

SESSION WAS SHORT

Schley Court of Inquiry Adjourned Until Monday.

HODGSON LETTERS WERE READ

Reference Again Made to Sampson's Use of the Word "Santiago," Where He Probably Meant "Cienfuegos."

WASHINGTON, Oct. 5.—Only one session of the Schley court of inquiry was held today. An adjournment until Monday was taken at 1 o'clock in order to allow the court and counsel to recuperate after an arduous week's labor. Practically the only witness of the day was Lieutenant-Commander Hodgson, who was navigator of the flagship Brooklyn during the campaign of 1898, and almost his entire time was taken up with the reading of correspondence between himself and Admiral Schley, concerning an alleged colloquy between them during the battle of Santiago, which the witness was reported to have detailed to a newspaper correspondent. The correspondence has been published, and this fact rendered the proceedings of comparatively little popular interest. Lieutenant Doyle was on the stand again for the purpose of correcting his former testimony. During the day, Judge-Advocate Lemly made another statement concerning Admiral Sampson's dispatch of May 20, 1898, relating especially to the admiral's use of the word "Santiago," where it was alleged he had intended to use the word "Cienfuegos."

When the court adjourned last night Commander Hodgson was in the hands of Judge-Advocate Lemly, whose examination of him partook very largely of the nature of a cross-examination. This was due to the fact that Mr. Hodgson had been called by both sides of the controversy, and was considered even more a Schley witness than a Government witness. Captain Lemly and Mr. Hanna continued the inquiry for the Government at the beginning of the sitting today, after which Mr. Raynor began a series of questions intended to present the Schley side of the conduct of the Brooklyn during, not only the battle of July 3, but of the entire Santiago campaign. Mr. Hanna's inquiries were devoted partly to developing more of the details concerning the bombardment of the Spanish ship Cristobal Colon, May 21. The entire correspondence between Commander Hodgson and Commander Schley was also put in as evidence.

Sampson as a Witness. There is much interest in yesterday's episode concerning Admiral Sampson, and there is still doubt as to whether he will be a witness. It will remain with Admiral Schley and his counsel to say for what day, if for any, he shall be called.

The first witness of yesterday recalled to correct his testimony was Lieutenant Doyle, who was on the Brooklyn during the battle of Santiago. His testimony was called to an error in his former testimony in stating the distance the Brooklyn stood out from the Morro at Santiago. He had formerly placed the distance at two or three miles, but corrected this to seven miles.

When Lieutenant Doyle was excused Captain Lemly again brought up the question of the difference of construction of the last paragraph of the "Dear Schley" letter. He produced the original copy, reading a part of the paragraph as follows:

"Therefore, in the opinion of the court, the best chance of success in capturing their ships will be to hold the two points, Cienfuegos and Havana, with all the force we can muster. If later it should develop that these vessels are at Santiago, we could then assemble off that port the ships best suited for the purpose and completely blockade it. Until we do, then, receive more positive information, we shall continue to hold Havana and Santiago."

Captain Lemly then said: "If the court please, I was yesterday produced by the counsel for the admiral to read the original of the last paragraph. It should be 'Cienfuegos' or 'Santiago.' I have the original and the name appears in 'Santiago,' and appears over an erasure. I am attempting to show the fact that in the press copy book it is Santiago, which shows that the change was made before the letter was copied and sent. I will add that the punctuation in the letter stated yesterday in the press copy."

He also at the request of Admiral Schley's counsel introduced another copy, in which, he said, "you will see there was no correction. It appears originally as Santiago."

The court examined the original papers and the press copies with care, and agreed that the papers should again be printed in the record.

Captain Lemly then requested that all the papers in Admiral Schley's possession bearing upon the case be supplied, and Mr. Raynor replied for the admiral that he (Schley) had no more papers.

Lieutenant-Commander Hodgson was then called to correct his testimony of yesterday. He was asked by the court whether he was in the presence of Admiral Schley concerning what the Judge-Advocate denominated a newspaper "colloquy." The witness took exception to the use of the word "colloquy," and Captain Lemly replied that this was the witness' own characterization.

Hodgson-Schley Letters. The letters were then read by Judge-Advocate, Commander Hodgson identifying the various documents as they were separately presented. Mr. Raynor desired the letters be accepted as evidence and printed without being read. Captain Lemly, however, that he considered that the letters have an important bearing upon the case and that therefore he preferred to read them.

While the reading of the letters between Schley and Hodgson and newspaper articles bearing upon the correspondence was in progress, Mr. Raynor objected to the reading of one of the newspaper statements as irrelevant.

Admiral Dewey—Those things could all have been printed. We are taking up valuable time here. We want facts. We do not want newspaper articles. We have ruled those out. Cannot these matters be printed?

Captain Lemly—Then they would be in evidence. Do you mean you don't want them at all?

Admiral Dewey—We want them. Could they not be printed in the other papers? Mr. Raynor—We want everything that passed between Lieutenant Hodgson and Commander Schley that appertains to this controversy. I do not think there ought to be printed in the record an editorial against Admiral Schley or any other person, or in favor of admiral, which was never sent by Admiral Schley at all. That article was not sent in any letter to Admiral Schley. He says not.

Captain Lemly—It is really a part of the correspondence and referred to. We do

TO SAVE MISS STONE

President Roosevelt Is Actively Interested.

STATE DEPARTMENT AT WORK

A Ransom Fund Has Been Started at Boston and Already Amounts to Nineteen Thousand Dollars—Denial From Bulgaria.

WASHINGTON, Oct. 5.—The machinery of the Department of State is now at work to save from death or prolonged captivity Miss Stone, the missionary who

HARRIMAN'S RIGHT-HAND MAN IN THE SOUTHERN PACIFIC.



JULIUS KRUTTSCHNITT.

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Sampson in Washington. WASHINGTON, Oct. 5.—Admiral Sampson is now in Washington. He arrived a few days ago and has remained at his residence on New Hampshire avenue.

CARLIST UPRISING.

Preparations Along the Frontier Nearly Completed.

BARCELONA, Oct. 5.—Reports received from Cape Cora say advice from the frontier from various points along the frontier show that the Carlist preparations are nearly completed. They have accumulated, through smugglers, 20,000 rifles, and uniforms have been made at Perpignan, France, and brought into Spain at different places. Large supplies of ammunition have been obtained from Cuba and the Philippine Islands. The rising is expected to commence at Berga and other points in the mountains forming the Carlist center.

Booklets containing instructions in guerrilla warfare are being distributed, and men are being recruited from the refugees and malcontents about the frontier. An important meeting will be held October 10, when two Carlist generals are expected to attend with instructions from Don Carlos. The Duke of Salaparuta, the Carlist leader here, has gone to the frontier.

Demands Salisbury's Retirement.

LONDON, Oct. 5.—Arnold White, the author, in an article appearing in the Standard, has demanded Lord Salisbury's retirement, avers, as an instance of Europe's anti-British activity, that a few weeks ago Emperor William visited Sir Frank Lascelles, British Ambassador at Berlin, at an early hour in the morning, and showed him a communication from the Russian Foreign Office, inviting joint action by the powers in a protest against Great Britain's conduct of the war in South Africa. Mr. White says: "The Emperor's motive in divulging the amiable intentions of France and Russia was probably governed by self-interest."

The Sunday newspapers follow the weeklies in denouncing the government's apathy in the conduct of the war.

King Edward's Condition.

LONDON, Oct. 5.—No intimation of any change in the King's condition has been received at Marlborough House, though special advisers from Aberdeen say that dispatches received from Balmoral at 2:30 o'clock this afternoon announce that His Majesty is almost completely recovered and has arranged to attend services at the Scotch Church tomorrow. The court circular issued tonight does not mention the King's movements, as the weather at Balmoral is understood to be very bad.

Losses at Moedwill.

LONDON, Oct. 5.—The casualty list shows that the total British losses in the attack on Colonel Kekewich's camp, at Moedwill, were four officers killed and 22 wounded, and 51 men killed and 115 wounded, numbers much greater than those heretofore reported.

Mormon Revival in London.

LONDON, Oct. 6.—The Mormons have begun a revival here and are holding meetings under the direction of Apostle Francis M. Lyman. At a concert tonight Miss Emma Gates, a granddaughter of Brigham Young, who has been studying music in Berlin, made her debut.

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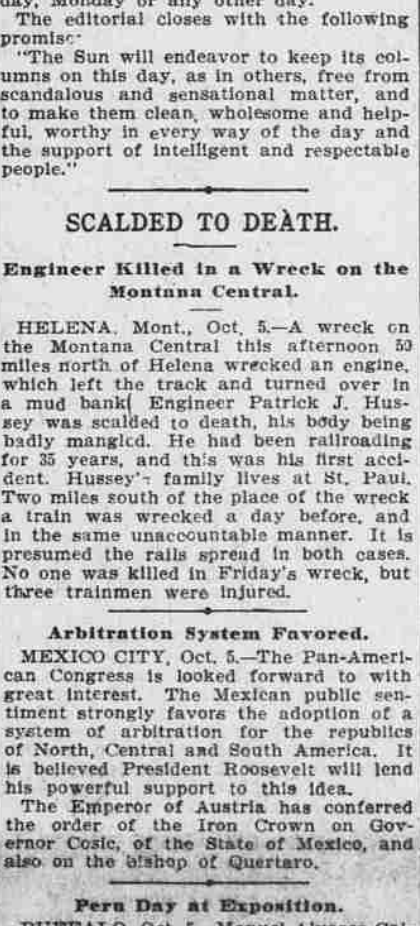
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CONSTITUTE A LIEN

Decision in Case of City Mortgage Taxes.

ALL PROPERTY MAY BE SOLD

State Circuit Court Holds That General Law Applies Prior to 1893—City's Revenue Will Be Increased.

City mortgage taxes are a lien on the property covered by the mortgage. Judge Cleland so decided yesterday in joint session in the suit of J. Thorburn Rose, trustee, against the City of Portland, to restrain the city from selling the Marquam block and other property for mortgage taxes amounting to about \$250. The decision was rendered in the case of the decision of the Supreme Court in the Multnomah mortgage tax cases, as the result of which the county has recently collected about \$100,000, does not apply to mortgages taxed by the City of Portland. The opinion just rendered holds that these decisions do apply.

Judge Cleland pointed out some minor questions which were raised. The decision covering the main point in the case was as follows:

"It remains to be determined whether the levy of the taxes against the mortgages created a lien upon the mortgaged lands, and if so, whether such a lien can be enforced against any one except the original mortgagor."

"It may be conceded, as the plaintiff insists, that the charter of the City of Portland, as enacted in 1882, and as amended by subsequent legislation, does not create a lien upon mortgaged real estate in favor of the city to secure the payment of taxes levied upon mortgages thereon. Assuming the charter does not in express terms create such a lien, it is necessary to determine whether it is to be construed as creating such a lien."

"The power of the city, if it exists, must be found in the general law. The mortgage tax law was general in its nature and undertook to provide a new method of assessing and taxing a particular description of property which is created for the purpose of taxation."

"In 1882, when the act was passed, the counties, cities and districts of the state were conducting the business of assessing property, levying and collecting taxes in the manner provided by the statutes of the state prior to 1882. Prior to 1882 these did not authorize any tax on mortgages not contain any definition of property which included a debt secured by a mortgage, duly recorded."

"The Legislature in enacting the mortgage tax law undertook to render the property subject to taxation for state, county, school and city purposes. It is expressly provided that a mortgage, together with the debt, shall be assessed and taxed to the mortgagor, and that the debt to the county, city or district in which the land or real property affected by such security is situated. The taxes and city taxes, without in any security and debt shall be a lien thereon, and the debt, together with the security, may be sold for the payment of any taxes due thereon in the same manner as if the effect of the law of 1882 was sustained as valid and constitutional."

"The principles discussed and approved in that decision afford substantial and satisfactory reasons to warrant the court in holding the mortgage tax law valid and constitutional in so far as it undertakes to render the property it describes subject to taxation in the district or city wherein the mortgaged premises are situated, and in so far as it creates a lien upon the debt and security and provides that the same may be sold for the payment of taxes thereon."

"The extent to which the lien upon the debt and security created by the mortgage tax can be enforced in the collection of taxes has been discussed by the Supreme Court in two recent cases."

"In the case of Dekum vs. Multnomah County, the court says: 'The lien having attached to the mortgagee's interest in the premises prior to the release of the mortgage, the demands of justice ought not to be frustrated by permitting the cancellation of the incumbrance to merge such interest in the fee so as to defeat such lien, for to do so would frustrate the object of the mortgage tax law by compelling the county to pay the state taxes levied on the debt and security without receiving any portion thereof from the person whose duty it was to pay the same, thus imposing upon other taxpayers an additional burden not intended by the act.' If a release of the mortgage discharged the lien of the taxes imposed upon the debt and security, the collection of the tax would be defeated by cancelling the mortgage and the sole purpose of renewing the debt and security."

"In these cases the Supreme Court recognized the validity of a lien upon the real estate mortgaged to secure the collection of the taxes levied upon the debt and security, even after the mortgage had been paid and satisfied. It does not appear from the complaint that the position of the plaintiff is substantially different from that assumed by plaintiffs in the cases decided by the Supreme Court. The same rule should be applied in the case at bar."

Reinforcements From Panama. PANAMA, Colombia, Oct. 5. Via Galveston.—Colonel Gomez has left Panama on a sailing vessel with 100 soldiers to reinforce the garrison at Aguadulce, about 75 miles from this city, where it is rumored revolutionary forces are about to attack the government troops.

PUNISHMENT OF SAVAGES.

A Vigorous Campaign Will Be Waged in Samar.

WASHINGTON, Oct. 5.—The latest advice from the Philippines indicate that the military authorities intend to take prompt and vigorous measures for the suppression of the insurrection in the Island of Samar, and that attention will be directed first to the summary punishment of the treacherous natives who took part in the massacre of Company C, of the Ninth Infantry, at Balangiga. There is, therefore, every prospect that the Island of Samar will be the theater of active hostilities for some time to come, as it is the purpose of General Chaffee to teach the rebellious inhabitants a lesson and force them to respect the power and sovereignty of the United States.

By direction of Adjutant-General Corbin, a report has been prepared at the War Department, briefly describing the islands and its inhabitants, the military operations that already have taken place there for the pacification of the people and the establishment of good order and government. This report is of timely interest, in view of the aggressive military policy to be observed toward such of the natives as are disposed still to resist the authority of the United States.

Lieutenant Crockett Killed.

WASHINGTON, Oct. 5.—The War Department received a cablegram today announcing that Second Lieutenant Allen T. Crockett was killed near Candalaria, Luzon, September