# The News and Observer.

VOL. LI. NO. 137.

RALEIGH, NORTH CAROLINA. THURSDAY MORNING, FEBRUARY 20, 1902.

PRICE FIVE CENTS.

## Leadsall North Carolina Dailies in News and Circulation

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

As to the Question of Who Was in Command He oquendo turned and went ashore, Decides in Favor of Sampson.

#### THE CAPTAINS' REPORTS OF THE BATTLE

as the Proof.

Issued Any Order During the Fight the Result.

White House, February 18th, 1962. I have received the appeal of Admiral Navy Department. I have examined both fore me the four surviving captains of two admirals which were actively enga-

ged at Santiago. It appears that the Court of Inquiry and unanimous in its expressions of opinion on most of its findings of fact. No apfully over the evidence on these points 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 when he aban-'retrograde movement' doned 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 not to have left him as senior officer of the blockading squadron on the 3rd of July, when he (Sampson) steamed away

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, point raised in the appeal is between Admiral Sampson and Admiral Schley, as to which was in command, and as to which gained on the Colon in that chase, \* \* \*" Worse shape. 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 lows: these questions, but as a matter of fact | it unanimously excluded evidence offered upon them, and through its President announced its refusal to hear Adexpressing any opinion on these points. the president of the court. Moreover, it we would all have closed in any way, inat my command.

with General Shafter.

The appeal of Admiral Schley to me not, as to this, the chief point he raises, really an appeal from the decision of the Court of Inquiry. Five-sixths of command and credit; that is, to matthe action of President McKinley three years ago when he sent in the recommendations for promotion for the various

whether or not President McKipley did in-

as the question of Admiral Sampson's action or something of the kind. As, right to be considered in chief command, President McKinley, and later by the HE SAYS IT WAS A CAPTAINS' BATTLE Court of Olaims, has never hither; o been officially raised, I deemed it best to secure statements of the commanders of the five ships (other than the Brook-And That Neither Sampson Nor Schley lyn and New York, the flagships of the two admirals) which were actively engaged in the fight. Admiral Philip is That Had Any Influence in Shaping dead. I quote extracts from his magazine article on the fight, written immediately after it occurred; closing with an extract from his letter to the Secretary of the Navy of February 27, 1899: "It was the blockade that made the Schley and the answer thereto from the battle possible. The battle was a direct consequence of the blockade, and upon the method and effectiveness of the blockwith the utmost care, as well as the pre-ade was very largely dependent the issue ceding appeal to the Secretary of the of the battle. \* \* \* Under the orders Navy. I have read through all the tes- of Admiral Sampson the blockade was timony taken before the court and the conducted with a success exemplified by the result. \* \* When the Spanish statements of the counsel for Admirals Admiral at last made his dash to escape, Sampson and Schley; have examined all we were ready-ready with our men, with the official reports of every kind in ref. our gons, and with our engines. \* \* \* erence to the Santiago naval campaign, It was only a few minutes after we had seen the leader of the advancing squadron copies of the logbooks and signal books, that it became apparent that Cervera's and the testimony before the Court of plan was to run his ships in columns Claims, and have also personally had be- westward in an effort to escape. \* \* \* Before he had fairly found himself outthe five ships, aside from those of the side the Morro the entire blockading squadron-Indiana, Oregon, Iowa, Brook. lyn, and Texas-was pumping shell into him at such a rate as virtually to decide the issue of the battle in the first few moments. All our ships had closed in simultaneously, \* \* \* Then occurred the incident which caused me for a moment more alarm than anything Cervera the court on these points where it was unanimous. I have, however, gone careof breeze and a lull in the firing lifted I am satisfied that on the whole the pall, and there bearing toward us and across our bows, turning on her port helm, with big waves curling over her bows and great clouds of black smoke pouring from her funnels, was the Brooklyn. She looked as big as half a dozen Great Easterns, and seemed so near that it took our breath away. 'Back both engines hard!' went down the tube to the astonished engineers, and in a twinkling the old ship was racing against herself. The collision which seemed imminent, even if it was not, was averted, and as the hig cruiser glided past, all of us on the bridge gave a sigh of relief. Had the Brooklyn struck us then it would probably have been the end of the Texas and her half thousand men. \* \* \* At ten minutes to 10 (the Spanish ships had appeared at about 9:30 \* \* \* the Iowa, grounded the New York overtook me duleously ignored the political status of while no such confirmation had taken was also coming up, well inside of all the transports. I received no signals of in the rear, owing to her far eastward to do was to close in on the Spanish position at starting. \* \* \* About a squadron as it came out of the harbor, left the shelter of the Morro, turned to fighting was over and the Spanish ships man, as "the question of the Senator of reprehensible conduct of a kind which seek a beaching place. She was on fire, were trying to escape to the west, to from South Carolina evidently are not called for such notice from Admiral and we knew that she was no longer a follow them-and of course there was intended to illuminate the subject." Sampson, then Admiral Sampson ought quantity to be reckoned with. Five min- no signal necessary to tell us to follow utes later our special enemy, the Oquen- a fleeing enemy.

do, also turned in shore. \* \* The | "The machinery of the Iowa was not proper errand of communication

Chief before, during, and after the ac-

speed, the Texas held her own and even

up to the light is of course Admiral made for the second in command to as-Sampson's The position of the ships on sume command of the fleet, which was the morning of the fight in a semicircle usually done by the Commander-in-Chief miral Sampson's side at all; and in view head-on to the harbor, in consequence of before reaching the limit of signal disof such exclusion the majority of the which we were able to close in at once, tance when he proposed for any reason court acted with entire propriety in not was his. In closing in, that is, in making temporarily to relinquish his command the first movements, we were obeying his to the next ranking officer." The matter has, however, been raised by instructions: though as a matter of fact | The following is Amiral Taylor's stateis the point upon which Admiral Schley structions or no instructions. When the he especially asks me to consider. I have | navigator of my ship saw the New York therefore carefully investigated this mat- to the eastward, but I received no sigter also, and have informed myself upon and of any kind from the New York durit from the best sources of information ing the action, nor was she near enough to signal directly to me until after the the fight, when she signaled to me to fixed, in his amendment, a limit of time

Colon surrendered. been divided into three parts: First, the attack our transports. I received no fight proper, while the Spanish squadron signal whatever from the Brooklyn, and of the appeal is devoted to this question was coming out of the harbor and until should not have heeded any if one had United States navigation laws would apit was clear of the Diamond Shoals and been made, as I considered Admiral ply to the Philippine trade absolutely. ter which the Court of Inquiry did not definitely headed westward second, the Sampson present and in command. From consider. It is in effect an appeal from running fight with the already damaged her position the Indiana took full part vessels as they fled westward, until the in the actual fight as the Spanish ships Teresa, Oquendo, and Viscaya rau ashore: came out of the harbor. When they ran and, third, the chase of the Colon, dur- to the westward the Indiana fell behind, officers connected with the Santiago ing which there was practically no fight- but continued firing at them and at the squadron, basing these recommendations ing. During the first stage I did not see torpedo boats until all but the Colon upon his estimate of the credit to which te Brooklyn or receive any signals from were sunk or beached. I saw the Brookthe officers were respectively entitled. her. At the close of this stage the Ore-What I have to decide, therefore, is gon had passed the Iowa and Texas, and when we burst out of the smoke I saw justice in the matter. This pecessarily the four Spanish ships going west apparinvolves a comparison of the actions of ently uninjured, and followed hard after, the different commanders engaged. The at the same time observing the Brooklyn exhaustive official reports of the action a little ahead and offshore. She was broad-

ceiving 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 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 fight began the Teresa and then 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 To These Roosevelt Refers | leave little to be brought out anew; but repeated a signal he had flying, for close however, the problem was perfectly simwhich was determined in his favor by pde, 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

boilers. In spite of the speed shown by the Oregon in this fight she had not been and is not classed as te fastest ship; 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 state-

fight began Admiral Sampson's ship, the turning to overtake us. Throughout the ment. fight I considered myself as under his as I considered Admiral Sampson to be theory. present and in command.

went after them withou orders-of meet the course we could do nothing else. Until the Teresa and Oquendo ran ashore the 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 1 stopped, but the Texas followed the Brooklyn and the Oregon after the Colon.

was not much farther to the eastward Philippines. of me than the Brooklyn was to the ward with the Spaniards. The Indiana ish ship from coming out and attacking its provisions." quarter past 10 the Teresa, which had in obedience to the orders of Admiral

Viscaya kept blazing away viciously, but in condition to get the best speed, though the pounding she got from our four ships, every effort had been made to make it particularly the Oregon, was too so. Her cylindr heads had not been off much for her, and in half an hour she too for more than six months, owing to the headed for the beach. \* \* I determined to push on with the Texas. \* \* \* service she was performing. Her bot-It gives me pleasure to be able to write tom was very foul, as she had not been that, old ship as she is and not built for docked for a period of seventeen months. The Indiana was unavoidably in even

'Admiral Sampson was Commander-in- "The New York had left the blockadmovements of the Commander-in-Chief, Captain Clark's statement is as fol. a signal frequently made, and well understood by the entire fleet. It did not "The credit for the blockade which led transfer the command. No signal was

ward of me as the Brooklyn was to the cred lightly. westward. The only signal I received lyn turn and run out seaward, seeming, ly 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

(Continued on page five.)

### 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.)

"The Oregon always had fires under all ate continued the consideration of the endorsed by his constituents, the people Philippine Tariff Bill today, the main but during all her service, in order that Mich., fro the bill and Mr. Money (Miss.) no scale should form in them, not one of against it, although Mr. Mitchell (Oregon); Mr. Foraker, Ohio; Mr. Mallory, Mitchell a few days since. Fla.; and Mr. Tillman, S. C., all took more or less part in the general debate should be done for the Filipinos, conon the subject. A resolution offered by Mr. Tillman, (S. C.), was adopted direct The credit for the blockade, for the ing the Civil Service Commission to arrangement of the ships at the opening transmit to the Senate a statemen showof the fight, and for the first movements ing the apportionment of the employes forward into te fight must of course be- in the various departments of the Govwe were putting into effect. When the District of Columbia, together with the especially for the purpose of eradicating New York, was in plain sight. I saw her percentages of employes in the depart- from our country and the practice on the

Mr. Burrows said that Congress now command, but I received no orders from was dealing with Philippine questions as him until the Viscaya was aground. Nor they were found today, and not as they did I receive any orders whatever from had been in the past or might be in the day of our history is the day that we the Brooklyn, nor should I have heeded future. He felt that the nation was con- signed the Spanish treaty. them if I had received them, inasmuch fronted by a condition and not by a

"We hold," said he, "the Philippine The heavy fighting was during the time Islands by a title that cannot be chalwhen the Spanish vessels were coming lenged by any court in Cristendom. We out of the harbor and before they had have become responsible for them to the stretched fairly to the westward. When nations of the world. The pending bill they thus stretched to the westward we simply provides revenues sufficient to Philippines."

While the Michigan Senator was read-Iowa was close behind the Oregon and ing the proclamation of President Mc-Kinley, known as the "benevolent assimilation" proclamation, Mr. Tillman interrupted to inquire if he contended that Congress had granted no authority that the President had authority to issue for such appointment. that proclamation.

"No doubt of it," replied Mr. Burrows. While the treaty had not been ratified, Foraker in reply, "and he is as much thority to issue such a proclamation as of Louisiana under Jefferson's appoint-"When the battle began the New York a guide to the military commander in the ment."

Oregon, and Texas were pretty well and signalled me to return to the mouth the Filipinos, it was expected that the place in the case of Governor Taft." bunched, holding a parallel course west- of the harbor to prevent any other Span- nine millions of people would accede to

Mr. Culberson interrupted to say that the others of our squadron, but a little any kind from the Brooklyn. All we had the proclamation was considered so extreme that a part of it was suppressed by General Otis.

Mr. Burrows declined to be diverted been in difficulties from the moment she Sampson, and then, when the heaviest further from his argument by Mr. Till-

> 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 ing line flying the signal 'Disregard 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.

Mr. Mallory's amendment provided in brief that the navigation laws of the years. Mr. Kitchin has also secured a United States, suitably modified, should be applied to traffic between the United States and the Philippines and among the islands of the archipelago.

He maintained that the proposition of the majority to admit foreign ships to Pou's speech of yesterday. New York was about as far to the east- novation that it ought not to be consid-

Mr. Mallory did not want to embarrass from the New York was at the close of the shipping on the Pacific, so he had return and guard the mouth of the har- during which foreign ships should enjoy "The engagement may be said to have bor so that nothing could come out to participation in the Philippino trade. That limit was July 1, 1903. After that time, according to his amendment, the rant was withdrawn by the plaintiff-

tween the Philippin and the United States and the trade among the island, themselves and not the Philippine Commission. If his amendment were adopted it would do away with some of the serious objections to the proposition of the

As it stood that was a measure in trinciple and unwise in policy but if his smendment were adopted the majority proposition would at least be rendered

somewhat better. Mr. Tillman presented a number

public documents, as he said, in refutation of statements made by Mr. Burrows in hi saddress earlier in the day. These papers generally bore upon the treatment by the United States of the inhabitants of newly acquired countries and were intended to show that they have in the past been received as citizens. He laid especial stress upon the difference of the circumstancs connected with the acquisition of Louisiana and those connected with the acquisition of the Philippines. The former he characterized as Democratic expansion and the latter as Re-

publican subjugation. Speaking of the Philippines, he said that our conduct in those islands had been so infamous that it should cause a blush of shame to mantle the cheek of every American. Quoting President McKinley's announcement that we must pursue a method of "benevolent assimilation" of the Filipinos, Mr. Tillman said that the assimilation which had been practised could be contrasted to nothing so well as the parable of the lamb and the lion. It would be found, he said, when they should get up that the lamb would be inside the Hon. He spoke of the effort of building up American schools in the Philippines as "mawkish sentimentality," saying that the system could be of no avail in view

of the fact that the teachers sent over know nothing of the language of the Filipinos and the Filipinos nothing of the English language, and yet, he said, this is the system advocated by the oleaginous Washington, D. C., Feb. 19 .- The Sen- Senator from Michigan, and presumably

Taking this to be the position of the speeches being made by Mr. Burrows, State, he exclaimed, may God have mercy on their pusillanimous souls. Mississippi, replied to Mr. Money,

some points in the speech made by Mr. The important question was not what tinued Mr. Money, but what should be done for our own people. Our position is. he argued, liable to bring on war with other nations at any time, when the \$1,500,000 per week expenditure of the present time would be vastly increased. We should get rid of the islands in our part of Congress of conferring autocratic powers on the executive.

"We will find before we terminate this experiment," he said, "that the saddest

Replying to Mr. Tillman, Mr. Foraker said the people of Louisiana had not been allowed to elect a governor or the judiciary of that Territory, and that the government established in the Philippines is far more liberal than the government established in Louisiana by Jefferson and the Democratic Congress of that

Interrupting Mr. Tillman, said the President appoints the governors of all Territories, and admitting this, Mr. Foraker said that no more authority is required now in the case of the Philippines. This statement led Mr. Tillman to say

"The Governor of the Philippines is the governor by appointment," said Mr.

Messrs. Tillman and Money called at-

neither in the case of Louisiana por the better. Philippines had the people been bought when the territory became part of the United States, and there is, he continued. no more attempt to govern the people of the Philippines without their consent than there was in the case of the people

of Louisiana Messrs. Tillman and Carmack made the point that an early promise of statehood had been made in the case of

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

(Special to News and Observer.)

Washington, D. C., Feb. 19 .- On 16 commendation of Representative W. W. Kitchin, the Postoffice Department has agreed to lease the Odd Fellows' build- the trip, and saying that if there were ing at Oxford for the postoffice for five 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

#### 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 war-

Mr. C. E. Jordan had been advertising in the paper tomatoes at ten cents per Mr. Mallory maintained that Congress can. Mr. W. B. Guthrie wanted to buy should control the avigation trade be- several cases at this price. Mr. Jordan ing to test the matter as to whether a contract to he public, or whether a merchant can refuse to sell goods at the price he has advertised them.

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

# 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 Shou'd 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 chiet 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



GEN. T. F. TOON.

strong and bright. After eating quite a hearty breakfast, he was seized with an attack of acute indigestion. Dr. James he said, the President had ample au- governor as Mr. Claiborne was governor 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 recum-"In other words," suggested Mr. Till- tention to the fact that Claiborne's nomi- bent posture when his color changed and in a few minutes he had breathed his while no such confirmation had taken last without having spoken another word since he said he thought he would lie Proceeding, Mr. Foraker said that down, although he was feeling very much

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, 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 any way to get out of it, he would do so.

LIFE OF GENERAL TOON.

Thomas Fentress 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 enlistd 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 would only sell him one can at this company. He was chosen Captain on price, selling the others at fifteen cents. July 22nd, 1861, to take the place of Then followed the suit, the purpose be. Capt. W. H. Toon, who had been elected Major. On February 26th, 1863, he was newspaper advertisement is an open 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 (Continued on Page Five.)