

## 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 LEMLYE 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 corroborated 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 as expeditious 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 advocate 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 Lemlye admitted that the precedents were against questions of this character, and the court withdrew this interrogation. It is generally admitted that this decision will have the effect of materially shortening the term of the court, as will also the court's manifest intention to cut out irrelevant questions and hearay 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 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 Christobal 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 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 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 start.

"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."

Recurring 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 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 Christobal 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 Lemlye admitted that the precedents were against questions of this character, and the court withdrew this interrogation. It is generally admitted that this decision will have the effect of materially shortening the term of the court, as will also the court's manifest intention to cut out irrelevant questions and hearay 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

#### BOERS IN CAPE COLONY

**British Alarmist Says Burghers Are Within Forty Miles of Cape Town.**

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 Newtown, 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,

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#### 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 1886, 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 judiciary 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 judiciary general committee, the most important legislative committee in the house, and because of his fairness and ability he was re-appointed 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. Boles 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 Punxsutawney 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."

#### 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 the 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 gatherings 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

character are successfully established in 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.

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 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.

LADIES: There is nothing equal to this Home Treatment Orange Lily and Herbold Tonic for female complaints of every nature. We would suggest to all our lady readers who suffer and wish to know the truth and avoid expense, to send to Mrs. MALINDA KILMER, Shunk, Pa., for a free sample with full particulars.