

UPHOLDS VERDICT

President Sustains Findings of The Naval Court of Inquiry.

HE CRITICISES BOTH ADMIRALS.

Censures Schley For His "Retrograde Movement" and Sampson For Being Absent.

Washington, Special.—The memorandum of the President upon the appeal of Admiral Schley from the verdict of the court of inquiry to examine into his conduct during the Spanish-American war, was given to the press Wednesday. It says:

"I have received the appeal of Admiral Schley and the answer thereto from the Navy Department. I have examined both with the utmost care, as well as the preceding appeal to the Secretary of the Navy. I have read through all the testimony taken before the court and the statements of the counsel for Admirals Sampson and Schley; have examined all the official reports of every kind in reference to the Santiago naval campaign, copies of the logbooks and signal books, and the testimony before the Court of Claims, and have also personally had before me the four surviving captain of the two admirals, which were actively engaged at Santiago.

"It appears that the court of inquiry was unanimous in its findings of fact and unanimous in its expressions of opinion on most of its findings of fact. No appeal is made to me from the verdict of the court on these points where it was unanimous. I have, however, gone carefully over the evidence on these points also. I am satisfied that on the whole the court did substantial justice. It should have specifically condemned the failure to enforce an efficient night blockade at Santiago while Admiral Schley was in command. On the other hand, I feel that there is a reasonable doubt whether he did not move his squadron with sufficient expedition from port to port. The court is a unit in condemning Admiral Schley's action on the point where it seems to me he most gravely erred; his 'retrograde movement' when he abandoned the blockade, and his disobedience of orders and misstatement of facts in relation thereto. It should be remembered, however, that the majority of these actions which the court censures occurred five weeks or more before the fight itself; and it certainly seems that if Admiral Schley's actions were censurable he should not have been left as second in command under Admiral Sampson. His offenses were in effect condoned when he was not called to account for them. Admiral Sampson, after the fight, in an official letter to the Department, alluded for the first time to Admiral Schley's reprehensible conduct six weeks previously. If Admiral Schley was guilty of reprehensible conduct of a kind which called for such notice from Admiral Sampson, then Admiral Sampson ought not to have left him as senior officer of the blockading squadron on the 3rd of July, when he, (Sampson) steamed away on his proper errand of communication with General Shafter.

"We can, therefore, for our present purposes dismiss consideration of so much of the appeal as relates to anything except the battle. As regards this, the point raised in the appeal is between Admiral Sampson and Admiral Schley, as to which was in command, and as to which was entitled to the credit, if either of them was really entitled to any unusual and pre-eminent credit by any special exhibition of genius, skill, and courage. The court could have considered both of these questions; but as a matter of fact it unanimously excluded evidence offered upon them, and through its president announced its refusal to hear Admiral Sampson's side at all; and in view of such exclusion the majority of the court acted with entire propriety in not expressing any opinion on these points. The matter has, however, been raised by the president of the court. Moreover, it is the point upon which Admiral Schley in his appeal lays most stress, and which he especially asks me to consider. I have therefore carefully investigated this matter also, and have informed myself upon it from the best sources of information at my command.

"The appeal of Admiral Schley to me is not, as to this, the chief point he raises, really an appeal from the decision of the court of inquiry. Five-sixths of the appeal is devoted to this question of command and credit; that is, to matter which the court of inquiry did not consider. It is in effect an appeal from the action of President McKinley three years ago, when he sent in the recommendation for promotion with the Santiago squadron, basing these recommendations upon his estimate of the merit to which the officers were respectively entitled. What I have to decide, therefore, is whether or not President McKinley did injustice in the matter. This necessarily involves a comparison of the actions of the different commanders engaged. The exhaustive official reports of the action leave little to be brought out anew; but as the question of Admiral Sampson's right to be considered in chief command, which was determined in his favor by President McKinley, and later by the Court of Claims, has never hitherto been officially raised, I deemed it best to secure statements of the commanders of the five ships (other than the Brooklyn and New York, the flagships of the two admirals) which were actively engaged in the fight."

The President then quotes from a

magazine article written by the late Admiral Philip and the statements by Capt. Clark and Admirals Evans and Taylor and Commander Wainwright and reviews the damage to the Spanish ships by the guns of the American fleet and continues:

"From the statements of the captains above, from the official reports, and from the testimony before the court of inquiry, the fight can be plotted with absolute certainty in its important outlines, though there is conflict as to minor points. When the four Spanish cruisers came out of the harbor the New York had left her position in the blockading line 40 or 45 minutes before. She had hoisted the signal 'Disregard the movements of the commander-in-chief,' but had not hoisted the signal to the second in command to take charge, which, as appears by the signal book, was sometimes but not always used when the command was transferred. As soon as the engagement began the New York turned and steamed back hoisting a signal to close in, which however, none of the squadron saw. She was in plain sight, and not very much farther from the easterlymost blockading ships than the latter were from the Brooklyn, which was the westernmost of the line. As soon as the Spanish ships appeared the five big American blockaders started toward them in accordance with the standing orders of Admiral Sampson. After this first move each acted purely on his own initiative. For some minutes the Spanish and American vessels steadily approached one another, and the fighting was at the hottest. Then the already damaged Spanish ships turned to the westward, while at the same time the westernmost American vessel, the Brooklyn, which was nearest the Spanish line, turned to the eastward, making a loop or three-quarter circle, at the end of which she again headed westward, farther off from and farther behind the Spanish vessels than before the loop had begun, but still ahead of any of the American vessels, although farther outside. The Texas, the next ship to the Brooklyn, either was or conceived herself to be put in such jeopardy by the Brooklyn's turn toward her that she backed her engines, coming almost or quite to a standstill; so that both the Oregon and the Iowa, which were originally to the eastward of her, passed her, and it was some time after she again started before she regained her former position relatively to the Spanish vessels. The Spanish vessels had straightened out in column for the west the Colon going inside of the others and gradually forging ahead of them without suffering much damage. The two torpedo boats, which had followed them out of the harbor, were now destroyed by the fire of the near-most of the American big vessels and of the Gloucester, which headed straight in for them, paying no more heed to their quick-fire guns than to the heavy artillery of the forts, to which she was also exposed.

"In the running fight which followed until the Teresa, Oquendo and Viscaya were destroyed, the Indiana gradually dropped behind, although she continued to fire until the last of the three vessels went ashore. The Brooklyn was ahead of any of the other American vessels on a course outside theirs; she was nearly abreast on to the Spaniards. The Oregon, Iowa and Texas were all close together and actively engaged throughout this running fight. The Brooklyn and Oregon, followed at some distance by the Texas, then continued in the chase of the Colon, which went nearly thirty miles farther before she also went ashore. During this chase of the Colon there was practically no fighting.

"These are the facts as set forth above in the statements of the captains, and elsewhere in their official reports and testimony. They leave no room for doubt on any important point.

"The question of command is in this case nominal and technical. Admiral Sampson's ship, the New York, was seen at the outset of the fight from all the other ships except the Brooklyn. Four of these five ship captains have testified that they regarded him as present and in command. He signaled 'Close in' to the fleet as soon as the first Spanish ship appeared, but his signal was not seen by any American vessel. He was actually under fire from the forts, and himself fired a couple of shots, at the close of the action with the torpedo boats, in addition to signaling the Indiana just at the close of the action. But during the action not a single order from him was received by any of the ships that were actively engaged.

"Admiral Schley at the outset of the action hoisted the two signals of 'Clear ship' and 'Close in,' which was simply carrying out the standing orders of Admiral Sampson as to what should be done if the enemy's ships attempted to break out of the harbor. Until after the close of the first portion of the fight at the mouth of the harbor, and until after he had made his loop and the Spanish ships were fleeing to the westward, not another American ship noticed a signal from him. When the western pursuit had begun the Oregon, and the Oregon only, noticed and repeated one of his signals of command. The captain of the Oregon then regarded him as in command, but did not in any shape or way execute any movement or any action of any kind whatsoever in accordance with any order from him.

"In short, the question as to which of the two men, Admiral Sampson or Admiral Schley, was at the time in command, is of merely nominal character. Technically Sampson commanded the fleet, and Schley, as usual, the western division. The actual fact, the important fact, is that after the battle was joined not a helm was shifted, not a gun was fired, not a pound of steam was put on in the engine room aboard any ship actively engaged, in obedience to the order of either Sampson or Schley, save on

their own two vessels. It was a captain's fight.

"Therefore the credit to which each of the two is entitled rests on matters apart from the claim of nominal command over the squadron; for so far as the actual fight was concerned neither one nor the other in fact exercised any command. Sampson was hardly more than technically in the fight. His real claim for credit upon his work as commander-in-chief; upon the excellence of the blockade; upon the preparedness of the squadron; upon the arrangement of the ships head-on in a semi-circle around the harbor; and the standing orders in accordance with which they instantly moved to the attack of the Spaniards when the latter appeared. For all these things the credit is his.

"Admiral Schley is rightly entitled—as is Captain Cook—to the credit of what the Brooklyn did in the fight. On the whole she did well; but I agree with the unanimous finding of the three admirals who composed the court of inquiry as to the loop. It seriously marred the Brooklyn's otherwise excellent record, being in fact the one grave mistake made by any American ship that day. Had the Brooklyn turned to the westward, that is, in the same direction that the Spanish ships were going, instead of in the contrary direction, she would undoubtedly have been in more 'dangerous proximity' to them. But it would have been more dangerous for them as well as for her! This kind of danger must not be too nicely weighed by those whose trade it is to dare greatly for the honor of the flag. Moreover the danger was certainly not as great as that which, in the self-same moment menaced Wainwright's fragile craft as he drove forward against the foe. It was not in my judgment as great as the danger to which the Texas was exposed by the turn as actually made. It certainly caused both the Brooklyn and the Texas materially to lose position compared to the fleeing Spanish vessels. But after the loop had once been taken Admiral Schley handled the Brooklyn manfully and well. She and the Oregon were henceforth and headmost of the American vessels—though the Iowa certainly, and seemingly the Texas also did as much in hammering to a standstill the Viscaya, Oquendo, and Teresa while the Indiana did all her eastward position and chipped machinery permitted. In the chase of the Colon the Brooklyn and Oregon share the credit between them.

"Under such circumstances it seems to me that the recommendations of President McKinley were eminently proper, and that so far as Admiral Sampson and Schley were concerned it would have been unjust for him to have made other recommendations. Personally I feel that in view of Captain Clark's long voyage in the Oregon and the condition in which he brought her to the scene of service, as well as the way in which he actually managed her before and during the fight, it would have been well to have given him the same advancement that was given Wainwright. But waiving this, it is evident that Wainwright was entitled to receive more than any of the other commanders; and that it was just to Admiral Sampson that he should receive a greater advance in numbers than Admiral Schley—there was nothing done in the battle that warranted an unusual reward for either. In short, as regards Admirals Sampson and Schley, I find that President McKinley did substantial justice, and that there would be no warrant for reversing his action.

"Both Admiral Sampson and Admiral Schley are now on the retired list. In concluding their report the members of the court of inquiry, Admiral Dewey, Benham and Ramsay, unite in stating that they recommend that no further action be had in the matter. With this recommendation I most heartily concur. There is no excuse whatever from either side for any further agitation of this unhappy controversy. To keep it alive would merely do damage to the navy and to the country."

Government For Philippines.

Washington, Special.—Senator Bacon gave notice of his intention to offer an amendment to the Philippine tariff bill, declaring it to be the intention of the United States when order shall be restored in the Philippines, to allow the formation of a government for and by the Philippine people and to guarantee to them the same liberty and independence that this country has pledged to the Cuban people.

Kruger May Come.

Brussels, By Cable.—It is said in Boer circles that if Messrs. Wilmarans and Wessels, after investigating the situation in the United States, advise Mr. Kruger that a tour of the United States would be beneficial to the Boer cause, the Boer President will overcome his aversion to a long trip and undertake the journey. Mr. Kruger is in excellent physical condition, and his physicians advise him that he could safely go to America at the proper season. Messrs. Wolmarans and Wessels will spend a month in the United States.

End of Strange Romance.

The marriage of John M. Currier of Valparaiso, Ind., and Mrs. Laura M. Morse of Chicago was the final act in an unusual romance. The groom is an old and prominent resident of that city. He was divorced from his bride more than forty years ago. He is 79 years old and she is 72. Both have grown children from marriages subsequent to their separation.

DEATH OF GEN. TOON.

State Superintendent of Public Instruction Passes Away.

Raleigh, Special.—The people here were shocked at the news of the death of Gen. Thomas F. Toon, State Superintendent of Public Instruction, which occurred Wednesday morning after 10 o'clock at his home here. He was thought to be entirely well, and though he had not been in his office since he left November 20th to go to northeastern North Carolina, he had for several days been consulted about business and was in fine spirits Tuesday and Wednesday. He felt well at breakfast, but afterwards complained of acute indigestion. A physician was sent for and quickly responded. In a few minutes Gen. Toon said he felt all right. He said he would lie down a little while. The moment he did so his face became purple and death came like a flash.

The news came like a thunderclap to the State officials, who hastened to his home. The Council of State met and adopted the following resolutions:

"Resolved, That in the death of Gen. Thomas Fentress Toon, late Superintendent of Public Instruction, we, his associates in the Executive Department of the State government, have lost a wise and faithful counsellor and friend and the State one of her most careful and efficient officers. Brave in war and loyal in peace, his heroic spirit is at rest and North Carolina mourns the loss of a noble son.

"Resolved, That we tender the relatives of the deceased our deepest sympathy in their great affliction.

"Resolved, That a copy of these resolutions be sent to the family and also be spread upon the minutes of the Council of State."

The flags, State and national, on the capitol were placed at half-staff and the building was closed. At 2 o'clock just before the Supreme Court ended its business for the day, Attorney General Gilmer made official announcement of the death and the court adjourned, as a mark of respect.

Gen. Toon was born in Columbus county, June 10, 1840. He graduated at Wake Forest College in 1861 with very high honors. He enlisted as a private in Company K, Twentieth Regiment, North Carolina Troops, and was a colonel before he was 23 years old. He was in 1863 appointed under a special act of Congress a temporary brigadier general, and commanded Johnson's Brigade for many months, while Johnson was recovering from wounds. He was then re-commissioned as colonel and resumed the command of his old regiment. He was wounded five times. He gave your correspondent two bullets extracted from him. After the war he was in the service of the Atlantic Coast Line 16 years, then took charge of Fair Bluff Academy. In 1867 he married Miss Carrie Smith, who is buried at Fair Bluff. Five children survive him, these being Mrs. Olivia Rowland, of Brodie, Warren county; Mrs. Mary Fuller, and Miss Robble Toon, of Lumberton; T. F. Toon, of Atlanta, Ga., and H. B. Toon, of Lynchburg, S. C. Both of the latter are in the railroad service. He leave two brothers, Archie Toon and Abraham Toon, of Whiteville, and a half-brother, Donald McCracken, of Whiteville. He represented Columbus county in the lower House of the Legislature and Robeson and Columbus in the Senate. In 1891 he married Mrs. R. C. Ward, who survives him. He made Lumberton his home and devoted himself to teaching and farming. With his nomination for the office of State Superintendent and his career therein all are familiar. He was a likable man, in all respects, and devoted to his work and to the best interests of North Carolina. It is not yet known where he will be buried. It is the desire that he shall be buried here.

Three months ago General Toon left here to go with Governor Aycock on an educational trip to the northeastern countries. He told his assistant, Capt. Duckett, that he dreaded the trip and wished he could get out of going. He was restless and seemed to fear trouble. He said afterwards he took cold at Wilmington, while sitting in a draft after speaking.

At a meeting held in the executive office the following resolution was unanimously adopted: "Resolved, That the Governor and his Council respectfully request that the remains of General Toon be laid in state in the rotunda of the capitol pending the arrangements for funeral obsequies." A further resolution was adopted requesting the Governor to communicate the action of the Council through Capt. John Duckett to relatives. The body will not lie in state, as Mrs. Toon desires that it remain at the house until the general's children arrive.

Liberals Condemn Surrender.

London, By Cable.—At the annual meeting of the general committee of the National Liberal Federation held at Leicester, after considerable debate, a resolution was passed condemning the policy of insisting on the unconditional surrender of the Boers in South Africa, affirming the future contentment and security of South Africa could only be secured by regular peace, on broad, generous lines; welcoming the impetus Lord Rosebery has given to this policy and calling on all Liberal members of the House of Commons to support the Liberal leader, Sir Henry Campbell-Bannerman, in his advocacy of this policy.

OUR WATER POWER.

Splendid Opportunities Afforded Its Development.

The State of North Carolina is adapted by nature for the development of water power. Its surface compared to the upper face of a wedge whose edge corresponds to the ocean shore line, and whose base illustrates the State's increasing elevation toward its western base, culminating in the Appalachian mountain ridges, where are massed the highest peaks east of the Mississippi River. Among these high mountains the rivers of the State and find their way seaward, at with rapid descent.

One of the well defined physical features of the State is a broad strip of country known as the Piedmont Plateau, whose eastern border is roughly parallel to the Atlantic coast and about a hundred miles, more or less, west of it. It is composed of ancient rocks, into which rivers have not been able to cut way so deeply as in the softer rocks below. Over this plateau many streams of the State must pass, forming its eastern border in a succession of falls and rapids which furnish admirable water power sites. So many is this feature, which can be traced entirely across the State, that it has been termed the "fall line." The fall line must be considered of especial economic importance, for along it, as has been said, occur many valuable powers, of which some are already used and others may be developed. Considerable activity has been shown in recent years in studying the possibilities of the North Carolina streams and gaging stations, conducted by the U. S. Geological Survey, which have been maintained at Roanoke, Neal, Tar, Neuse, Haw, Cape Fear, Yadkin, Catawba and other streams. At these stations measurements of flow are made, daily or of height kept, and information obtained on which further development of their waters must be based. The work of stream measurement in Carolina is a part of the general investigation which the Geological Survey is making of the water resources of the country.

State News Notes.

It looks like Roanoke Island is destined to be famous not only as the place of Virginia Dare, the first English born child in America, but as the home of the perfection of wireless telegraphy. The United States weather bureau has been making experiments there for months and Marconi has established a station for making extensive experiments.

Three thousand Western men known as "Cayuses" gathered from ranges of the inter-mountain States are to be shipped to South Africa for use in the British army. The animals were purchased by agents of the British army, who have been scouring the country for weeks, and have been concentrated in corrals in Salt Lake and Grand Junction, Colo.

Charlotte, N. C., Special.—A letter to the Observer from Lenoir says that the property has been deeded here by the entire estate of the Caldwell Land and Lumber company, changes hands. The operation named was \$517,511. The property consists of a large mill, Lenoir, something like 40,000 acres of valuable timber lands in this and on the Caldwell and Northway which runs 11 miles north to Lenoir to Collettsville. The property goes to Mr. George Shakespeare, representing, it is said, Philadelphia.

Railroad building for 1902, it will exceed that of any year in the past. Already enough new construction has been undertaken in the West for the coming year to be sufficient to the addition of an immense extension to the railway system of the country, and schemes for new extensions are developing. The Atlanta Constitution says the Atlanta Constitution.

Cabling from Constantinople correspondent of the Daily News declares the Bulgarians are preparing a rising in Macedonia during the spring and that they are endeavoring to persuade the Greeks to join them.

Albert O. Klein, a student at the University of Michigan, committed suicide by taking prussic acid. This was the second of the students to commit suicide within the last two weeks.

A lamp explosion in the South Mills, fourteen miles from Elizabeth City which swept the business and residential portions of town. Twenty-five buildings were destroyed.

George McMahan, aged 16, was sent to jail for four days for larceny. His father, who is Davie county's best citizen, says that George was a kleptomaniac.

Henry Taylor, a convict who was sent from the penitentiary to the county to work on the Western Carolina Railroad, has been taken to the penitentiary, as he was found to be insane.

Visitors in Raleigh last week were greatly impressed by the grandeur of the new buildings which are now being constructed. They cost only a few cents much as those of macadam.

Jake Hill, of Stokes county, invented an air ship, announced that he had decided to enter a flying contest at the St. Louis exposition.

The business men at Raleigh interested themselves to see that there a tobacco market have nearly \$10,000 for the purpose.