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THE SURRENDER A FACT.

TORAL WAS CONQUERED.

Big Contract Now on Hand.

TRANSPORTATION BUREAU FORMED.

Colonel Hecker and Colonel Bird Will Arrange for the Shipment of the Captured Army to Spain—Preparations Under Way for the Expedition to Porto Rico.

WASHINGTON, July 16.—The fact that appeared at last satisfactorily established this evening, after another 24 hours' active cable correspondence with General Shafter, was that the Spanish army had surrendered. About that there could be no doubt, but unfortunately the details are still a great deal beclouded, as set out in General Shafter's last dispatch. It is realized here that the terms imposed by the commissioners as to the removal of the Spanish troops, now augmented to a formidable total, involve grave responsibility for our government. Still, the staffs corps of the War Department have risen so well to meet every emergency as it occurred that there can be no doubt of their ability to solve large questions presented by the necessity of removing this army across the Atlantic. Fortunately, Secretary Alger, in anticipation of heavy demands upon the Department in the matter of transportation, has created a new bureau to take charge of that subject alone. This will be known as the bureau of transportation and will be directed by Col. Hecker, who has, in the short time he has been at the War Department, proved his executive abilities. His chief assistant will be Col. Bird, of the quartermaster's department, which was formerly charged with all matters relating to transportation.

The appearance of General Brooke at the War Department to-day gave token of the purpose of the administration to begin immediately preparations for the dispatch of a military expedition against Porto Rico. The general made what is regarded upon the whole as a satisfactory report as to the sanitary conditions existing at Camp Thomas, and showed that the troops were in a condition now to leave for Porto Rico, if called upon. It is understood that two weeks' time will be required to assemble the transports, get the troops and supplies aboard at one of the most available sea ports, which in this case is likely to be Newport News, owing to the successful outcome of the last expedition from that port, and sail away for Porto Rico.

Luckily for the navy, Santiago has capitulated just on the eve of the hurricane season in the West Indies. The big battleships are able to go through this weather with discomfort, but the smaller blockade boats will find the task of continuing the blockade fraught with positive danger. It is, however, the intention at any cost to tighten the lines of blockade, particularly at those ports connected with Havana by rail. The surrender of the eastern end of the Island to the United States will affect some ports of refuge for our naval vessels in case of absolute need.

Secretary Long has decided that Admiral Cervera may secure a parole if certain details can be arranged, and he wishes to do so. The admiral is expected, with his fellow officers and prisoners at Annapolis to-night.

Commander Bronson of the auxiliary cruiser Yankee, was in conference with Secretary Long to-day, arranging for the trip of his ship with the large amount of ammunition for Commodore Watson's squadron in its attack on the coast of Spain. The Yankee is at Norfolk and will sail to-morrow for Santiago. She will reach there about next Tuesday, and the big stock of ammunition will then be placed aboard the battleships and cruisers. This transference of powder and shells is a delicate operation requiring time, and it is probable that the week will be well along before this and the re-loading of the Yankee will permit the squadron to actually get under way

for Spain.

Owing to the important mission of Commodore Watson's squadron, and the possibility of a long absence from an American port, every magazine on the ships will be full when they sail. Admiral Sampson recently made requisition for the ammunition supplies, as these had run low as a result of the engagement with Cervera's squadron, and the frequent shelling of Santiago. One load already has been taken down on a supply ship, and the Yankee now fills up the full quota. Each battleship will have about 200 tons of powder, with 50 or 70 of the largest 12-inch or 13-inch shells according to the size of the big guns; 70 to 80 eight inch shells; 200 to 300 of the shells for 6-pounders and other medium-sized guns, and 500 to 800 rounds for the small rapid fire guns. The cruisers carry approximately the same allowance, without the shells for the 12 and 13-inch guns. Aside from this equipment of shells, the squadron is well provided with solid armor piercing shot. There has been no call for the renewal of the supply of the armor-piercing shells, as Admiral Sampson's fleet seems to have used very few of them thus far, confining their work to the big explosive shells. The latter, although not made for armor piercing, are tested by the Navy Department to pass through four inches of solid steel not exploding until through the steel. They have done such execution that Admiral Sampson has reserved almost his entire stock of armor piercing shells. The Department will not set a time for Commodore Watson's squadron, but with the delivery of the Yankee's supply of ammunition very few days will be lost before this formidable squadron will be headed for Spain.

THE STAMP ON BILLS OF LADING.

Assistant Attorney General Boyd's Decision on the Duty of Railroad and Express Companies.

The following is the full text of Assistant Attorney General Boyd's decision under the war revenue act relative to the duty of railroad companies, express companies and other common carriers in stamping bills of lading, manifests, etc.:

I hold that the law makes it the duty of every railroad, steamboat company, carrier, express company or corporation, or person whose occupation it is to act as such, to issue to the shipper, consigner, or his agent, or person from whom any goods are accepted for transportation, a bill of lading, manifest, or some other evidence of the receipt of goods, wares, merchandise received for carriage and transportation, and that this bill of lading, manifest, or memorandum requires a revenue stamp of the value of 1 cent affixed to it and canceled. In case of failure to issue such bill of lading, manifest, or other memorandum, the law imposes a penalty of \$50 upon the railroad, steamboat company, carrier, express company or corporation, or person guilty of such failure. The law (section 7) further provides that if any person or persons shall make, sign, or issue, or cause to be made, signed, or issued, any instrument, document, or paper of any kind or description whatever requiring a stamp, without the stamp being affixed thereto, such person or persons shall be guilty of a misdemeanor and upon conviction, shall pay a fine of not more than \$100 at the discretion of the court. The purpose of the law is clear. It was to tax the carrier and not the shipper; and these provisions undoubtedly fix upon express companies, railroad companies, and other carriers, included within the provision of the law, the duty of provision, affixing and canceling the stamp required upon the bill of lading, manifest, or memorandum for the receipt of goods received for shipment and their failure to provide, affix, and cancel such stamp subjects them to the penalties provided by the law. It is suggested that some of these carriers and express companies are refusing to receive goods for shipment until the shipper pays the tax. Whilst it is not my province to advise as to the recourse which the shipper may have in instances of this kind, yet I am sure that the laws are ample to require public carriers and express companies to receive goods tendered for shipment or suffer damages for such refusal.

UNDER A CIEBA TREE.

TERMS ARE DRAWN UP.

Details of the Surrender.

TORAL'S VAIN EFFORTS FOR TIME.

At First Insisted That He Had Been Misunderstood and That There Was No Surrender, at Least Until Madrid Was Heard From—Wanted the Word "Capitulation" Used Instead of "Surrender."

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At General Wheeler's Headquarters, Before Santiago de Cuba, July 15, 10 a. m., via Kingston, July 16, 7:25 a. m.—The preliminary basis for the capitulation of the Spanish forces in eastern Cuba was agreed to and signed under a picturesque cieba tree, half way between the lines, shortly after midnight. Our commissioners were invited to enter the city by those representing General Toral, but the invitation was declined, and the conference was held under the spreading cieba, just such a tree as that under which Columbus assisted at the celebration of mass, on his first landing in Cuba, near Havana.

At the very outset a hitch occurred, owing to a misunderstanding of what was said at the personal interview between General Shafter and General Toral, at noon. At that time our interpreter, translating the language of General Toral, had given Generals Shafter, Miles and Wheeler distinctly to understand that Captain General Blanco had consented that the commissioners should have plenary powers to negotiate the terms of surrender, such terms as they agreed upon to be binding upon both parties. Something was said about a notification to the Madrid government, but General Shafter insisted that the capitulation had been actually agreed to, and that no further consent of the Madrid government was required.

When the commissioners met, shortly after 2 o'clock in the afternoon, those in behalf of General Toral (General Escario, Lieutenant Colonel Fortan and Robert Mason, the British vice consul) combated at once the idea that the capitulation in fact had actually taken place. The consent of Madrid, they insisted, was still necessary; but, at the same time, they claimed strongly that it would be forthcoming, as Captain General Blanco had authorized it, and the home government would do the same. General Toral, who was personally present, and who in fact directed the negotiations in his own behalf, said he had never been overruled by the captain general. Still, he added, until Madrid had sanctioned it, Santiago had not capitulated.

All this was extremely unsatisfactory to our commissioners, who clung tenaciously to the understanding General Shafter had received earlier in the day. Finally, with the question of whether or not the Spanish forces had actually surrendered still open, the commissioners proceeded to the consideration of the preliminaries.

Captain Miles had drawn up thirteen articles of a general nature, and these were submitted to General Toral personally. He made a strong appeal that the word "capitulation" be used instead of the harsher term "surrender," and that his army be allowed to march out, the officers with their side arms, and the men with their small arms. He said they could afterward be sent to Spain, either on the same ships with the troops or on some other ships. General Toral further remarked that he expected our commissioners, as representatives of a brave and chivalrous people, would not seek to humiliate his army or make it appear that he was vanquished. As brave men, his soldiers desired to go home with honor. They had simply yielded to superior force, and they would prefer dying to going home without their honor.

Our commissioners could not resist this appeal, but they said it lay beyond the terms laid down by our government and they could only recom-

mend the matter to Washington.

At 4 o'clock General Toral returned to the city to consult with General Linares, who had been erroneously reported dead. General Toral and the Spanish commissioners returned at 6:30, saying they desired a still further change in the phraseology of the articles, and suggested a postponement of the negotiations until morning. This General Wheeler firmly declined. Thereupon a recess was taken until 9:30. The commissioners returned at that hour and the articles were again gone over in detail. Various changes of verbiage, which tended only to soften the sound of the terms without affecting the sense, were proposed by the Spaniards, and our commissioners accepted practically all of them.

Shortly after midnight General Wheeler suggested that the good faith of the Spanish commissioners be tested. All the articles were re-read, and each commissioner in turn was asked if they were satisfactory. When they replied in the affirmative, General Wheeler asked them to affix their signatures. This they appeared reluctant to do, but they could not well refuse. When all had signed, the commissioners separated, to meet again at 9:30 in the morning.

The present municipal authorities are to have control of the city until the Spanish troops are embarked. The Spanish troops from other points are to be embarked at the nearest port. Refugees are to return to their homes, but not until the sanction is received, and the same applies to the removal of obstructions at the mouth of the harbor. Pending this, however, Miss Clara Barton and the Red Cross agents, with supplies, are to be allowed to enter the city over the line of the Juragua Railroad. The water man which was cut is to be repaired today. No Cubans are to be allowed to enter the city. All the artillery and the batteries at the harbor entrance to be left intact, and we are to obtain possession of the gun-boat in the harbor. The troops which were landed at Siboney, but which were not brought up, are to be sent back on board the transports immediately.

The condition of Santiago is said to be dreadful, with filth and stench everywhere. There is much sickness among the Spanish soldiers, due to bad and insufficient food, and there are many yellow fever cases in the hospitals.

SPAIN'S FLAG GOES DOWN TO-DAY.

WASHINGTON, July 16, 9 p. m.—The following message has just been received and given out to Adjutant General Corbin:

"Camp Near Santiago, July 16.—The surrender has been definitely settled and the arms will be turned over tomorrow morning, and the troops will be marched out as prisoners of war. The Spanish colors will be hauled down at 9 o'clock and the American flag hoisted.

"SHAFTER."

WE KEEP THE GUNS.

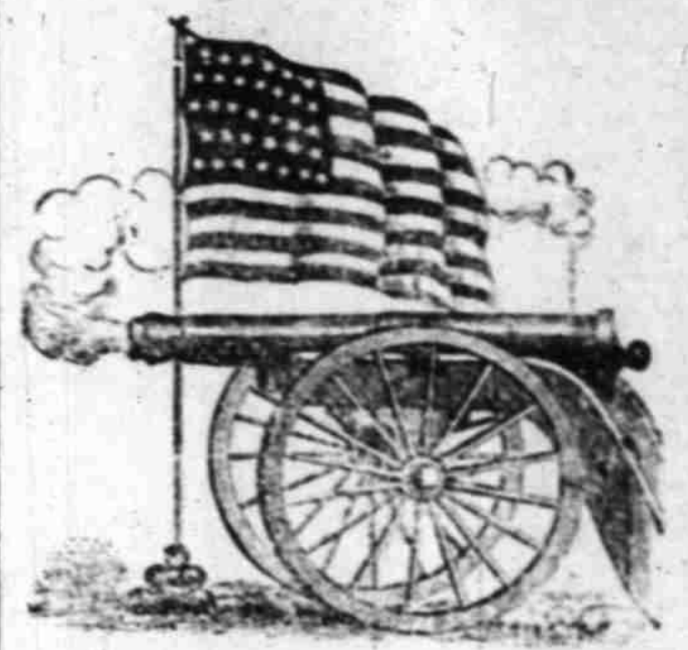
The President and Secretary Alger Say That the Rifles of All the Surrendered Spaniards Will Be Kept by the United States.

Washington, July 16.—The arms surrendered by the Spanish soldiers at Santiago to General Shafter will be kept by the United States government. This conclusion, reached late this afternoon by the President and Secretary Alger, was made public by the latter as he left his office, after 6 o'clock this evening.

"All those who have arms will turn them over to this government. This is final." These were the Secretary's words when asked for information on the subject. "And," he added in response to a further inquiry and to clear any doubt that might exist on the subject, "the rifles will not be returned to Spain."

This decision of the President applies alike to those Spanish soldiers who have not been engaged with the United States troops, as well as to those who have been participants in the recent battles.

Oliver Bros., the editors and proprietors of the Milton Herald, have sold it to Mr. Ogden F. Crowson. The Observer wishes the new management the greatest success.—Charlotte Observer.



The Surrender of Santiago.

SPANISH FLAG TAKEN DOWN

"Old Glory" Unfurled in Its Place.

A VIEW OF THE HARBOR.

City Showed No Traces of The Bombardment

Under Morro Castle, Harbor of Santiago de Cuba, July 17, 3 p. m. via Playa Del Este, Province of Santiago de Cuba, July 17, (delayed in transmission)—At exactly nine o'clock this morning the Spanish flag was lowered from the staff crowning the heights upon which battered Morro Castle spreads half-way. The ceremony attesting the defunct sovereignty of Spain in this part of the world was witnessed by a few Spanish and American troops on shore and by the Brooklyn, New York, Vixen and Vesuvius, lying within a few hundred yards of the harbor entrance. Almost immediately after the flag was hauled down steam launches commanded by Lieutenants Hobson and Palmer entered the harbor, penetrating as far as the firing stations of the submarines. These mines were judged to be not so formidable as expected, and later in the afternoon they were all exploded under the supervision of the Vixen. It was seen that two mines had been exploded at the time of the entrance of the Merrimac into the channel of Santiago harbor, but it is not thought probable that either of them had anything to do with the sinking of the craft.

MESSAGES TO SHAFTER.

The President and Secretary Alger Telegraph Words of Congratulation and Praise.

WASHINGTON, July 16.—The following messages were sent today by President McKinley and Secretary R. A. Alger:

"To General Shafter, commanding Front, Near Santiago, Playa.

"The President of the United States sends to you and your brave army the profound thanks of the American people for the brilliant achievements at Santiago, resulting in the surrender of the city and all of the Spanish troops and territory under General Toral. Your splendid command has endured not only the hardships and sacrifices incident to campaign and battle but in streets of heat and weather, has triumphed over obstacles which would have overcome men less brave and determined. One and all have displayed the most conspicuous gallantry and earned the gratitude of the nation. The hearts of the people turn with tender sympathy to the sick and wounded. May the Father of Mercies protect and comfort them.

[Signed] "WM. MCKINLEY."
"To Major General Shafter, Front, Near Santiago, Playa:

"I cannot express in words my gratitude to you and your heroic men. Your work has been well done. God bless you all.

[Signed] "R. A. ALGER, Secretary of War."

WASHINGTON, July 16, 9:15 p. m.—The following has been received at the White House:

"Playa Del Este, July 16, via Hayti, Camp Near Santiago, July 16.

"To the President: I thank you and my army thanks you for your congratulatory telegram of today. I am proud to say every one in it performed his duty gallantly. Your message will be read to every regiment in the army at noon to-morrow.

[Signed] "SHAFTER, Major General."