

# Asheville Daily Gazette.

VOL. VI. NO. 301

Asheville, N. C., THURSDAY MORNING, JANUARY 30, 1902

FIVE CENTS PER COPY.  
FOUR DOLLARS A YEAR.

**Oestreicher & Co**  
51 PATTON AVENUE.

**New White Goods.**

The new white goods are here and today is a fitting time for them to make their appearance.

There are charming novelties in piques in a variety of new and very attractive designs.

Persian and Victoria  
Lawn, Long Cloths,  
English and French  
Nainsooks.

1,000 Yards Cam-  
bric worth 10c for  
8c Per Yard.

**Oestreicher & Co**  
51 PATTON AVENUE.

If we have it, it is the BEST.

Long After the Price is  
Forgotten the  
Quality of a

**Columbus  
Buggy**

remains The Columbus  
Buggy is undoubtedly the  
king of buggies.

**Asheville Hardware  
Company**  
ON THE SQUARE.

**Book Cases  
and  
Ladies' Desks**

going at a  
bargain at

**Mrs. L. A. JOHNSON'S**  
48 PATTON AVE.

**Value Makes the Bargain.**

The price is only an inducement.  
We offer the inducement, but never  
without the value.

**The I. X. L. Department Store**  
Phone 107. 22 Patton Ave.

Edwate Four Dollars With Casserole.  
Candy Cathartic, cure constipation forever.  
No. 30. If C. C. U. Fall, druggists refund money.

**TWO (2) ACRES**

**J. H. CLIFFORD**  
Real Estate Agent,  
Phone 719, Room 37 Library Bldg.

## SCHLEY'S APPEAL TO THE PRESIDENT

Uses Dewey's Report as a Basis For His Objections to Findings of the Majority of the Court and Secretary Long's Approval Thereof.

Washington, Jan. 29.—The navy department today made public Admiral Schley's appeal delivered to the president about a week ago. The department's "comment" will be published in a day or two.

Admiral Schley appeals to the president as the chief executive and commander-in-chief of the army and navy, "vested with power to regulate and direct the acts of the several executive officers thereof," and he asks that the president review the findings of the court. He asks this on three grounds, in each case basing his appeal on the findings of Admiral Dewey, as opposed to the majority report. These three grounds are set out competently in the "petition" which fills about eight printed pages of a pamphlet and is signed by Admiral Schley and Messrs. Rayner, Parker and Teague, of his counsel. Attached to the petition are three exhibits, "A," "B," and "C," each made up of copious extracts from the testimony taken in the court of inquiry and intended to confirm the statements of fact made in the petition itself.

The first ground of appeal is the holding of Secretary Long in his endorsement on the court's findings that "the conduct of the court in making no finding and rendering no opinion on those questions (that of command and of credit for the victory) is approved—indeed it could with propriety take no other course, evidence on these questions during the inquiry having been excluded by the court." On this point the petition says that the secretary of the navy was in error in stating that the court excluded testimony to show that, as Dewey said, Schley was the senior officer in the battle of Santiago; was in absolute command and entitled to the credit due for the glorious victory which resulted in the total destruction of the Spanish ships. He says: "The majority members of the said court failed in the discharge of a most important duty devolving upon them under the precept, in that they did not report their opinion upon said question."

Therefore the petitioner asks the president to annul Secretary Long's endorsement on this point, and that he specifically approve Admiral Dewey's statement declaring that Schley was in command.

The second ground relates to the alleged withdrawal of the squadron of night from Santiago bay and the character of the blockade, and the propriety of Commodore Schley's conduct in the premises. This was one of the points upon which Admiral Dewey specifically dissented. Admiral Schley asks the president to annul the secretary's endorsement which "makes valid the failure of the majority members to report their opinion upon this portion of the specifications. And it is also asked that there be substituted therefor Admiral Dewey's holding "the blockade of Santiago was effective."

The third ground recites Admiral Dewey's opinion to the effect that: The passage from Key West to Cienfuegos was made by the flying squadron with the importance of arriving at Cienfuegos with sufficient coal; that the blockade of Cienfuegos was effective; that the Adufa was permitted to gain information; and finally that the passage from Cienfuegos to a point off Santiago was made with as much dispatch as possible while keeping the squadron a unit. It is also asked that the president annul that portion of Secretary Long's endorsement which states "as to points on which the presiding member differs from the opinion of the majority of the court, the opinion of the majority is approved," and that in place he substitute and approve the declaration of Admiral Dewey on these points above referred to, connected with

the passage from Key West to Cienfuegos and thence to Santiago.

Exhibit "A" is an argument and a resume of Santiago and comprises full two-thirds of the sixty-two printed pages which make up the petition and exhibits. It discusses the right of the court to consider the question of command; the fact as to whether or not it actually did so; the propriety of Dewey's opinion in regard to that question, and the question requisite to exact justice on this point.

It is stated that the precept and instructions directed the court to "thoroughly inquire into all the circumstances bearing upon Schley's conduct and the subject of the investigation," and it is argued that under the general, as well as under the specific authority, the court had full power to investigate, and was not required to limit the inquiry to Schley's conduct in connection with the specific directions contained in the precept. It is declared that it did actually investigate under this general authority certain details of his conduct outside of the specific directions and it is pointed out that the movement of the flying squadron from Key West to Cienfuegos was one of the subjects of inquiry not specified in the precept. Therefore counsel held that it was an incontestable fact that the court was authorized to determine the question of command at the battle of Santiago. It also declared that the record of the court shows that Schley did actually exercise the powers and assume the responsibilities of command over the American forces in the battle, and, if he did this, in the absence of any right to do so, then, under the naval regulations, his conduct would have been "grossly insubordinate and calculated to weaken the lawful authority of his proper commanding officer, and as such would have been highly censurable and should have been so held by the court."

It is further stated that the court itself did not carry its right to inquire into his subject of command and that the secretary of the navy never did, his disapproval of Dewey's declaration being based "solely upon an erroneous statement that the court had excluded evidence in relation thereto."

The counsel then take up the question of fact as to whether the court did actually entertain and consider the question of command and to determine this point they submit a great number of excerpts from the official record of the court. These are based on testimony given by many officers. In addition counsel includes the testimony of the newspaper witnesses and quotes portions of his own argument to the court where he was allowed to discuss the subject at command. All of these it is respectfully submitted, "amounted to a formal entertainment and consideration by the said court of this question and obligated it to find the fact and report its opinion thereupon."

As to the general obligations on the court to determine this question of command, the counsel declares that they should have done so because: "The question has never been considered and determined by a body of competent jurisdiction having before it all the facts and all the parties interested."

"(b) That a doubt existing as to who was actually in command of the battle of Santiago, there arose in the navy of the United States and among the people at large, a controversy over this point which controversy, without being instigated, fostered, or countenanced by your petitioner, has waged for more than three years to the great detriment of the good of the service and to the hurt of those most concerned in the said question."

"(c) That in the course of the said controversy your petitioner was made the object of most unjust accusation, affecting his personal and public character, which accusations were inspired (Continued on fifth page.)"

Trunks, Suit Cases, Hand Grips, Telescopes and Umbrellas, AT COST TODAY, at the Boston Shoe Store. It.

Special sale of Ostrich Feathers, prices very low, a rare opportunity to buy good feathers very cheap, on Thursday, Jan. 30.—Mrs. Lon Mitchell, 299-4t.

Bloomberg's Leading Cigar Store, Patton Ave. Baltimore Firewood. Phone 700.

The Photographers, Lindsey & McFarland, at

Today we received a fresh shipment of

"Huylers"  
Old Fashioned Molasses  
Candy.  
As ever—unexcelled. 10c.  
**HESTON'S**  
Phone 188 26-S. Main

## PHILIPPINES TO BE SOLD TO GERMANY?

RUMOR CONNECTED WITH COMING VISIT OF PRINCE HENRY.

Vienna, Jan. 30.—The Neuse Wiener Tagblatt asserts that the sale of the Philippines to Germany is probable. It says that negotiations to this end have been proceeding for some time and that the visit of Prince Henry is preliminary to the announcement of their sale.

## NAVAL ENGAGEMENT NEAR AGUA DULCE

BETWEEN PANAMA GOVERNMENT AND INSURGENT VESSELS.

Colon, Jan. 29.—The government gun boats Boyaca and Chiquita encountered insurgent steamers near Agua Dulce today and engaged them. It is reported that one of the government steamers was damaged by a shore battery. The vessels returned to Panama, but will renew the attack tomorrow.

## WORDY DISCUSSIONS IN SENATE YESTERDAY

DENIAL OF CHARGE OF PRESS CENSORSHIP IN PHILIPPINES.

Washington, Jan. 29.—The senate today was absorbed in the discussion of a variety of topics. The revolutionary war, the Philippines and General Wheaton were among the more prominent. Money controverted the recent statement of Hear that Massachusetts contributed more troops during the revolutionary war than the entire south. During the discussion Bacon wanted to take part in the controversy but Lodge insisted on taking up the Philippines revenue bill. This led Tillman to accuse Lodge of applying the gag. Lodge indignantly denied this and then branched out into a eulogium of Wheaton in refutation of the recent strictures of Dubois in regard to that officer. Dubois reiterated his statement that press censorship was still maintained in the Philippines. Foraker, Lodge and Beveridge denied it. After some further remarks by Bacon on the subject of the contributions of troops during the revolution the senate adjourned.

The session of the house was unimportant. Notice was given that the census bill will be called up tomorrow.

## HOLLAND'S HOPE OF ENDING BOER WAR

London, Jan. 30.—A Hague despatch to the Daily Mail says that the Netherlands note to England with a view to bringing about peace in South Africa is merely a request that a Dutch commission be allowed to go to South Africa to enlighten the Boer leaders of the uselessness of protracting the struggle. The correspondent of the Mail says England is considering this and if Kitchener does not object England will consent.

## Hotel Wanted

An experienced hotelist, financially responsible, wishes to lease a hotel in Asheville or Western North Carolina. We would be glad to have particulars at once in regard to any desirable hotel for rent. We are convinced the party means business.

**Wilkie & LaBarbe,**  
Real Estate and  
Renting Agents,  
23 Patton Ave.

## FAVORABLE REPORT ON THE PARK BILL

Senator Pritchard's Measure Unanimously Endorsed by Members of the Forest Reserve Committee—Pritchard Will Work For Early Consideration.

Washington, Jan. 29.—Senator Pritchard's bill creating the Southern Appalachian Forest Reserve was today unanimously reported favorably. It appropriates \$5,000,000 for the purchase of 200,000,000 acres of land in the Appalachian mountains, within a number of states, including North Carolina.

Special to the Gazette.  
Washington, Jan. 29.—Senator Pritchard today spoke before the forest reserve committee in behalf of his Appalachian National park bill. It was unanimously agreed by the members that they would return a favorable report on the bill and senator Pritchard will now make every effort to get an early consideration of the bill by the senate. This is an encouraging step for the friends of the park.

Congressman Blackburn today authorized a statement that he would recommend John M. Mull for postmaster at Morganton to succeed D. C. Pearson. It is understood that Senator Pritchard will not interfere in this recommendation, which indicates that Pearson will soon have to go.

Collector Harkins today had an extended talk with Commissioner of Internal Revenue Yerkes concerning the affairs of his district and office. It is understood that there will be a considerable reorganization in Collector Harkins' office at an early date. J. Wiley Shook, it is said, will again be assigned to work in the field, while J. G. Grant, who has for several months held the position of field deputy, will again be assigned to clerical work in the office. Uncle Sam has not altogether smiled with favor on Col. Shook's clerical efforts. Not that there is any failure to balance when his reports are submitted to the department at the end of each month, but some slight exception has been taken to the mode of procedure in bringing about the balance. The complaint is that the colonel writes too much like he talks—bold and free, with a superfluity of ink, where in conversation it would be a superfluity of adjectives. This is apt to occur when a person has the mind concentrated on results instead of on the manner of obtaining them, but the government is not satisfied with results, no matter how correct they may be. To meet the unqualified approval of the inspector the books must bear the evidences of having been handled by one who writes a good hand, and handled with great care and deliberation. Sitting still is not in Colonel Shook's line, but the department is fond of him and will let him have the field at the same salary so he may enjoy a greater degree of liberty of action.

Congressman Lattimer of South Carolina said yesterday that the department had ordered all the agents of rural free delivery now in the field to report here for consultation. The department is also arranging to materially increase the agents' force as senators and congressmen are constantly complaining that their interests are being neglected because of the fact that the services of an agent cannot be secured. From the beginning the force has been inadequate to meet the demand.

Representative Moody has secured a favorable report from the sub-committee on agriculture on his bill appropriating \$12,000 for a weather signal station at Asheville.

## THREE KILLED BY A CURIOUS TROLLEY ACCIDENT

Pittsburg, Jan. 29.—A trolley car coming down a steep hill tonight jumped the track and crashed into the Pennsylvania station at Wilmerding. No one on the car was hurt. A crowd collected around the car, watching the workmen replace it on the track. While the crowd was thus engaged another car got beyond control, dashed down the hill, went clear through the first car and smashed the station platform, killing three and injuring sixteen.

## Cleveland Returns Home

Princeton, Jan. 29.—Cleveland returned from his hunting trip in South Carolina this afternoon, much improved.

## The Front Windows Tell You Greatest Tale of The Season

**FRIDAY**

On Embroideries  
Laces  
Towels  
Blankets  
Sdreaps  
Domestics

24-inch Cotton Bird  
Eye  
59c  
by the piece.

## Summer's

**Kimball Pianos**  
Are Life Long Friends.  
**Dunham, Stone & Co.**  
43 Patton Ave.

Prepare Your Hotbed,  
and sow Wood's Early  
Lettuce, Cabbage,  
Radish, Cauliflower,  
Onions, etc.—Seeds  
all fresh.  
**Grant's Pharmacy**

**YOU  
CAN  
BUY**

A HANDSOME  
DIAMOND  
SOLITAIRE

OR A  
DIAMOND  
CLUSTER

or one of the beautiful  
combinations where pure  
white diamonds contrast  
the flashing lights of  
the colored stones and be  
sure of three essentials---

Beauty,  
Style  
and Worth.

**Arthur M. Field  
Company**

Leading Jewelers  
Cor. Patton Ave. and Church St.