

Chatham Observer.

VOL. I. NO. 11.

PITTSBORO, N. C., FRIDAY, FEBRUARY 7, 1902

\$1.00 A Year.

SCHLEY'S APPEAL.

The Admiral Shows Cause Why Court Opinion Should Be Set Aside.

CASE IS THOROUGHLY REVIEWED

Claims That Admiral Dewey's Opinion Should Be Adopted -- Strong Argument Advanced.

The Navy Department has made public Admiral Schley's appeal to the President, filed 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 the President to 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 comprehensively in the "petition," which fills about eight printed pages of a pamphlet and is signed by Admiral Schley, and by Messrs. Raynor, Parker and Pease, of his counsel. Attached to the petition are three exhibits, A, B and C, each made up of copies extracted from the testimony taken by the court of inquiry and intended to confirm the statements of facts made in the petition itself. In this latter document 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 would 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 chief officer at the battle of Santiago, was in absolute command and was due the credit for the victory which resulted in the total destruction of the Spanish ships.

On this point the petition says: "And your petitioner, the applicant before said court of inquiry, now files with this petition an argument, together with a resume of the testimony taken during the inquiry in so far as it relates to the questions as to who was in command at the battle of Santiago, in support of the presiding officer's report, that he acted within his authority and jurisdiction in reporting his opinion as hereinbefore set forth and that 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 the said question; that it was incumbent upon such majority members to consider and determine the said question for the reason that only by so doing could they determine the propriety of the conduct of the said Schley in said battle, since it being a fact that he did assume command of the American forces there, in engaged, his action would in the absence of the right and duty to do so have been highly censurable and upon the questions of such right and duty and the propriety of his conduct in the premises the said Schley was entitled, under the precept, to a finding and an opinion from the majority members as well as from the minority members of the said court, and your petitioner respectfully requests that the said argument and resume of testimony (which are attached hereto and marked 'Exhibit A' as considered as a part of this petition and is the basis for his prayer for relief in the premises). 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. He says that only in this way can exact justice be done him under the precept.

The second ground relates to the alleged withdrawal of the squadron at 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. The petition recites the findings of the court to the effect that the flying squadron did not withdraw at night, and declares that, by this statement, the court obviated the necessity of the press opinion as to whether or not a close, adequate blockade was established, and the propriety of Commodore Schley's conduct in the premises. It is decided that if under this specification, the eighth, more than a majority of all the witnesses were examined and about one-third of the whole period of the inquiry was consumed in its consideration, yet, notwithstanding the facts herein set forth, all of which appear upon the record of the said court, the concurring members thereof have failed utterly and entirely to discharge the most important duty imposed upon them by the terms of the

said specifications, which duty was to report their opinion upon the questions of whether or not a close or adequate blockade of said harbor to prevent the escape of the enemy's vessels therefrom were established and the propriety of Commodore Schley's conduct in the premises. Therefore Admiral Schley asks the President to annul the Secretary's endorsement, which makes "valid the failure of majority members thereof to report their opinion upon that portion of the said eighth specification." And it is also asked that there be substituted therefor Admiral Dewey's holding "the blockade of Santiago was effective." Otherwise, the petitioner states that he will be without a finding or opinion upon one of the most important specifications.

The third recites that Admiral Dewey, according to the evidence, held that "passage from Key West to Cienfuegos was made by the flying squadron, with all possible dispatch, having in view the importance of arriving off Cienfuegos with sufficient coal; that the blockade of Cienfuegos was effective, that the Adula was permitted to go in 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." The petition states that this opinion, being at variance in certain points with the majority opinion, is the only one justified by the facts before the court and it is asked that the Secretary's approval of the majority findings be set aside and annulled in each instance where it is at variance with Admiral Dewey's opinion, and that the latter's opinion should be approved for the reasons heretofore set out in the bill of exceptions filed with the Secretary of the Navy.

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 its 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. The petition concludes:

"And your petitioner most respectfully states that only by the action for which he prays in this relation can exact justice be done him within the contemplation of the precept, under which the said court sat and whence it derived its authority."

Exhibit A is an argument and a resume of testimony concerning the question of command during the battle of Santiago. 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. Therefore counsel held that it is an incontrovertible fact that the court was authorized to determine the question of command at the battle of Santiago. 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.

Counsel argues that the points in dispute and undetermined by the court are detrimental to the service and to Schley, and should have been settled.

Counsel next take up the question of the propriety and justice of Dewey's opinion that Commodore Schley was in absolute command in the battle of Santiago and is entitled to the credit of the glorious victory, and quote many excerpts from the testimony to establish the correctness of this conclusion. It is recited that Sampson signalled to "disengage motions commander-in-chief," when he started eastward that morning, thereby conferring command upon Schley. It is asserted that the New York did not reach the zone of last surrender of the last Spanish ships until one hour and 15 minutes after the battle ended, and that at 9:35 on the morning of July 3, the New York was out of sight of every ship of the blockade squadron but one, making it impossible for her to communicate with any of them. Counsel also cite Secretary Long's statement to the Senate that Sampson was proceeding toward Siboney, when the Spanish ships engaged, under orders from the Department to confer with Shafter, and it is held that these orders detached him temporarily from his command at that Schley was actually in command at the battle, by virtue of his rank; by the absence of Sampson, and by virtue of the fact that he was in authority as second in command of the American forces before Santiago and as senior line officer on the spot during every movement of actual battle; could and did exercise authority and command over the American forces actually engaged. Further argument on this question of command is to the effect that Cook and Clark, the two ship captains present at the surrender of the Colon, recognized Schley's seniority, and also that Sampson's order of battle failed entirely as soon as the Spanish squadron succeeded in passing beyond the westernmost extremity of the American vessels. All of which, it is submitted goes to prove conclusively that the individual opinion of Dewey was eminently proper and wholly justified by the evidence and the naval regulations.

Exhibit C elaborates and sustains the statements made in the petition respecting the passage of the flying squadron from Key West to Cienfuegos. Exhibit C maintains that the majority of the court rejected all of Schley's testimony and of his witnesses and says: "That if his testimony was all false, they should have so announced and if all or any part of it was true, the said applicant was entitled to the benefit of it and by declining to consider or pass upon it they have deprived him of his common law and constitutional rights

THE BIDDLE TRAGEDY

Both Men Lie in a Most Corrible Manner.

CROWDS STOOD AROUND THE JAIL

Coroner's Inquest Develops the Fact That Both the Biddles Attempted Suicide.

Butler, Pa., Special.—The terrible fate of the Biddles was the sole topic of conversation here Sunday and curious throngs of people have been defying the storm, hanging about the jail entrance in vain attempts to get in to see the bodies of the dead murderers. A great deal of sympathy for the boys is expressed on all sides, and not a few of the female portion of the crowd expressed a desire to see what manner of a man Ed. Biddle was, that he could exert such wonderful influence over the woman. The jail doors were closed all day and no one got in but the coroner who attended the autopsy, and the coroner's jury. The newspaper reporters were excluded from the inquest, which was held in the jail, and nothing concerning the deliberations could be learned until late in the afternoon. The testimony of all the officers concerned in the capture was taken except Rob Ray, the Butler policeman, who is sick. The testimony of Dr. R. B. Greer, who was one of the doctors who attended the Biddles, and of Sheriff Thomas R. Hahn, was also taken.

The verdict said that Ed. Biddle came to his death by a revolver shot fired from a 3-calibre revolver by himself, and that Jack Biddle met his death from a gun-shot wound inflicted by the officers in the discharge of their lawful duty. Under the instructions of Coroner John Jones, an autopsy was held on both the Biddles Sunday morning. The evidence secured by the autopsy bears out the statements that the men intended to kill themselves rather than be taken alive and that Ed. succeeded in his attempt, while Jack failed, though his life was forfeited. Dr. Bricker gave the following statement after the autopsy: "Jack Biddle was the worst shot of the two men, although he was in better condition than Ed. when the men were brought to the jail on Friday night. He had two gun-shot wounds, one on the right side in the region of the liver, the bullets passing up and around the body and doing no damage. These were removed on Saturday. A bullet wound was found in the roof of the mouth, but it was slight and would not have caused his death. This wound was inflicted by himself with the evident intention of killing himself. His right arm was shattered by five bullet wounds. The wound that caused his death was made by a 4.75-calibre bullet that passed through the crest of the skull, on the right side, and passed back through the kidney."

In all Jack suffered from nine wounds but excepting the one that penetrated the kidney, none of them would have been fatal. Ed's suffering from his wounds was intense. One wound was made by Ed himself, the powder marks being visible on the skin. Death was caused by hemorrhage, and the man suffered untold agonies to the last breath. In the opinion of the doctors who held the autopsy, there is no doubt that he killed himself.

The pastors in nearly all of the churches in Butler took occasion Sunday to refer to the sensational capture Friday of Mrs. Kate Soffel and John and Ed. Biddle, who died in the county jail Saturday night. Rev. Father Walsh, pastor of St. Paul's Roman Catholic church, who ministered to the Biddles in their dying hours, spoke touching-ly of them to the members of his parish, in both masses. He touched briefly on their sad fate given out and said it was for every person to decide for themselves as to the innocence or guilt of the men. When seen at his residence in the afternoon, Father Walsh said: "Besides the statements given out by the Biddle boys to the newspapers and officers of Butler county, both Ed and Jack Biddle made confessions to me. Their confessions were full and complete in every particular and they will never be revealed. The poor boys died like dogs, literally riddled with bullets and some one should be held responsible for inhuman actions in shooting them when entirely helpless, unarmed and unable to make the slightest defense or resistance."

Rev. Samuel Cronin Welt, of St. Mar's Evangelical Lutheran church, criticized severely the woman whom he held responsible for the whole affair. He said: "The Biddles and Mrs. Soffel made a vain fight from justice and retributions swiftly came upon them. The blindness and infatuation of this woman in leaving her beloved husband and helpless little children for a gang of desperadoes is the worst criminal act thus far in the history of the twentieth century."

Great Fire in Waterbury. Waterbury, Conn., Special.—The most disastrous fire in the history of the city, shortly before 8:30 Sunday evening, and at midnight was not under control. A large section of the business part of the city has already been wiped out. In the high wind prevailing there is little hope of saving what still stands in that part of the business section south of Exchange Place. The fire originated in the upholstery department of the Heid and Hughes Dry Goods Company, and the store, as well as many adjoining buildings, are smoldering cinders. The property damage will be over \$2,000,000.

SERIOUS FIRE AT NORFOLK.

Many Narrow Escapes and Heavy Property Loss.

IN CONGRESS.

Detailed Doings of Our National Law-makers.

Norfolk, Special.—A heap of smoking ruins is all that remains of the Atlantic Hotel the massive Columbia office building which adjoined the hotel, the Albermarle flats and a block of stores in the center of the city. The conflagration, one of the greatest in the history of Norfolk, broke out shortly before 2 o'clock Friday morning, and when finally subdued over half a million dollars' worth of property had been destroyed. The loss is said to be fully covered by insurance. The flames started in the Columbia, which is the largest but one of Norfolk's office buildings. It was a structure six stories high and was built in 1892 by Davis Lowenberg, its owner. The fire was first discovered at 1:55 o'clock in the morning and shortly afterward over 1,000 gallons of whiskey stored in the basement of the building exploded with terrific force, tearing out the front wall. The firemen were driven back by the explosion and before they could get a stream of water on the flames the entire building was afire. Hardly 15 minutes later the north wall, which was over 100 feet high, fell in, completely annihilating the home of the Virginia Club, which adjoins the building on the north.

From the outset it was evident that the immense Atlantic Hotel was occupied. J. Bull Davidson, its owner, personally made the rounds of the rooms and aided by his assistants, aroused every guest in the building. To this day due the fact that so far as known no lives were lost, although about 200 people were asleep in the hotel when the alarm was sounded. The little army of half dressed men and women refugees from the flames crowded their way through the crowded streets. In their hands they carried such small belongings as they were able to save in their flight. The flames soon spread to the five-story Albermarle apartment house, opposite the Virginia Club, which was quickly destroyed, and then to the entire block facing the Atlantic, and running from Plume to Main streets. Within an hour this block was annihilated.

The origin of the fire is not known. The blaze was first discovered in Brown's cafe, which occupies part of the Columbia building, by a policeman who immediately went in to the alarm. The whiskey which exploded was in this cafe. All the Atlantic Hotel guests escaped, though J. O. Ready, of Brooklyn, N. Y., had a close call. The Watt, Bettew and Clay building was saved, although the stock was saturated by water. In the Atlantic Hotel building were the ticket offices of the Southern, Baltimore and Ohio, and Norfolk and Western Railways. The offices of Nottingham and Wrenn, wood and coal dealers; the Equitable Life Assurance Company; Dodson's drug store, Vermillion's liquor store, and Solomon's tailor's establishment. In the Columbia building were the cafes of C. R. Brown and Neddes; the offices of D. Lowenberg, the owner, and of numerous real estate firms, lawyers, physicians, architects and contractors. In the block destroyed were the Albermarle were Johnston's china store; Carey and Dean, tailors; Hatch and Dean, furnisiers; Mottin, Dewitt and Co., brokers; Stephenson and Taylor, freight department, and the office of the Virginia, Tennessee and Georgia Air Line.

The loss will approximate \$900,000, possibly half covered by insurance. The buildings burned were: Atlantic Hotel, for which, with its site, C. M. Randolph, who is associated with R. Lancaster, recently paid \$310,000. Columbia building, which cost \$50,000. Everything in the building's offices was destroyed; loss over \$100,000. Albermarle apartment house, owned by George L. Arps, valued at about \$25,000; the Johnston China Company, occupied the ground floor and lost \$10,000. Building owned by C. W. Sams, valued at \$12,000. Mottin, Dewitt and Company, bankers and brokers, occupied two floors of this building and lost valuable papers. Building owned by Mrs. Sarah Abbott, occupied by Stephenson and Taylor, real estate and other tenants, lost \$10,000. Buildings occupied by Hatch and Dean, men's furnishings, \$15,000; L. B. Carey, merchant tailor, \$10,000; L. G. Blue, florist, and three buildings on Plume street, in the rear of the Virginia Club, \$20,000.

Work of Virginia Convention. Richmond, Special.—The constitutional convention did a good day's work Friday. The chairman announced the appointment of Messrs. Watson and Meredith as additional members of the committee of final revision. The report of the committee on agriculture was adopted with some additions, the most significant being that making the Commissioner of Agriculture elected by the people, and fixing the term of office at four years. Another was that striking out the additional members of the board of agriculture and leaving it constituted as at present, except that the president of the Virginia Polytechnic Institute shall be a member of it.

Military Appropriations. Washington, Special.—The military appropriation bill has been practically completed by the house committee on military affairs and Chairman Hall will report it as soon as he returns from a trip to Iowa, which he is about to take. The bill carries approximately \$91,000,000, which is about \$10,000,000 below the estimates and about \$26,000,000 below the appropriation last year.

IN CONGRESS.

Detailed Doings of Our National Law-makers.

TAR HEEL SUMMARY.

Items of State News Gleaned From All Sections.

Charlotte, N. C., Special.—Hugh Cavanaugh, who has just completed a trip through the South writing up the child labor problem for a Cincinnati paper, in an interview with a local paper, says: "I have heard much of the child labor problem, but I never believed before until I made a personal investigation. I find the conditions worse than described." In speaking of Columbia, S. C., he said: "In a Columbia mill working about 1,500 employees there were 400 children under twelve years of age. In another cotton mill communally, out of six to eight thousand people, including children, there were only 129 in school. In most instances these people live in the company's houses, burn the company's wood, eat the company's groceries; in other words belong to the company body and soul."

"Two of the most forcible pictures I have taken," said Mr. Cavanaugh, referring to his camera, "were taken right here in Charlotte. One of them depicts a child about six years of age at work in a cotton mill and the other a man weighing 255 pounds carrying dinner to his children, some of them under twelve years of age. I find that of the younger generations, sixteen years and under, the proportion of illiteracy is about ninety per cent."

Greensboro, N. C., Special.—Mr. M. H. Dooley, chief law agent of the Southern Railway, is here for the purpose of instituting libel suit against the Charlotte Observer and the Raleigh News and Observer. The suit results from the publication by those papers of matter concerning the recent alleged scandal during the progress of a damage suit against the Southern Railway in the Superior Court of Randolph county. The complaint has not yet been filed, but it is understood that the amount of damages will be placed at high figures. The suit will be brought in the Federal Court. Mr. Dooley has employed Bynum & Bynum to represent him.

Elon College, Special.—Elon College is out of debt. This institution is the property of the Christian denomination. Some time ago, Mr. F. A. Palmer, a retired banker of New York city, offered to donate to the college \$20,000 for the Christian Convention would raise \$12,000 additional. The work has been pushed, and yesterday Mr. P. H. Fleming, the Convention's president, placed a check for the latter amount in the hands of Mr. S. A. Holleman, treasurer of the college. Mr. Palmer will be promptly notified, and his contribution will follow, thus placing Elon College on a solid financial basis.

An examination of the lot shows that as few as 10 per cent will be saved from some barrels while in others 95 per cent are still sound. He employed a force of hands and went through the whole lot, having them rubbed thoroughly and wrapped up nicely. He hopes to keep a good variety for the exhibit during North Carolina week. He attributes the bad condition to the defective cold storage which he says is also nothing extra at Charleston.

Miss Minnie Rose, a most estimable young lady of Greensboro, met with a horrible death on the banks of the Neuse River, Saturday afternoon. While waiting for her brother to eat his dinner, which she and her sister-in-law had brought to him, the log on which she was sitting began rolling down the bank, catching her skirt, and dragging her under, crushing her life out beneath its weight.

The end of Raleigh's burglar scare seems not to be yet. The latest reports of experiences with these unwelcome prowlers come from the residence of Mr. W. R. Cwalton, on South Salisbury street, and that of Mrs. Yaeger, corner Blount and Peace streets.

Goldboro, N. C., Special.—The case of Mr. Richard Johnston, who broke his arm at Laurin, while alighting from the train last February, and who is suing the Atlantic and North Carolina Railroad for \$10,000, came up in the Superior Court here this morning.

Mr. Alry, N. C., Special.—Garfield Atkins and Bud Marshall, white boys, while in a field near the home of Atkins's father, became engaged in a controversy and Marshall shot and instantly killed Atkins, the entire load of shot entering his heart and lungs.

"Mean cown liquor" was the cause of it all. Jerry Atkins, father of one of the boys, is a liquor seller in that community, and the boys loaded up with the stuff before they left the house.

It is said that several parties from Martin, N. C., are entering bogus mountain land claims in Burke, Alexander and Caldwell counties. The scheme bids fair to rival the Anos Owen Cherry Tree and other swindles unless checked in time.

Durham, N. C., Special.—Pursuant to a call by the mayor, M. E. McCowan, a meeting of the board of aldermen of Durham and citizens was held tonight to take some action in regard to memorializing Congress to make an appropriation for a public building for the city. The following committee was appointed to do all in their power to secure the passage of the bill: R. N. Duke, Agnes B. W. Winston, W. T. O'Brien, Geo. W. Watts and W. A. Erwin.

This committee, or most of them, expect to go to Washington and use their best endeavors in behalf of the measure.

Mr. C. H. Field's, an aged and well known citizen, died very suddenly at his home a short distance north of this city this morning.

TAR HEEL SUMMARY.

Items of State News Gleaned From All Sections.

SENATE.

Thirty-second Day.—For an hour the Senate had under discussion the question whether a censorship of press dispatches exists in Manila. While no such scenes were enacted as were witnessed during Tuesday's session, the debate for a time was very spirited.

The Secretary of War was quoted as saying that no press censorship now existed in the Philippines and a letter from General Greely, the chief signal officer of the army, was presented by Mr. Beveridge, of Indiana, making the statement officially that there was no censorship of press dispatches and that "the press is entirely free." On the contrary, it was contended by the opposition that a press censorship did exist in the Philippines and that copies of every news dispatch filed with the cable company was filed with the military authorities. That, it was maintained, constituted a virtual censorship.

Mr. Cullom, chairman of the committee on foreign relations, delivered an extended speech on the history of the reciprocity negotiations. Mr. Cullom maintained that the Dingley act could not limit the treaty-making power or the time in which the President shall make treaties.

Thirty-third Day.—The day's session of the Senate was entirely void of the tumultuous scenes with characteristic of the sessions of the past three days. After the Philippine tariff measure was taken up at 2 o'clock Mr. Tillman delivered a speech devoted almost entirely to a discussion of the part his State took in the war for the independence of the Colonies. Incidentally he referred occasionally to the pending bill, drawing inroads, as he said, for the benefit of the majority that they might be applied to the present trouble in the Philippines and to the Government's treatment of the Filipinos.

The Biddles Captured.

Pittsburg, Special.—Edward Biddle in jail, dying, and his brother killed with buckshot and in precarious condition, and Mrs. E. K. Soffel, in the hospital with a bullet wound in the breast, is the sequel of the sensational escape of the Biddle brothers from the Allegheny county jail by the assistance of Mrs. Warden Soffel, the story of the close of the Biddle tragedy, which came at 7:45 Friday afternoon, is a thrilling one.

Prince Henry Lays.

Berlin, By Cable.—Admiral Prince Henry of Prussia, left here Sunday morning for Kiel. Andrew D. White, the United States ambassador, came to the railroad station to bid farewell to the Prince, who will probably not return to Berlin before sailing for the United States. Mr. White told Prince Henry that the city of Chattanooga desired to present him an album of views. The Prince said he would be delighted to accept the album.

Robbed the Mails.

Savannah, Ga., Special.—J. C. Legree, colored, mayor and assistant postmaster of Burroughs, Ga., a colored settlement, was arraigned by Postoffice Inspector Lewis on a charge of robbing the mails. A decoy letter was sent through the office containing money. The letter and the marked money were found on Legree's person. Legree was a sort of post-bag of the village, holding almost every office in it. He claimed that he was only retaining the letters because the postage on it was insufficient.

Peace in South Africa.

London, By Cable.—The British reply to the note in regard to agreeing about peace in South Africa was dispatched Friday to The Hague. The contents of the note are kept strictly secret, as the first publication of the text is intended to be made in Parliament Monday, February 3. Great Britain's reply is not in the nature of direct negotiation, though it is not unlikely that it will have that effect. While Lord Lansdowne probably will leave a loophole for further suggestions, he doubts the ability of the Boer delegates to control their fellow countrymen.

Military Appropriations.

Washington, Special.—The military appropriation bill has been practically completed by the house committee on military affairs and Chairman Hall will report it as soon as he returns from a trip to Iowa, which he is about to take. The bill carries approximately \$91,000,000, which is about \$10,000,000 below the estimates and about \$26,000,000 below the appropriation last year.