

SEPT. 2.

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FRANK BLAIR, COUNSEL FOR CAPTAIN O. M. CARTER, ACCUSES GENERAL OTIS.

On His Affidavit, Which the Journal Prints, the Convicted Officer's Friends Base Their Charges of Conspiracy.

MID the surprise which was caused by the Journal's exclusive announcement yesterday that the court-martial which convicted Captain Oberlin M. Carter was not unanimous in its decision, but stood 7 to 6, and that Captain Carter's friends charged that his condemnation was brought about through a conspiracy, there was general commendation of the Journal's fairness in placing both side and all obtainable facts in the case before the public.

THE announcement published yesterday in the Journal for the first time, and exclusively, that the vote of the military jury which convicted Captain Oberlin M. Carter stood seven for conviction and six for acquittal, created unbounded surprise. The statement previously made that the verdict had been unanimous had been accepted without question.

Affidavit of Captain Carter's Counsel.

In support of this declaration they point to an affidavit of Frank P. Blair, of counsel for Captain Carter. The Journal has obtained a copy of this document, and in pursuance of its policy of giving both sides of this remarkable case a chance to be heard before the court of public opinion, which wants all the facts, prints it here with, though it may be embarrassing to both the Administration and to Captain Carter. Here it is:

State of Illinois, } ss: County of Cook, }

That on a Saturday evening in the latter part of January or early part of February of said year, affiant returned with said Captain Carter from the offices of Charlton, Mackall & Anderson, in said city, about 10 o'clock p. m., to the De Soto Hotel, in said city of Savannah, where affiant was then lodging.

That on the arrival of said Carter with affiant at said hotel, affiant was informed that Brigadier-General Elwell S. Otis, president of the said court-martial; Colonel Thomas F. Barr, judge advocate thereof; Captain Charles S. McClure, assistant judge advocate, and Colonel George S. Gillespie, Corps of Engineers, had been in close consultation in the lobby of said hotel, and had been, just prior to the arrival of affiant and Captain Carter, as aforesaid, acting in a manner so as to attract to them the attention of various guests in the hotel.

His Suspicions Were Excited.

That immediately thereafter the four persons above mentioned separated, Colonel Barr and Captain McClure leaving together, and General Otis and Colonel Gillespie following shortly thereafter; that the action of said four officers, as detailed to affiant, aroused his suspicions to such an extent that he concluded the said four officers had made a rendezvous at the temporary offices of Colonel Barr, the judge advocate of said court-martial, and that acting upon said suspicion affiant and Captain Carter at once proceeded to the said temporary office of the said Colonel Barr, located between a third and a half mile of the said De Soto Hotel.

Affiant further states that the temporary office of the said judge advocate was located on the fifth floor of the Citizen's Bank Building in said city of Savannah and was one of the suite of offices occupied by Captain Cassius E. Gillette, engineer in charge of the Savannah district; that at that hour and for some considerable time prior thereto no elevator had been running in said building, and that in order to reach said temporary office of the judge advocate it was necessary to mount four high flights of steps.

Affiant further states that Captain Carter and he at once proceeded to the engineer's office, entered the building thereof and mounted the stairs, intending to enter the said temporary office of the Judge-Advocate and ascertain the situation of affairs; that when said Captain Carter and affiant reached the fourth floor, having paused for breath, affiant distinctly heard voices on the floor above, the night being warm and the doors and windows being open, lights also being displayed on the fifth floor, occupied by said Judge-Advocate and the engineer in charge.

Remarks That Were Overheard.

Affiant further states that as he paused on the fourth floor he recognized the voice of the said Colonel Barr, in a monotonous voice, as if reading; that at that moment he recognized the voice of the said Colonel Gillespie breaking in upon the said Colonel Barr and saying: "He SAYS he got it all from Westcott," at which there was a general laugh. Immediately thereafter he recognized the voice of the said Colonel Barr continuing his reading, perhaps for the space of ten seconds. The nature of said reading the affiant was not able to distinguish.

That thereupon the tone of said Barr changed to a conversational tone, and the affiant distinctly heard him say: "I will read that to counsel and see how they like it."

Whereupon affiant heard the voice of the said General Otis, in a loud and what seemed to be a defiant and exultant tone, remark: "That will be good!"

That thereupon affiant, who was mounting the last flight of stairs with the said Captain Carter when said remark was made, entered the temporary office of said Colonel Barr, and found there assembled General Elwell S. Otis, Colonel Thomas F. Barr, Colonel George L. Gillespie, Captain Charles S. McClure and Captain Cassius E. Gillette.

Affiant further states that as he entered said room, immediately followed by the said Captain Carter, a silence fell upon the parties there assembled.

That no one greeted affiant, although he was well known personally to all persons there present; that the said Colonel Gillespie, who was sitting in the far corner of the room, elevated a paper in front of his face, as if to conceal his identity.

Awkward Pause Followed His Entrance.

That no one arose to greet the affiant, but that there was an awkward pause, prolonged by a half a minute or more; that thereupon affiant addressed himself to the Judge-Advocate, Colonel Barr, and asked him for a certain book, known by affiant to be in the engineer's office, to which Colonel Barr made reply.

Affiant further states that thereupon the said General Otis arose from his seat and stated that he was there only for a moment and "must be going."

That affiant and the said Captain Carter at once left, and that said General Otis did not immediately follow, but remained in said office.

Explanation Made by Otis.

That the said Otis replied in substance that the said Gillespie, prior to leaving the hotel as above detailed herein, stated to him, Otis, that Captain Gillette probably had some of his, Gillespie's, mail, and thereupon that he, Otis, offered to show him, Gillespie, the way to said Gillette's office.

That in pursuance they together went to said office, but he, the said Otis, disclaimed and denied having discussed or having heard discussed upon that occasion the case against said Captain Carter. Affiant further states that upon the conversation with the said Otis in the presence of the said Rose, as aforesaid, the said Rose stated to the said Otis a hypothetical case, in substance as follows:

"Suppose, General, you were the attorney for the plaintiff in a hotly contested civil case, and I for the defendant; and at half-past 10 o'clock on Saturday night, on the fifth floor of an office building, in my office, the elevator having stopped running and I a man of past sixty years, you had found me in close consultation with one of the jurors in the case in which you were interested. What would you think of the situation?"

To which the said Otis replied: "I had never regarded it in that light; it would look very bad." And affiant thereupon remarked: "It would be ground for a new trial. The jury would be discharged, and probably the offending lawyer disbarred."

Affiant further states that for reasons of policy he abstained from interposing the challenge to the competency of said Otis further to sit in said trial. And further affiant said not.

(Signed) FRANK P. BLAIR.

The man whose signature appears above is a well known lawyer of Chicago and son of the late General Frank P. Blair. It will probably surprise the President of the United States as much to learn that such an affidavit is in assistance as it will astound Captain Carter, his friends and his attorneys to see it in print.

SIR THOMAS LIPTON IS HERE—HE WANTS THAT CUP AND BELIEVES THE SHAMROCK WILL WIN IT.



W. Ratsey, England's Best Sailmaker.

WHEN Fife built the Shamrock he knew that he had to turn out a boat twenty minutes faster than Defender.

I am sure I am among friends in America.

If when coming to America to race for the cup you consider the cost, you had better stay at home.

The construction of the Shamrock is different from that of any other racer.

I do not mean to accept any invitations until after the races are over.

The best boat has always won in the cup races.

I shall be on board the Shamrock in every race.

Everything concerning the fitting out and racing of the Shamrock will be under the direction of Mr. Fife.

I never bet a shilling in my life, but I am much interested to hear that you Americans are so confident as to offer odds on Columbia. Perhaps things will be different in a little while.

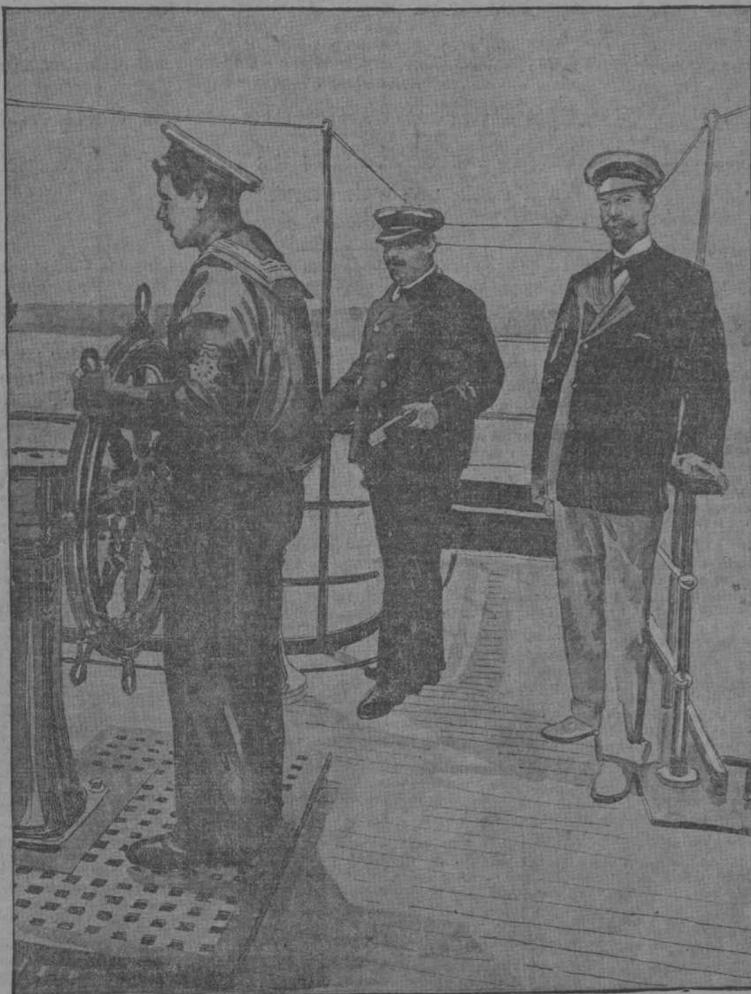
SIR THOMAS LIPTON to the Journal, on his arrival.

Welcomed By the Governor's Secretary and a Party of Friends.

FIFE AND RATSEY WITH HIM

The Challenger's Designer and Sailmaker Come to Trim Her Up.

SECRETIVE ABOUT DESIGNS.



Sir Thomas J. Lipton, Owner of Shamrock.

MISS GRANT'S TROUSSEAU BEING PREPARED HERE.

Her Approaching Marriage Will Considerably Prolong the Waning Newport Season.

Newport, R. I., Sept. 1.—Mrs. Frederick Grant went to New York this morning to complete the arrangements, so far as the trousseau is concerned, for the approaching wedding of her daughter, Julia Dent Grant. Although the season should be over, according to precedent, by the time the Princess reaches Newport, it is believed the wedding will keep many here long after the time they usually depart.

Mrs. Ogden Mills gave the largest dinner of the season at her home to-night. There were sixty-five guests, and as many more came later to participate in the dance. The dinner was served on the veranda, which had been enclosed with gay bunting and elaborately decorated with flowers.

It appears that the Earl of Yarmouth's private theatricals are to be an unequalled financial success. All the seats for the two performances originally planned have been sold and an additional performance will be given.

There is to be a dress rehearsal Monday night, after which those who are to take part in the plays will be entertained at dinner in the Casino grill rooms.

Artistic Testimonial for Hay.

Washington, Sept. 1.—Secretary Hay has received an address from the Anglo-American League of England, prepared on the occasion of his retirement from the embassy at London. It contains the autographic signatures of every member of the league, comprising the names of nearly every Englishman of the day of note.



Will Fife, Jr., Designer of the Challenger.

SIR THOMAS JOHNSTONE LIPTON, challenger for the America's Cup with the yacht Shamrock, arrived in New York last night on the Cunarder Campania. He was accompanied by Will Fife, Jr., designer of the yacht; W. Ratsey, the famous English sailmaker, and Messrs. Westwood and Duncan, his secretaries. The party went to the Fifth Avenue Hotel, which will be Sir Thomas's headquarters during his stay in America, although he will live most of the time on his steam yacht Erin, now anchored down the bay. The Campania did not reach quarantine until after dark and, although she passed close by the Shamrock and the Erin, the owner could not get sight of the two pretty craft whose crews cheered the big liner as she slowly moved up the bay. Early this morning, however, Sir Thomas will go aboard the challenger, and if things are in condition she will have her first trial spin in American waters. A few people who know Sir Thomas Lipton, and several who never saw him before, went down the bay on the steamer State of New York last night to give him a welcome. They boarded the steamer at Quarantine, and in the dining saloon there was an informal reception, at which speeches were made and toasts drunk. The party was headed by Mr. E. A. Zerner, who presented Sir Thomas with a letter of welcoming letters and invited him to the New York Yacht Club. Among these were cards to fifty-six of the leading clubs of New York. It was his wish that the New York Yacht Club should send a delegation to welcome the English challenger. This was said to be in accordance with the custom, and, besides, practically all the leading members are out of town.

Welcomed for the State. Colonel G. O. Trevelyan, military secretary of Governor Roosevelt, boarded the Campania at Quarantine and extended to Sir Thomas, on behalf of the State, a most cordial welcome to New York, remarking that this country could not forget his generous gift last year to the fund for the benefit of the sick and disabled soldiers. Sir Thomas gave \$10,000 to the fund. Mr. Sumner presented an invitation to the Dewey Day committee asking Sir Thomas to have his steam yacht accept the marine division of the water, and having the place of honor just below the man-of-war. This invitation was accepted, and the Englishman is expected to have his yacht decorated and illuminated in a manner befitting the occasion. "I shall be delighted to accept such an honor," he said, "for I esteem it an honor to participate in the welcome of so great a naval commander as Sir Thomas Dewey. I sincerely thank the Americans for their courtesy to me and to my yacht. Sir Thomas spoke freely concerning the Shamrock, but only in generalities. He would positively answer no questions concerning details of her construction or handling. To all inquiries he invariably answered: "You will have to ask Mr. Fife. He has entire charge of the handling of the vessel."

But Mr. Fife had fled to the seclusion of his stateroom. When sought out he maintained extreme reserve. Always a taciturn man concerning his work, he has now, arrival in America, put double on his lips and has succeeded in getting Thomas to agree to refer every question to him. Sir Thomas is Confident. The Journal correspondent who was on the Campania Sir Thomas repeatedly pressed his enthusiasm over the Shamrock and conveyed the impression, though he would never say it outright, that he was confident of carrying back the cup with him. The hearty sound-off that he got from yachting men at Liverpool and Queens-town made his personality quickly known to all, and before the first day out had closed he was the most popular man on board. As the Campania touched her dock last night he laughingly remarked: "I came on board and found you all Americans and Columbia men. I leave you all Shamrock enthusiasts." As he passed the deck he said to the Journal correspondent: "The Shamrock may have looked ugly when she arrived in New York in her sailing rig, but I have not built her for a show boat. That will be proved when we get her racing canvas on and have given her a spin or two outside. I know all the difficulties that a challenging yacht has to fight to overcome in a race against American boats. I do not mean to underestimate the greatest genius and experience