court of Appeals Reverses Lower Tribunal's Judgment.

Albany, N. Y., Oct. 16.—The court of appeals yesterday handed down a decision reversing the judgment of conviction of murder of the first degree against Roland B. Molineux and granting him a new trial.

Justices Parker, Haight and Gray did not believe that the Barnet evidence should be kept entirely out of the case. Judges Werner, Bartlett, Vann and O'Brien concurred in the prevailing opinion, and for the expurgating of the Barnet testimony. The court gave out a condensed statement of the reasons for granting the new trial. It says:

"Every member of the court of appeals agrees for the reversal of the judgment of conviction of Molineux on the ground that the trial court erred in receiving in evidence the declarations of Barnet, made to Drs. Phillips and Douglas, that he had received Kiltown powders.

GIGANTIC NEW COMBINATION

Formed to Build Ships and Use Steel Trust's Production.

New York, Oct. 16.—It is said that a new and gigantic industrial combination which is to consolidate the armor plate manufacture of this country, enter into the building of merchant and war ships for the world's trade and take over the large and growing export trade of the United States Steel corporation is about to be organized by J. P. Morgan and his allies. The company is to be known as the Anglo-American Steel company.

WORD FROM PAT CROWE

Suspected Abductor of Eddie Cudahy Wants to Surrender.

ASKS SMALL BAIL DURING TRIAL

In Remarkable Letter to Omaha's Chief of Police He Ridicules Attempts of Detectives to Capture Him. Fought With Beers in South Africa.

Omaha, Neb., Oct. 14.—Chief of Police John J. Donahue yesterday received a letter from Pat Crowe, naming the terms on which he will surrender. The letter came in care of an Omaha newspaper, in which it is published, and covers 15 closely written pages of manuscript. The post mark is illegible, but the letter was mailed at 8 o'clock in the morning and reached this city at 8 o'clock in the evening of the same day, indicating that it had not traveled a long distance. In the letter Crowe agrees to give himself up at once and stand trial for the kidnapping of Eddie Cudahy, provided he shall not be locked up until a jury shall adjudge him guilty. He says he is unable to furnish bond in excess of \$500, and demands that bail be fixed in that sum.

Crowe's Proposition.

Crowe's letter to Chief Donahue begins:

"Nearly a year has passed by since I was accused of the Cudahy kidnapping. A large reward was offered and plenty of time has been given for the police and detectives to have made me a prisoner. So far they have failed to do it.

Crowe then takes the detective agencies to task, defying them to attempt his arrest, and continues:

"Now, Mr. Donahue, let me tell you all I want is justice, a fair trial by 12 men, citizens of Douglas county, Nebraska. Not by Herod or any of his kind. Their God is gold and with that power they rule the world.

"Donahue, all I ask is a square deal. Grant my request and I will give myself up.

"Mr. Cudahy has known me for 13 years. He now believes me guilty, nevertheless I think he will give me a fair trial, as all he wants is the public to know the truth."

He then expresses confidence that the county attorney and sheriff will give him a fair trial and says he has known Governor Savage ever since he was a barefooted boy on a farm in Iowa, and says the governor has identified him at the banks in South Omaha when Crowe was in business there. The letter expresses regret that he has fallen into ill repute and then lays down the conditions of his surrender as follows:

"Now, Mr. Donahue, I will give myself up to you if you will promise me upon your word of honor that I will not be locked up until the jury says guilty. And if the jury says that I will take my punishment like a man, without a murmur.

"I can give a bond for \$500 and that is all. If the court will not accept that, I am a fugitive from justice.

"Your answer to this must bear the signatures of Edward Cudahy, Governor Savage, Sheriff John Power, Attorney Shields, Chief J. J. Donahue, and the judge that fixes that bond.

"Mr. Donahue, I want you to understand that I am not afraid of the combined wealth of all the Cudahys on earth, and the united efforts of all the scrub detectives that their money can hire. The man that tries to pinch me will bite the dust, for I am ready to die in the mix. I will not be kangarooed.

"You say it is your business to deal out justice. I will take you at your word. Give me a square deal. Leave it to a jury of 12 citizens.

"Chief, I ask but I do not expect to get justice. There is someone who wants to put me away and I know the God of gold."

DIVORCE QUESTION RESTS

Episcopal House of Deputies Rejects Both Proposed Canons.

San Francisco, Oct. 16.—The troublesome question of marriage and divorce was set at rest for another three years yesterday by the action of the house of deputies of the triennial Episcopal convention in rejecting both of the proposed canons on the subject which were passed by the house of bishops. The greatest fight of the convention has been over section 4 of canon 36, virtually forbidding the remarriage of a divorced person by a priest of the church. This had passed the house of bishops and been adopted by a yea and nay vote in committee of the whole by the house of deputies. When it rose and reported its work to the house a decisive vote was taken, not only on the troublesome fourth section, but on the entire canon, which was rejected as a whole. Canon 37, which provides for the disciplining of persons marrying again after being divorced met with a similar fate.

Both houses appointed members of a standing committee on capital and labor which is to investigate the subject with a view to the peaceful settlement of disagreements between employers and workmen and report to each general convention.

Cleveland Banks to Consolidate.

Cleveland, O., Oct. 16.—Five of the largest banks in this city contemplate consolidation as a means of economy. The banks are the Bankers' National, the Century National, the Cleveland National, the Metropolitan National and the American Exchange National.

A WEEK'S NEWS CONDENSED.

Thursday, October 10.

The Pan-American exposition judges yesterday announced 3,193 awards. At Hebron, a small town near Newary, O., fire destroyed eight business houses and five residences. Loss, \$50,000; partially insured.

Game Warden Harris and Fravert, of Meeker, Col., have taken into custody several Uncompahgre Utes with 200 green hides in their possession.

The Holston Annual Conference of the Methodist Episcopal Church, South, convened at Knoxville, Tenn., with Bishop E. R. Henrix, of Kansas City, presiding.

Dr. Russell McKinley, of Steubenville, Ohio, a cousin of the late President, was elected moderator of the State Presbyterian Synod, in session at Dayton, O.

Friday, October 11.

The Union League Club of New York endorsed the mayoralty candidacy of Seth Low.

The founder's day address of Lehigh University was delivered by President Scott, of Rutgers.

It is reported that the North German Lloyd Steamship company will extend its lines to Honolulu.

The tableware factory of the Central Glass company at Wheeling, W. Va., was destroyed by fire.

Mayor Boyden, of Salisbury, S. C., invited President Roosevelt to go on a hunting trip in his state.

Fifteen cars were wrecked in a rear end freight collision on the Southern railway near Georgetown, Ind.

The American Board of Missions at Hartford last night raised \$102,000 to wipe out the debt of the board.

Saturday, October 12.

London newspapers demand the resignation of General Buller.

The President announced the appointment of Robert L. Howze as major in the Porto Rico Provisional Regiment of Infantry.

Fire destroyed the building and contents of the St. Louis Cereal Sugar company. The loss is \$150,000. The St. Louis Candy company, adjoining, lost \$10,000.

H. M. S. Amphion has been ordered to Panama by the British admiralty to look after British interests there during the progress of the rebellion. The leucis is already there.

Mr. Kruger was the recipient of many gifts and addresses upon the occasion of the second anniversary of the declaration of war in South Africa. Among his visitors were the burgomaster of Hilversum and other officials.

Sunday, October 14.

A forest fire is raging near Salina, Cal.

King Victor Emmanuel and Queen Helena of Italy will soon visit St. Petersburg.

Cubans will open an office in Washington, D. C., about November 1, to push a reciprocity agreement.

The first day's registration of voters in Greater New York was 231,025, compared with 251,818 in 1900.

During a quarrel over a woman, Daniel C. Bennett was fatally stabbed at Detroit, Mich., presumably by Frank J. Klein.

Striking telephone linemen at Chicago, Ill., have been notified to return at once or new men will be hired to take their places.

Iowa's supreme court has decided that a mere fine for keeping saloons open on holidays is unconstitutional, the law providing that the license of an offender must be forfeited.

Tuesday, October 15.

Sir Thomas Lipton left for Chicago, where he will be entertained by the Athletic Club.

The small-pox epidemic among the Indian reservations is spreading.

PRISON FOR KIDNAPPERS

Philadelphia's Now Famous Abductors Held Without Bail.

STATE CLINCHES ITS CASE

Witnesses Corroborated Mabel Goodrich's Story at Yesterday's Hearing, But Nothing More Developed—Efforts to Save Wallace and Dunlap.

Philadelphia, Oct. 15.—Sloan, Wallace, Finley and Dunlap were arraigned at the Central Station yesterday afternoon for a further hearing upon the charge of kidnapping and robbing Mabel Goodrich. Practically nothing new was developed at the hearing, the commonwealth being content with corroborating the Goodrich woman's testimony by witnesses. None of the prisoners went on the stand. At the conclusion of the hearing Sloan, Finley and Dunlap were sent to prison to await trial at this term of court upon charges of kidnapping, conspiracy, assault and battery and robbery. Wallace, Finley and Sloan were also committed upon the charge of aiding and abetting kidnapping. The greatest crowd in the history of the Central Station court was present at the hearing.

Richard Salinger, attorney for Dunlap, pleaded that his client had not been connected with the case except by the testimony of one witness, who said he saw the barber at Mabel Goodrich's acting as coachman of the party. The lawyer said Dunlap had been left alone on a country road by the other men after he had gotten out of the carriage to find a shoe which one of the horses had cast.

When he could find his way he went home and resumed his occupation the next day believing he had only been assisting the Law and Order society to make an arrest and not thinking he had done anything culpable. He asked that bail be fixed, but the magistrate ignored the request.

Story of the Crime.

The Goodrich woman is the proprietress of a house on North Tenth street. She alleges that on Wednesday, September 25, a young man who had been calling upon her and spending his money freely asked her to take a drive. She consented and was driven out along the Lancaster pike. Some distance from the city she claims that a man representing himself to be Mr. Gibboney, of the Law and Order Society, stopped the carriage and said she was under arrest. He gagged and blindfolded her and she was taken into a building where there was a fire engine and truck. There, she says, she was kept a prisoner until Friday night without anything to eat, the coachman standing guard over her. Then she was removed to a house in Philadelphia, where she was kept a prisoner and finally robbed of her jewels and compelled to sign a check for \$155.

When she told her story to the police they ridiculed her, but after an investigation they arrested Sloan, an unemployed reporter; Wallace, a society editor; Finley, a bookkeeper for a morning paper, and Dunlap, a barber. Mrs. Goodrich identified each of the quartette as having participated in her abduction.

TURKEY MUST HELP PAY.

Deficits in Ransom Fund To Be Made Good By Sultan.

London, Oct. 15.—The United States government will insist that Turkey immediately make good any deficit in the subscriptions for the ransom of Miss Stone," says the Constantinople correspondent of the Daily Telegraph, "and also refund the full amount subscribed."

"It is supposed that the brigands who captured Miss Stone have withdrawn into the interior of Macedonia in the direction of Nevrokop," says a dispatch to the Daily Telegraph from Sofia. "Former member of the Macedonian committee who were arrested on suspicion of complicity denied before a magistrate any knowledge of the affair."

The Daily News, in an editorial upon the case of Miss Stone, while sympathizing with the efforts in her behalf, expresses the opinion that the payment of such a ransom is a very questionable proceeding.

"Turkey could easily stamp out brigandage," says the Daily News, "but, so long as benevolent foreigners will pay high ransoms why should the Turks trouble?"

It suggests that Miss Stone's letter is "just such a document as a clever brigand chief would drop into the American letter box at the present moment," and concludes by remarking "an army of brigands endowed by American subscriptions will not add to the tranquility of eastern Europe."

DUKE OF ALBA DEAD

Leader of Spanish Society Caught Cold at Yacht Races.

New York, Oct. 14.—The Duke of Alba, one of the highest grandees of Spain, died from heart failure yesterday at his apartments in the Holland house. The duke came to this city on September 21 to witness the international yacht races as the guest of Sir Thomas Lipton. On the day of the last race he contracted a severe cold, which developed into a case of influenza. His condition improved greatly during the past few days, and up to within a few moments of his death he was entertaining a party of friends.

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