

# The News and Observer.

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### THE PRESIDENT'S REPLY TO THE APPEAL BY SCHLEY

As to the Question of Who Was in Command He Decides in Favor of Sampson.

### THE CAPTAINS' REPORTS OF THE BATTLE

To These Roosevelt Refers as the Proof.

HE SAYS IT WAS A CAPTAINS' BATTLE

And That Neither Sampson Nor Schley Issued Any Order During the Fight That Had Any Influence in Shaping the Result.

White House, February 18th, 1902. 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 captains of the five ships, aside from those 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 those 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 recommendations for promotion for the various officers connected with the Santiago squadron, basing these recommendations upon his estimate of the credit 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

side to the Spanish vessels and was receiving the weight of their fire, and was returning it. The Brooklyn and the Oregon thereafter occupied substantially these positions as regards each other, being about equidistant from the Spanish ships as we successively overtook them, except when the Oregon attempted to close with the Oquendo. The heaviest fighting was at the harbor mouth and while the enemy was breaking through or passing our line. Not long after the running light began the Teresa and then the Oquendo turned and went ashore, the Viscaya continuing for some distance farther before she also was beached. Throughout this running fight the Brooklyn and Oregon were both hotly engaged, being ahead of any of our other ships, and we then constituted the western and what I regard as the then fighting division of our fleet. I considered Commodore Schley in responsible command during this running fight and chase so far as I was concerned, and acknowledged and repeated a signal he had flying, for close action or something of the kind. As, however, the problem was perfectly simple, namely, to pursue the Spanish ships as I had been doing before I saw the Brooklyn, he did not as a matter of fact exercise any control over any movement or action of the Oregon, nor did I perform any action of any kind whatever in obedience to any order from the Brooklyn, neither as to my course nor as to my speed, nor as to my gun fire, during the fight or chase.

"The Oregon always had fires under all boilers. In spite of the speed shown by the Oregon in this fight she had not been and is not classed as the fastest ship; but during all her service, in order that no scale should form in them, not one of our boilers was used for condensing, though the resulting discomfort for all hands was an additional hardship for her commanding officer."

The following is Admiral Evans's statement: "The credit for the blockade, for the arrangement of the ships at the opening of the fight, and for the first movements forward into the fight must of course belong to Admiral Sampson, whose orders we were putting into effect. When the fight began Admiral Sampson's ship, the New York, was in plain sight. I saw her turning to overtake us. Throughout the fight I considered myself as under his command, but I received no orders from him until the Viscaya was aground. Nor did I receive any orders whatever from the Brooklyn, nor should I have heeded them if I had received them, inasmuch as I considered Admiral Sampson to be present and in command."

The heavy fighting was during the time when the Spanish vessels were coming out of the harbor and before they had stretched fairly to the westward. When they thus stretched to the westward we all went after them without orders—of course we could do nothing else. Until the Teresa and Oquendo ran ashore the Iowa was close behind the Oregon and ahead of the Texas, and all of us were firing steadily at the Spanish ships. The Texas then recovered her speed—for she was dead in the water after having backed to avoid the Brooklyn when the Brooklyn turned—and she went ahead of the Iowa. Both of us continued to fire at the Viscaya until she went ashore. Then I stopped, but the Texas followed the Brooklyn and the Oregon after the Colon.

"When the battle began the New York was not much farther to the eastward of me than the Brooklyn was to the westward. After the Viscaya had grounded the New York overtook me and signalled me to return to the mouth of the harbor to prevent any other Spanish ship from coming out and attacking the transports. I received no signals of any kind from the Brooklyn. All we had to do was to close in on the Spanish squadron as it came out of the harbor, in obedience to the orders of Admiral Sampson, and then, when the heaviest fighting was over and the Spanish ships were trying to escape to the west, to follow them—and of course there was no signal necessary to tell us to follow a fleeing enemy."

"The machinery of the Iowa was not in condition to get the best speed, though every effort had been made to make it so. Her cylinder heads had not been off for more than six months, owing to the service she was performing. Her bottom was very foul, as she had not been docked for a period of seventeen months. The Indiana was unavoidably in even worse shape."

"The New York had left the blockading line flying the signal 'Disregard the movements of the Commander-in-Chief,' a signal frequently made, and well understood by the entire fleet. It did not transfer the command. No signal was made for the second in command to assume command of the fleet, which was usually done by the Commander-in-Chief before reaching the limit of signal distance when he proposed for any reason temporarily to relinquish his command to the next ranking officer."

The following is Admiral Taylor's statement: "At the beginning of the fight the New York was about as far to the eastward of me as the Brooklyn was to the westward. The only signal I received from the New York was at the close of the fight, when she signalled to me to return and guard the mouth of the harbor so that nothing could come out to attack our transports. I received no signal whatever from the Brooklyn, and should not have heeded any if one had been made, as I considered Admiral Sampson present and in command. From her position the Indiana took full part in the actual fight as the Spanish ships came out of the harbor. When they came to the westward the Indiana fell behind, but continued firing at them and at the torpedo boats until all but the Colon were sunk or beached. I saw the Brooklyn turn and run out seaward, seemingly over a mile, about the time the rear one of the Spanish ships turned to the west; if instead of making this loop the Brooklyn had stood straight in towards

### THE AMERICAN LION AND FILIPINO LAMB

Benevolent Assimilation Will Give Leo a Dinner.

### SO DECLARES MR. TILLMAN

The Debate Continues on the Philippine Tariff Bill.

### BURROWS SPEAKS FOR MONEY AGAINST

Tillman Points Out the Difference Between Democratic Expansion and Republican Subjugation. He Has a Tilt With Lodge.

(By the Associated Press.)

Washington, D. C., Feb. 19.—The Senate continued the consideration of the Philippine Tariff Bill today, the main speeches being made by Mr. Burrows, Mich., for the bill and Mr. Money (Miss.) against it, although Mr. Mitchell (Oregon); Mr. Foraker, Ohio; Mr. Mallory, Fla.; and Mr. Tillman, S. C., all took more or less part in the general debate on the subject. A resolution offered by Mr. Tillman, (S. C.) was adopted directing the Civil Service Commission to transmit to the Senate a statement showing the apportionment of the employees in the various departments of the Government from the several States and the District of Columbia, together with the percentages of employees in the department.

Mr. Burrows said that Congress now was dealing with Philippine questions as they were found today, and not as they had been in the past or might be in the future. He felt that the nation was confronted by a condition and not by a theory.

"We hold," said he, "the Philippine Islands by a title that cannot be challenged by any court in Christendom. We have become responsible for them to the nations of the world. The pending bill simply provides revenues sufficient to meet the needs of the Government of the Philippines."

While the Michigan Senator was reading the proclamation of President McKinley, known as the "benevolent assimilation" proclamation, Mr. Tillman interrupted to inquire if he contended that the President had authority to issue that proclamation.

"No doubt of it," replied Mr. Burrows. While the treaty had not been ratified, he said, the President had ample authority to issue such a proclamation as a guide to the military commander in the Philippines.

"In other words," suggested Mr. Tillman, "although that proclamation sedulously ignored the political status of the Philippines, it was expected that the nine millions of people would accede to its provisions."

Mr. Culberson interrupted to say that the proclamation was considered so extreme that a part of it was suppressed by General Otis.

Mr. Burrows declined to be diverted further from his argument by Mr. Tillman, as "the question of the Senator from South Carolina evidently are not intended to illuminate the subject."

Mr. Burrows contended that while the Filipinos desired a good government, they did not, as a whole, desire independence, because it was realized by the best informed of them that an independent government in the archipelago was neither practicable nor desirable. The Filipinos, he asserted, were not prepared either by education or experience, for independence and could not maintain it if it were granted to them.

Mr. Mallory, Florida, declared his opposition to the principles underlying the pending measure and to the specific provisions of the bill. He made an argument in support of his proposed amendment to the bill, which he said, was designed to make it conform to certain principles of navigation that have been in operation for many years.

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### SUDDEN DEATH OF GENERAL T. F. TOON

State Superintendent of Public Instruction.

YESTERDAY AT TEN A. M.

The Governor and State Officers Pay Tributes to His Memory.

### RESOLUTIONS ADOPTED BY THE COUNCIL

It was the Wish of the State Officers That the Body Should Lie in State in the Rotunda of the Capital Until the Funeral.

All Raleigh was shocked yesterday morning by the announcement of the sudden death of General Thomas F. Toon, State Superintendent of Public Instruction. It was wholly unexpected, as the General was considered to be almost entirely recovered from his long illness, and in fact had gone out for a short ride on last Friday. Just Tuesday night he had remarked to Mr. Duckett, the chief clerk in the office of the department, that he expected to be at his desk and at work in a very few days.

Yesterday morning General Toon arose about eight or half past, feeling unusually strong and bright. After eating quite a hearty breakfast, he was seized with an attack of acute indigestion. Dr. James R. Rogers was immediately summoned and quickly relieved the sufferer. General Toon then lay down on the bed to rest, and had hardly reached a recumbent posture when his color changed and in a few minutes he had breathed his last without having spoken another word since he said he thought he would lie down, although he was feeling very much better.

The physician in attendance said that heart trouble was the immediate cause of death.

Mrs. Toon was with her husband when he passed away. All the members of the immediate family were sent for, and some of them arrived here late last night.

It is almost exactly three months since General Toon left his office to go on a trip in the interest of education through Hyde and Beaufort and several Eastern counties. He started on November 20th and went to Washington, N. C., where he made a speech in a none too well ventilated hall, and sat in a draft, warm from the exertion of speaking. A severe cold was the result, which developed into pneumonia. The General was brought home a very ill man, and lingered for weeks between life and death. He finally rallied some weeks ago, and was regaining his strength and vigor at a rapid rate, when he was suddenly cut down.

Capt. Duckett yesterday, speaking of that trip to the East, said the General left the office with some forebodings, telling him that he did not want to take the trip, and saying that if there were any way to get out of it, he would do so.

### LIFE OF GENERAL TOON.

Thomas Fontress Toon was born in Columbus county on June 10th, 1840. His father was Anthony F. Toon, Esq., of Irish and Welsh extraction, and his mother was Mary McMillan Toon, daughter of Ronald McMillan, of Scotland. His early boyhood was spent on the farm. Later, he attended Wake Forest College. While a student there, on May 20th, 1861, he enlisted as a private in the Columbus Guards No. 2, a company raised by his half-brother, Captain William H. Toon, who was afterwards Major and Lieutenant Colonel of the Twentieth North Carolina Regiment. After enlistment he returned to Wake Forest College and was graduated in June, 1861. On the 17th of that month, he was elected First Lieutenant of his company. He was chosen Captain on July 22nd, 1861, to take the place of Capt. W. H. Toon, who had been elected Major. On February 25th, 1863, he was elected Colonel of the Twentieth North Carolina Regiment. He was appointed a Brigadier General on May 31st, 1864, and on June 4th, was assigned to command of Johnston's North Carolina Brigade. He followed the fortunes of Lee, Jackson, Gordon, Early and Ewell in all

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GEN. T. F. TOON.

### WORK THAT TELLS

Results of W. W. Kitchin's Efforts For Oxford and Greensboro.

(Special to News and Observer.) Washington, D. C., Feb. 19.—On recommendation of Representative W. W. Kitchin, the Postoffice Department has agreed to lease the Odd Fellows' building at Oxford for the postoffice for five years. Mr. Kitchin has also secured a hearing by the House Committee for the Greensboro Public Building Enlargement Bill on the 28th.

The House Republicans put in considerable time today in trying to answer Poy's speech of yesterday.

### A Novel Suit. Cases of Measles.

(Special to News and Observer.) Durham, N. C., Feb. 19.—A novel suit was to have come up before Squire D. C. Gunter this morning at 10:30 o'clock, but before going into the trial the clerk was withdrawn by the plaintiff.

Mr. C. E. Jordan had been advertising in the paper tomorrow at ten cents per can. Mr. W. B. Gurble wanted to buy several cases at this price. Mr. Jordan would only sell him one can at this price, selling the others at fifteen cents. To test the matter as to whether a newspaper advertisement is an open contract to sell goods at the price he has advertised.

Sixteen persons in the families of J. A. Adams, Alphonso Smith and Alvis Jordan, living on Wilker son Avenue, are down with measles.

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