

TESTIMONY CONFLICTING

Captain Harber and Admiral Higginson Disagree.

SHARP SPAT WITH LAWYER

Witness Angered Because Counsel Shook His Finger at Him and Tried to Refresh Memory—Schroeder Says Schley Should Have Gone In Closer.

Washington, Sept. 22.—A sharp spat between Mr. Rayner, of counsel for Admiral Schley, and Captain Harber, who was still on the witness stand yesterday morning, was the feature of the Schley court of inquiry most interesting to the spectators yesterday. Captain Harber, who was the executive officer of the battleship Texas during



CAPTAIN LEMLY, JUDGE ADVOCATE.

the war with Spain, objected to the lawyer's close questioning and what he considered an attempt to put words into his mouth. Mr. Rayner said he wanted to refresh the memory of the witness, who replied that he believed the lawyer had an ulterior motive. He also expressed his anger because the lawyer shook his finger at him.

Captain Harber's testimony dealt with the movements of the flying squadron before the arrival of Admiral Sampson upon the scene, and in some instances conflicted with the evidence given by Rear Admiral Higginson on Friday. His attention was called to this, and he retorted that it was immaterial to him what evidence had been given by any other witness.

Admiral Higginson was recalled and cross-examined at length upon his testimony regarding the distance of the blockading ships from the shore. He corrected his statement made that the fleet was only two or three miles out, and said that it was, early in the blockade, five or six miles out, moving up closer later.

Schroeder On the Stand.

The only new witness of the day was Commander Seaton Schroeder, who was executive officer of the battleship Massachusetts during the war and is now governor of the island of Guam. His testimony dealt with the cruise of the flying squadron from Cienfuegos to Santiago and the bombardment of the Spanish ship Cristobal Colon as she lay in the mouth of the harbor at Santiago on May 31.

The commander said that the cruise was not an expedition as it should have been. He also said that in the bombardment of the Colon the fleet had not acted as deliberately as the commander-in-chief had announced it to be his purpose to have it act.

While Commander Schroeder was giving his testimony Judge Wilson, of counsel for Admiral Schley, sought to have him make a comparison of the distance of the fleet from the shore under Admiral Schley with the distance under Admiral Sampson after the latter officer arrived and took command, but the judge objected, and Mr. Wilson withdrew the question, saying, however, that he did so only temporarily, and that he would raise the point at a later stage in the investigation.

At 3:40 p. m. the court adjourned until Monday.

GENTLE SLAP AT SCHLEY

Higginson Says He Made No Great Attempt to Destroy Colon.

Washington, Sept. 21.—The Schley court of inquiry reconvened yesterday and before adjournment examined four witnesses. The most important incident of the day was the decision of the court withdrawing a question, put by the court itself, asking a witness to give his opinion concerning a point in controversy. The witness was Rear Admiral Higginson, who participated in the Santiago campaign as captain of the battleship Massachusetts. This vessel at one time was a part of the flying squadron commanded by Commodore Schley and the court asked him to state whether all possible measures were taken to capture or destroy the Spanish vessel Cristobal Colon as it lay in Santiago harbor from May 27 to June 1, 1898. Counsel for Admiral Schley objected to the question on the ground that a reply would involve an opinion and not a statement of facts. Judge Advocate Lemly admitted that the precedents were against questions of this character, and the court withdrew this interrogatory. It is generally admitted that this decision will have the effect of materially shortening the term of the court, as will also the courts manifest intention to cut out irrelevant questions and hearsay testimony. In several cases the witnesses were admonished to relate only events coming within their own observation. Admiral Dewey showed himself a prompt and methodical presiding officer. He called

the court to order exactly at the designated hour and adjourned it just as promptly at 4 o'clock.

Admiral Higginson the First Witness.

Rear Admiral Higginson was the first witness called. Speaking of the conditions when the Santiago harbor was reached, the admiral said that he could see well into the harbor and that he saw the Spanish ship Colon lying in the outer harbor. He did not remember seeing other vessels, but the Colon was then 1,000 yards beyond Morro Castle.

The vessel had lain there until she was fired upon, which was done on May 31, and had then retired.

"Where was Admiral Schley during the bombardment?"

"At one time he was with me in the conning tower, but most of the time he was on the outside of it. I was near him most of the time."

"Describe the admiral's manner in this engagement."

"I hardly know how to answer that question, except to say that his manner was that of a commander-in-chief."

Then the court announced that it had some questions to ask. One of these created the sensation of the day. The question was: "Was every effort made by Admiral Schley to destroy or capture the Spanish steamer Colon as she lay at anchor in the harbor at Santiago between the 27th and 31st of May?"

"Object," "object," "object," came from each of Admiral Schley's counsel, but before a halt could be called the witness had replied: "No, I don't think it was."

Mr. Rayner was still arguing the question when the court adjourned. At the beginning of the afternoon session the court withdrew the question.

Major Woods' Testimony.

Major Wood said that the second day after Santiago bay was reached by the "Flying Squadron" he had seen the Cristobal Colon lying inside the harbor; that there was at that time another Spanish vessel of the Vizcaya class partly visible. He thought both were in view for three or four days. The witness also said that when Admiral Schley had come aboard the Massachusetts previous to the bombardment of the Colon on May 31 he had heard that officer say to Captain Higginson: "We are going in, but we will not go in sufficiently near to endanger the vessels." He had been told that the distance was to be 10,000 feet.

After the bombardment ceased, Major Wood said, the Spanish shore batteries continued to fire at the American ships. At this point he had gone forward, where he had again seen Commodore Schley.

"Did you hear orders or instructions given by Commodore Schley after the bombardment?" asked the judge advocate.

"I went upon the superstructure to ask if we were going in again, or going any closer, so as to know whether we would have a chance to use the six-inch batteries of which I was in command and I heard, as I believe, Commodore Schley say to Captain Higginson: 'Starboard your helm, and let's get out of this.'"

Harber's Interesting Answers.

Captain Harber was asked, in the absence of Captain Philip, to give a detailed account of the operations of the Texas during the war, and he did so. The Texas had been a part of the "Flying Squadron," and the witness said that when they steamed for Cienfuegos the flagship had signalled: "We go to Cienfuegos to bag the Spaniards; wish you good luck."

Did Not See the Texas Stop.

Captain Harber was then asked concerning the position of the Brooklyn relative to the Texas and to the other ships when he first saw her after the turn.

"The Brooklyn," he replied, "was on the port bow of the Texas, standing at an angle I should say approximating one-half point to the southward of the heading of the Texas. At that time the Oregon was just forging past us on the starboard side, in shore. The Iowa was still farther in shore and pointing up, so that her bow overlapped our bow. At one time I know that we fired across the stern of the Iowa."

"Where were the Spanish vessels with reference to the heading of the Texas?"

"The head of the line was then on our starboard bow, I should say, approximately four points on the bow."

Referring to the Brooklyn, he said he had seen that vessel immediately after it had executed the loop, when it was on the port bow of the Texas, about 800 feet distant. The Texas was not then moving at her full speed, because the Oregon was passing her. If the Texas at that time backed or stopped he was not aware of the circumstance.

BOERS IN CAPE COLONY

British Alarmist Says Burglars Are Within Forty Miles of Capetown.

London, Sept. 23.—A most alarming letter from Cape Town is published today by the Daily Express. The writer says: "The Boers are overrunning Cape Colony. They are on both the coast lines and within 40 miles of Cape Town. Even the intelligence department does not know how many colonial rebels have taken up arms in the last fortnight. The town guard of Cape Town has been ordered to hand in the magazine rifles and ammunition, ostensibly because these are wanted at the front. Martini Henry's have been served out instead."

Herr Most Arrested Again.

New York, Sept. 23.—The police of New York, borough of Queens, yesterday arrested Johann Most, the anarchist, as a disorderly person. They suspected that he was going to conduct an anarchist meeting in a saloon in Corona, L. I.

A STRONG CANDIDATE

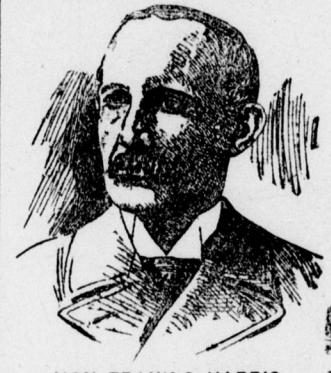
Story of the Career of Republican Nominee for State Treasurer.

AS FARMER AND WOODSMAN

From An Humble Boyhood He Has Risen to a Position of Prominence and Influence—His Loyalty to Party Has Merited Recognition Given Him.

Philadelphia, Sept. 24.—As the campaign progresses interest increases in the personality of each of the candidates on the Republican state ticket.

The Republican nominee for state treasurer, Hon. Frank G. Harris, of Clearfield, is perhaps the best known, on account of his activity in public life and his official career as a member of the general assembly. Mr. Harris will probably be called upon to take the stump later in the canvass, but his colleague on the Republican ticket,



HON. FRANK G. HARRIS, Republican Nominee for State Treasurer.

Justice W. P. Potter, of Allegheny, on account of his occupying a seat on the supreme bench, to which he aspires to election by the people, will make no speeches, and will not otherwise take any part in the campaign.

Mr. Harris was born at Karthaus, Clearfield county, Pa., November 5, 1845. He is the second son of John Harris, a native of the city of Glasgow, Scotland, who came to America in 1840, and settled in Clearfield county and worked as a miner and furnaceman. His mother was Eleanor Graham, who was born in Centre county. The mother died when Frank was but 3 years old, and was buried at Polk Furnace, Clarion county, Pa.

At the death of his mother the home was broken up and the boys found a home among friends. Frank G. Harris, the subject of this sketch was taken into the home of Samuel C. Patchin, who married his aunt, Netty Graham, where he lived and grew to manhood. John Harris, the father of Frank G. Harris, was married a second time, his second wife being Eliza Scott, of Brookville, Pa., where the father died in 1855. Frank G. Harris and his younger brother, Bruce, are all that remain of the family. From the time he was 12 years of age, when his early school life ended, Frank worked on the farm in the summer and in the winter worked in the lumber woods and on a saw mill, and became a practical farmer and lumberman. At the age of 15 he made his first trip down the Susquehanna as a raftsman, and at 20 he was one of the best pilots on the river.

Frank G. Harris early inherited his Republicanism from the Patchins and from George Atchison, a stalwart Irish Abolitionist, who lived a neighbor to the Patchins, and who kept a station on the underground railway for runaway slaves and often employed young Harris to drive his team, at night, to Sammy Rank's in Indiana county, where the escaping slaves were turned over to Rank to be hurried on to the next station.

AS SCHOOLMASTER AND LAWYER.

At the age of 24, Frank G. Harris entered Dickinson Seminary at Williamsport, Pa., from which he was graduated in June, 1873. In September, 1873, he entered Lafayette College at Easton, and graduated from that institution in the famous class of 1876. In the fall of 1876 he was elected principal of the Clearfield grammar schools, which position he filled until 1881. On January 14, 1879, he was admitted to the Clearfield county bar as a student of Murray & Gordon, and on April 15, 1879, he married Elizabeth F. Baird, daughter of Benjamin Baird, of Clinton county, Pa., his wife having been a teacher in the seminary where he met her when a student. For 23 years Mr. Harris has been a successful practitioner at the Clearfield bar, and during all his life he has been a stalwart Republican, serving his party as chairman, as delegate to state conventions and upon the stump faithfully and well.

Much of the credit of turning a Democratic majority of 2,500 into a Republican majority of 1,500, and making Clearfield county a stalwart Republican county, is due to the able leadership of Frank G. Harris. In 1896, Mr. Harris was urged to become a candidate for the legislature, to which he was elected by 1,400 majority. He was re-elected in 1898 and again in 1900. In 1899 he served on the judicial general committee, and other important committees, and as chairman of the committee on fish and game, and was the author of the game law of 1897.

During the session of 1899 Mr. Harris served as chairman of the judicial general committee, the most important legislative committee in the house, and because of his fairness and ability he was reappointed chairman of the same committee for the session of 1901. In 1901 he was a candidate for the speakership, but withdrew in

the interest of harmony and supported Hon. W. T. Marshall for that place.

BELIEVES IN MAJORITY RULE.

Believing in the principle of the right of the majority to rule, Mr. Harris voted for Hon. Boies Penrose for United States senator in 1897, and for Hon. M. S. Quay in 1898 and in 1901. Many of the most important bills that have become laws since 1896 were introduced and supported by Frank G. Harris; and the famous anti-oleomargarine law of 1901 in the interest of the Pennsylvania farmers was introduced into the house and supported by him. The whole legislative career of Frank G. Harris has been fair, upright and honorable, and his ability and integrity are unquestioned.

Hon. W. O. Smith, of the Pennsylvania Spirit, who has known Mr. Harris for many years, and who served with him in the legislature, says: "Frank G. Harris, our neighbor from Clearfield, who received the nomination for state treasurer, is a man of sterling qualities, who will perform the duties of that office in a manner that will reflect credit upon his party and upon the state. He is a man for whom everybody who admires pluck and perseverance should take pleasure in voting. Left an orphan boy in early childhood, he struggled up through poverty and toll to an honorable position among men. Mr. Kelley, in placing him in nomination, said he had known Frank Harris from childhood, and had never known him to do a dishonorable act. Men are true to their characters, and a man who has kept his integrity for more than 50 years and won the confidence and esteem of his neighbors, is a safe man to trust."

A DEMOCRATIC TRIBUTE.

And Matt Savage, of the Public Spirit, the leading Democratic paper of Clearfield, Mr. Harris' home, says: "Mr. Harris is known at home and abroad as a man of high character, strictest integrity, undoubted honesty and unquestioned ability." For 30 years Mr. Harris has been an acceptable member of the Methodist Episcopal church. He is a member of Clearfield Lodge, F. and A. M.; past high priest of Clearfield Chapter, Royal Arch Masons; past eminent commander of Moshannon Commandery, Knights Templar, and a member of Zem Zem Temple, Ancient Arabic Order Nobles of the Mystic Shrine, at Erie, Pa.

A MODEL JUSTICE

Republican Nominee for Supreme Court Has a Brilliant Record.

THE STORY OF HIS CAREER

A Hard and Devoted Student and a Successful and Popular Member of the Bar, Who Has Won the Respect and Admiration of the People.

The Republican candidate for associate justice of the supreme court of Pennsylvania, Hon. William Plumer Potter, of Allegheny county, has had an interesting career. He will not be present at any of the political patherings during the campaign, but the orators will have an opportunity to speak for him and in his behalf, and they can point with pride to his brilliant record as a member of the bar and a justice on the supreme bench. Justice Potter is a man whose instincts and



HON. WILLIAM P. POTTER, Republican Nominee for Supreme Court Justice.

training combined give him especial qualifications for the supreme bench.

When his name was first mentioned in connection with the supreme judgeship the bench and bar of Allegheny county were of one accord in acknowledging his possession of that even tempered nature and broad and generous culture which are so essential to the judge in the minds of all who cherish high ideals in government. With potential friends in nearly every craft and calling in the community, the satisfaction over his appointment to the supreme bench in September, 1901, was universal in the community in which he has resided and is so widely known.

Justice Potter was born in Iowa April 27, 1867, being a son of James H. Potter, a Presbyterian clergyman. He is of Scotch-Irish ancestry, his great grandfather, Henry Potter, having emigrated from the north of Ireland about the year 1800, and settled near Pittsburgh, where the subject of this sketch now resides with his wife and two daughters, he having married Miss Jessie Deacon, of Des Moines, Iowa, in 1884.

His early life revealed an ambition to accomplish something in the world and that youthful restlessness so common to the majority of ambitious young men, induced him to leave Lafayette College, at Easton, before his course had been completed in order to accept a position in a bank and earn his own livelihood.

His love for books, however, con-

tinued to assert itself and a strong predilection for the law finally led him to enter upon a course of legal studies, as a result of which he was admitted to the Iowa bar in 1880. In the following year he returned to Pittsburgh, where he devoted himself to an additional and thorough course of study, qualifying himself for a rigid examination for admission to the Allegheny county bar, of which he became a member in 1883. After six years' practice he formed a partnership with William A. Stone, then a member of congress and at present Governor of Pennsylvania.

SECRET OF HIS ADVANCEMENT.

From the date of his admission to the Pennsylvania bar he made steady and substantial progress, and if the query were asked, what has been the secret of that advancement the answer would be this:

Eighteen years of unremitting toil over books and briefs; 18 years of battles with the most astute adversaries of the profession from all of which struggles he emerged with honor and from most of which he emerged with victory; 18 years of determination to win the esteem of his contemporaries by keeping abreast with the progressive thinkers and workers of his time.

His practice at the bar while touching almost every branch of the law has been principally directed to commercial causes. His widely known devotion to the law, his skill in the conduct of critical cases and his marked fidelity to the interests of his clients brought him an enormous practice, an idea of the extent of which may be gleaned from the fact that during the two years immediately preceding his appointment to the supreme bench he tried more cases than any other of the 800 members of the Allegheny county bar. His direct examination of witnesses was always concise, clear, and thorough, bringing out all the pertinent facts in an orderly manner enabling the jury to grasp every detail. In cross-examination he excelled, and during the latter years of his practice he was regarded by the bar as one of the leading authorities on medical jurisprudence.

ALWAYS COURTEOUS; ALWAYS CLEVER.

Invariably courteous to witnesses and opposing counsel, he succeeded in developing his own case and weakening the force of adverse testimony, while retaining the good will of even his opponent. While invective formed no part of his nature, he could still be sufficiently severe with a dishonest or untruthful witness to break the force of his testimony before the court and jury. His questions, though they came like thunderbolts, were so evidently fair that they aroused no prejudice against him.

Uniformly considerate of his brother lawyers, he retained their good will even after the hardest fought legal battle. While not afraid to antagonize the position of the court if need be, his demeanor towards the bench was always most profoundly respectful and his arguments were always listened to with the most careful attention.

One of the most effective testimonials to his high standing at the bar is to be found in the fact that in presenting petitions and documents for the signature of the judges, Mr. Potter's brief verbal statement of their contents seemed always sufficient to secure the proper action without further scrutiny by the court as to what the papers contained. This confidence in him on the part of the court, as in all other cases, was gained only by years of the strictest adherence to truth in all his dealings with the bench and bar.

His early association with banking developed a taste for economics, and he has been for many years a careful student of finance and kindred subjects and has acquired a reputation in that field. His intimate knowledge of corporation and fiscal matters give him a leadership in a community in

CONSUMPTION THREATENED.

C. Unger, 212 Maple St., Champaign, Ill., writes: "I was troubled with hacking cough for a year and I thought I had consumption. I tried a great many remedies and was under the care of physicians for several months. I used one bottle of Foley's Honey and Tar. It cured me, and I have not been troubled since."

James McFarlane, Laporte, C. D. Voorhees, Sonestown.

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I had a running sore on my leg for seven years," writes Mrs. Jas. Forest, of Chippewa Falls, Wis., "and spent hundreds of dollars in trying to get it healed. Two boxes of Banner Salve entirely cured it." Beware of substitutes.

James McFarlane, Laporte, C. D. Voorhees, Sonestown.

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JOHN M. CONVERSE, SONESTOWN, PA.

which he organized and developed to successful operation a number of financial institutions. Trust companies, national banks, state banks, insurance companies and corporations of a general nature, and by his ability piloted to prosperity. In many of these he was a director, and for all of them he was counsel.

A HARD AND DEVOTED STUDENT.

He is a hard student in the very broadest sense, having acquired a fine library covering the very widest range of scientific study; he is, moreover, a devoted student of current history and keeps thoroughly informed of all the passing problems of any moment.

As the best key to a man's real character is always the reputation he enjoys among those with whom he comes in daily contact, it would gratify any citizen of the commonwealth interested in the supreme bench to hear the unvaried expressions of members of the legal profession and others who are familiar with the character and ability of Mr. Justice Potter. His whole life has been characterized by industry and integrity of the highest order. His standing and success as a citizen, a business man and a lawyer form the basis of that firm confidence which the community at large has in his future, as one of those into whose keeping has fallen the most sacred trust of the commonwealth.

Viewed from the standpoint of the lawyer, in that cold, unsympathetic light under which the legal profession scrutinizes the judge, he is a reliable and substantial figure. In brief, he is a man whose nature abounds in those sturdy qualities which despise pedantry and pretense and look askance upon sham and sophistry.

He brought to his present position a broad general equipment and a deep human sympathy which has made him a most valuable acquisition to the bench.

FIRM AND COURAGEOUS.

While possessing a demeanor that is simple and unaffected and a modesty that is native, his bearing is such always to bespeak that dignity which is so becoming the exalted position to which he has attained.

Justice Potter, while firm and courageous in his convictions, is of a kindly, chivalrous disposition, and with a charming magnetism of person that makes lasting friendships, and it was these characteristics that enabled him, eral character were successfully established in which he was often obliged to employ the utmost limit of insistence with his brother attorneys and the court, in the trial of causes, to lay aside the weapons of forensic strife, and take with him the respect and hearty good will of his late opponents at the bar.

Justice Potter is a staunch Republican, and in state and national politics always took an active interest, believing that the good citizen should enlarge his field of usefulness by embracing all the opportunities afforded to aid in the selection of properly equipped public officials. He is eminently equipped, both physically and mentally, to discharge the trying duties devolving upon a justice of the supreme court, with ability, fidelity and fearlessness, and an examination of his opinions, already filed, shows evidences of legal ability of a high order, and bespeaks for him a long and useful career.

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