

A. H. Horn  
Pittsboro  
nc

# Chatlham Observer.

VOL. 1, NO. 14.

PITTSBORO, N. C., FRIDAY, FEBRUARY 28, 1902

\$1.00 A Year

## VALET CONFESSES.

### Astonishing Turn in the Now Famous Rice Murder Trial.

### TELLS PARTICULARS OF MURDER.

#### Lawyer Patrick Dosed the Aged Millionaire, and Finally Chloroformed Him to Death.

New York, Special.—A very dramatic point in the trial of Lawyer Albert T. Patrick for the murder of the Texas millionaire, William Marsh Rice, was reached Thursday afternoon. Chas. F. Jones, the valet, had been relating the circumstances leading up to the somewhat sudden death of Mr. Rice, in September. Then pausing at once into the details, he held the attention of his audience to the end of his recital. Freed of minor points his story runs:

"In August Patrick grew impatient, Mr. Rice, though an invalid, was living too long to suit the lawyer's purposes. Patrick said he would come to the house and kill him himself if necessary. He suggested chloroform and Jones said he would get some. The idea of chloroform as a means was suggested by a magazine article. It was determined on after Jones talked with a physician who said a person whose heart was affected, as was Mr. Rice's, could be most easily killed with it and that little trace of the drug would be left. Jones got a two-ounce vial of it by writing to his brother in Texas.

Jones then branches off into the alleged plan adopted to weaken the alleged plan adopted to weaken the alleged messure and iron pills. The pills brought on debilitating diarrhoea. Then, unwittingly, a friend brought Mr. Rice a present of bananas. Of these the old man ate nine. The fruit made him exceedingly ill, and yet the weakening doses of mercury were kept up. By Saturday, about the eighth day of the last illness, Mr. Rice became delirious. This testimony brought the events up to Sunday, the day of death, and the witness said that during these days of illness he kept Patrick informed of the details personally and by telephone.

William Marsh Rice's quick death, declared the witness, was decided on at a conference between Patrick and Jones held Saturday night. Jones had told the lawyer of the arrival of a draft for \$25,000. Patrick told him it was time to apply the chloroform, now that the draft had come and that Captain Baker was coming, or they would lose all. Jones agreed.

Jones here told his story of the actual killing. He made a cone of a towel in the small end of which was a chloroform-soaked sponge. Creeping into the room where Mr. Rice lay sleeping, he quickly covered the sleeper's face with the large end of the cone. Jones rushed out of the room. In half an hour he came back. He removed the cone. Mr. Rice was dead. Jones swore he telephoned to Patrick the words: "Mr. Rice is very ill," the agreed signal between the two of death, and the witness said that Patrick came to the house and removed all of Mr. Rice's papers.

"Some time in August," Jones said in the course of his narrative, "Patrick asked me if I did not think Mr. Rice was living too long for our welfare. He thought it would be a good thing if we would put him out of the way. He said if I did tell him some night when Mr. Rice was sleeping soundly, he'd come up and do it. If I would not."

"What was said of chloroform?" asked Attorney Osborne.  
"Patrick said that would be an easy way to put Mr. Rice away. An article in a magazine gave him the idea. Something was said about getting chloroform, and Patrick said it was very hard to get; that one had to have all sorts of certificates before the druggist would sell it. I told Patrick he could leave that to me. I sent my brother \$5 and he sent me chloroform in a four-ounce bottle. Patrick said he had often wondered about what would be the effect of chloroform on a person afflicted with heart trouble. I put the question to Dr. Curry, and he said no little chloroform would be needed to kill a person who had heart disease; that it was doubtful if any traces of the poison would remain after death. I told Patrick what Dr. Curry had said."

### Secretary Long to Retire.

Washington, Special.—Now that the Schley matter has been settled officially, it is understood that Secretary Long feels that he is at liberty to carry out the project cherished by him in the last year of President McKinley's administration and retire to private life. However, this is not expected to ensue at once, for there is no certain knowledge of what may follow in Congress, notwithstanding a strong belief by the administration that the cabinet is settled beyond revival. Therefore, it is understood the change in the cabinet circle will not take place before the adjournment of the present session of Congress and perhaps not until next fall.

### Carriage Factory Wrecked.

Valdosta, Ga., Special.—During a terrific wind storm here Thursday morning, the carriage factory of the Robert-Cranford-Dasher company was wrecked. The building fell 15 minutes before the employees were due to begin their day's work. The loss to the company is \$10,000. No further damage than shrapnel trees and fences destroyed has been reported.

## DEATH OF GEN. TOON.

### State Superintendent of Public Instruction Passes Away.

Raleigh, Special.—The people here were shocked at the news of the death of Gen. Thomas F. Toon, State Superintendent of Public Instruction, which occurred Wednesday morning after 10 o'clock at his home here. He was thought to be entirely well, and though he had not been in his office since he left November 20th to go to northeastern North Carolina, he had for several days been consulted about business and was in fine spirits Tuesday and Wednesday. He felt well at breakfast, but afterwards complained of acute indigestion. A physician was sent for and quickly responded. In a few minutes Gen. Toon said he felt all right. He said he would be down a little while. The moment he did, so his face became purple and death came like a flash.

The news came like a thunderclap to the State officials, who hastened to his home. The Council of State met and adopted the following resolutions:

"Resolved, That in the death of Gen. Thomas Fentress Toon, late superintendent of Public Instruction, and his associates in the Executive Department of the State government, have lost a wise and faithful counselor and friend and the State one of her most careful and efficient officers. True in war and loyal in peace, his heroic spirit at rest and North Carolina mourns the loss of a noble soul.

"Resolved, That we tender the relatives of the deceased our deepest sympathy in their great affliction.

"Resolved, That a copy of these resolutions be sent to the family and also be spread upon the minutes of the Council of State."

The flags, State and national, on the capitol were placed at half-staff and the building was closed. At 2 o'clock just before the Supreme Court ended its business for the day, Attorney General Gilmer made official announcement of the death and the court adjourned as a mark of respect.

Gen. Toon was born in Columbus county, June 10, 1840. He graduated at Wake Forest College in 1861 with very high honors. He enlisted as a private in Company K, Twentieth Regiment, North Carolina Troops, and was a colonel before he was 23 years old. He was in 1863 appointed under a special act of Congress a temporary brigadier general, and commanded Johnson's Brigade for many months, while Johnson was recovering from wounds. He was then re-commissioned as colonel and resumed the command of his old regiment. He was wounded five times. He gave your correspondent two bullets extracted from him. After the war he was in the service of the Atlantic Coast Line 15 years, then took charge of Fair Bluff Academy. In 1867 he married Miss Carrie Smith, who is buried at Fair Bluff. Five children survive him, these being Mrs. Olivia Rowland, of Brodie, Warren county; Mrs. Mary Fuller, and Miss Robbie Toon, of Lumberton; T. F. Toon, of Atlanta, Ga., and H. B. Toon, of Lynchburg, S. C. Both of the latter are in the railroad service. He leaves two brothers, Archie Toon and Abraham Toon, of Whiteville, and a half-brother, Donald McCracken, of Whiteville. He represented Columbus county in the lower House of the Legislature and Robeson and Columbus in the Senate. In 1891 he married Mrs. R. C. Ward, who survives him. He made Lumberton his home and devoted himself to teaching and farming. With his nomination for the office of State Superintendent and his career therein all are familiar. He was a likable man, in all respects, and devoted to his work and to the best interests of North Carolina. It is not yet known where he will be buried. It is the desire that he shall be buried here.

Three months ago General Toon left here to go with Governor Aycock on an educational trip to the northeastern countries. He told his assistant, Capt. Buckett, that he dreaded the trip and wished he could get out of going. He was restless and seemed to fear trouble. He said afterwards he took cold at Wilmington, while sitting in a draft after speaking.

At a meeting held in the executive office the following resolution was unanimously adopted: "Resolved, That the Governor and his Council respectfully request that the remains of General Toon be laid in state in the rotunda of the capitol pending the arrangements for funeral obsequies." A further resolution was adopted requesting the Governor to communicate the action of the Council through Capt. John Buckett to relatives. The body will not lie in state, as Mrs. Toon desires that it remain at the home until the general's children arrive.

### Liberals Condemn Surrender.

London, By Cable.—At the annual meeting of the general committee of the National Liberal Federation held at Leicester, after considerable debate, a resolution was passed condemning the policy of insisting on the unconditional surrender of the Boers in South Africa, affirming the future contentment and security of South Africa could only be secured by regular peace on broad, generous lines; welcoming the Impetus Lord Rossbery has given to this policy and calling on all Liberal members of the House of Commons to support the Liberal leader, Sir Henry Campbell-Bannerman, in his advocacy of this policy.

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### President Sustains Findings of the Naval Court of Inquiry.

### HE CRITICISES BOTH ADMIRALS.

#### Censures Schley For His "Retrograde Movement" and Sampson For Being Absent.

Washington, Special.—The memorandum of the President upon the appeal of Admiral Schley from the verdict of the court of inquiry to examine into his conduct during the Spanish-American war, was given to the press Wednesday. It says:

"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 captives of the two admirals, which were actually 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 these 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 in error 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 blockade squadron on the 27th 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 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 his 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.

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The President then quotes from a magazine article written by the late Admiral Philip and the statements by Capt. Clark and Admirals Evans and Taylor and Commander Wainwright and reviews the damage to the Spanish ships by the guns of the American fleet and continues:

"From the statements of the captains above, from the official reports, and from the testimony before the court of inquiry, the fight can be plotted with absolute certainty in its important outlines, though there is conflict as to minor points. When the four Spanish cruisers came out of the harbor the New York had left her position in the blockading line 40 or 45 minutes before. She had hoisted the signal 'Disregard the movements of the commander-in-chief,' but had not hoisted the signal to the second in command to take charge, which, as appears by the signal book, was sometimes but not always used when the command was transferred. As soon as the engagement began the New York turned and steamed back hoisting a signal to close in, which, however, none of the squadron saw. She was in plain sight, and not very much farther from the easternmost blockading ships than the latter were from the Brooklyn, which was the westernmost of the line. As soon as the Spanish ships appeared the five big American blockaders started toward them in accordance with the standing orders of Admiral Sampson. After this first move each acted purely on his own initiative. For some minutes the Spanish and American vessels steadily approached one another, and the fighting was at the hottest. Then the already damaged Spanish ships turned to the westward, while at the same time the westernmost American vessel, the Brooklyn, which was nearest the Spanish line, turned to the eastward, making a loop or three-quarter circle, at the end of which she again headed westward, farther off from and farther behind the Spanish vessels than before the loop had begun, but still ahead of any of the American vessels, although farther outside. The Texas, the next ship to the Brooklyn, either was or conceived herself to be in such jeopardy by the Brooklyn's turn toward her that she backed her engines, coming almost or quite to a standstill; so that both the Oregon and the Iowa, which were originally to the eastward of her, passed her, and it was some time after she again started before she regained her former position relatively to the Spanish vessels. The Spanish vessels had straightened out in column for the west the Colon going inside of the others and gradually forging ahead of them without suffering much damage. The two torpedo boats, which had followed them out of the harbor, were now destroyed by the fire of the nearest of the American big vessels and of the Gloucester, which headed straight in for them, paying no more heed to their quick-fire guns than to the heavy artillery of the forts, to which she was also exposed.

## HAD A FREE FIGHT

### Tillman and McLaurin Come to Blows in the Senate Chamber.

### BOTH SUSPENDED FOR CONTEMPT.

#### Sensational Development in the Old Controversy Between the Senior and Junior Senator From S. C.

Washington, Special.—Washington's birthday was signalized in the United States Senate by a "free fight." The two Senators from South Carolina were the active participants in the affray. Mr. Tillman, in the course of a speech upon the Philippine tariff, made serious reflections upon the honor of his colleague, Mr. McLaurin. In brief he charged that Mr. McLaurin's vote in support of the ratification of the treaty of Paris had been cast through the air of improper influences.

His statement was developed in a colloquy between him and Mr. Spooner of Wisconsin. Mr. Tillman at first declined to mention names, but when the Wisconsin Senator reminded him that he owed it to himself, to the Senate and to the country "to name the man," Mr. Tillman indicated that he referred to his colleague from South Carolina. Little imagining that his words were likely to be prophetic, Mr. Spooner remarked, sententiously: "I will leave the Senator to fight that out with his colleague."

Mr. McLaurin was not in the chamber at the time, being engaged in committee work; but he was sent for and appeared just as Mr. Tillman concluded his speech.

Pale as ashes, Mr. McLaurin rose to address the Senate, speaking to a question of personal privilege. He reviewed Mr. Tillman's charges, briefly and then denounced the statement made by his colleague as "a wilful and deliberate lie."

Scarcely had the words fallen from his lips when Mr. Tillman, sitting a few seats from him, with Mr. Teller of Colorado between them, sprang at him. Mr. McLaurin, who had half turned towards Mr. Tillman, met him half way, and in an instant the two Senators, having swept Mr. Teller aside, were engaged in a rough and tumble fist fight. Mr. McLaurin received a heavy blow on the forehead, while Mr. Tillman got a bad punch on the nose, which brought blood.

Assistant Sergeant-at-Arms Layton sprang over desks to reach and separate the combatants, and himself received several blows. He got between them finally and by main strength wrenched them apart.

Senators Warren of Wyoming and Scott of West Virginia, two of the most powerful men in the Senate, leaped to his assistance and, pinning the arms of the belligerent Senators, forced them into their seats.

Intense excitement prevailed in the Senate and in the galleries, which were thronged with people who had been attracted by the spirited debate. Everybody was on his feet. Not a word, however, was spoken. Senators stood about the chamber, for the moment quite helpless and pale to the lips. Finally order was restored partially, and in the midst of intense excitement the Senate went into secret legislative session.

For two hours the Senate discussed the event behind closed doors. When the doors were reopened it was made known that both of the South Carolina Senators by unanimous vote had been declared to be in contempt of the Senate. They were permitted, by a vote of the Senate, to make apologies to the Senate. The statements were listened to by both the Senators and the people in the galleries with breathless interest.

Senator Tillman left the capitol when adjournment was taken for recess and did not return for the night session. Senator McLaurin was in the chamber about 8 o'clock, but left early. Neither Senator, when seen at his home, would make a statement.

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"In the running fight which followed until the Teresa, Oquendo and Indiana gradually dropped behind, although she continued to fire until the last of the three vessels went ashore. The Brooklyn was ahead of any of the other American vessels on a course outside theirs; she was nearly broad side on to the Spaniards. The Oregon, Iowa and Texas were all close together and actively engaged throughout this running fight. The Brooklyn and Oregon followed at some distance by the Texas, then continued in the chase of the Colon, which went nearly thirty miles farther before she also went ashore. During this chase of the Colon there was practically no fighting.

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"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 set in the recommendations for promotion 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 exhaustive official reports of the action leave little to be brought out anew; but as the question of Admiral Sampson's right to be considered in chief command, which was determined in his favor by President McKinley, and later by the Court of Claims, has never hitherto been officially raised, I deemed it best to secure statements of the commanders of the five ships (other than the Brooklyn and New York, the flagships of the two admirals) which were actively engaged in the fight."

The President then quotes from a magazine article written by the late Admiral Philip and the statements by Capt. Clark and Admirals Evans and Taylor and Commander Wainwright and reviews the damage to the Spanish ships by the guns of the American fleet and continues:

"From the statements of the captains above, from the official reports, and from the testimony before the court of inquiry, the fight can be plotted with absolute certainty in its important outlines, though there is conflict as to minor points. When the four Spanish cruisers came out of the harbor the New York had left her position in the blockading line 40 or 45 minutes before. She had hoisted the signal 'Disregard the movements of the commander-in-chief,' but had not hoisted the signal to the second in command to take charge, which, as appears by the signal book, was sometimes but not always used when the command was transferred. As soon as the engagement began the New York turned and steamed back hoisting a signal to close in, which, however, none of the squadron saw. She was in plain sight, and not very much farther from the easternmost blockading ships than the latter were from the Brooklyn, which was the westernmost of the line. As soon as the Spanish ships appeared the five big American blockaders started toward them in accordance with the standing orders of Admiral Sampson. After this first move each acted purely on his own initiative. For some minutes the Spanish and American vessels steadily approached one another, and the fighting was at the hottest. Then the already damaged Spanish ships turned to the westward, while at the same time the westernmost American vessel, the Brooklyn, which was nearest the Spanish line, turned to the eastward, making a loop or three-quarter circle, at the end of which she again headed westward, farther off from and farther behind the Spanish vessels than before the loop had begun, but still ahead of any of the American vessels, although farther outside. The Texas, the next ship to the Brooklyn, either was or conceived herself to be in such jeopardy by the Brooklyn's turn toward her that she backed her engines, coming almost or quite to a standstill; so that both the Oregon and the Iowa, which were originally to the eastward of her, passed her, and it was some time after she again started before she regained her former position relatively to the Spanish vessels. The Spanish vessels had straightened out in column for the west the Colon going inside of the others and gradually forging ahead of them without suffering much damage. The two torpedo boats, which had followed them out of the harbor, were now destroyed by the fire of the nearest of the American big vessels and of the Gloucester, which headed straight in for them, paying no more heed to their quick-fire guns than to the heavy artillery of the forts, to which she was also exposed.

"In the running fight which followed until the Teresa, Oquendo and Indiana gradually dropped behind, although she continued to fire until the last of the three vessels went ashore. The Brooklyn was ahead of any of the other American vessels on a course outside theirs; she was nearly broad side on to the Spaniards. The Oregon, Iowa and Texas were all close together and actively engaged throughout this running fight. The Brooklyn and Oregon followed at some distance by the Texas, then continued in the chase of the Colon, which went nearly thirty miles farther before she also went ashore. During this chase of the Colon there was practically no fighting.

"These are the facts as set forth above in the statements of the captains and elsewhere in their official reports and testimony. They leave no room for doubt on any important point.

"The question of command is in this case nominal and technical. Admiral Sampson's ship, the New York, was seen at the outset of the fight from all the other ships except the Brooklyn. Four of these five ship captains have testified that they regarded him as present and in command. He signaled 'Close in' to the fleet as soon as the first Spanish ship appeared, but his signal was not seen by any American vessel. He was actually under fire from the forts, and himself fired a couple of shots, at the close of the action with the torpedo boats, in addition to signaling the Indiana just at the close of the action. But during the action not a single order from him was received by any of the ships that were actively engaged.

"Admiral Schley at the outset of the action hoisted the two signals of 'Clear ship' and 'Close in,' which was simply carrying out the standing orders of Admiral Sampson as to what should be done if the enemy's ships attempted to break out of the first portion of the fight at the mouth of the harbor, and until after he had made his loop and the Spanish ships were fleeing to the westward, not another American ship noticed a signal from him. When the western pursuit had begun the Oregon, and the Oregon only noticed and repeated one of his signals of command. The captain of the Oregon then regarded him as in command, but did not in any shape or way execute any movement or any action of any kind whatsoever in accordance with any order from him.

"In short, the question as to which of the two men, Admiral Sampson or Admiral Schley, was at the time in command, is of merely nominal character. Technically Sampson commanded the fleet, and Schley, as usual, the western division. The actual fact, the important fact, is that after the battle was joined not a helm was shifted, not a gun was fired, not a pound of steam was put on the engine room aboard any ship actively engaged, in obedience to the order of either Sampson or Schley, save of

## HAD A FREE FIGHT

### Tillman and McLaurin Come to Blows in the Senate Chamber.

### BOTH SUSPENDED FOR CONTEMPT.

#### Sensational Development in the Old Controversy Between the Senior and Junior Senator From S. C.

Washington, Special.—Washington's birthday was signalized in the United States Senate by a "free fight." The two Senators from South Carolina were the active participants in the affray. Mr. Tillman, in the course of a speech upon the Philippine tariff, made serious reflections upon the honor of his colleague, Mr. McLaurin. In brief he charged that Mr. McLaurin's vote in support of the ratification of the treaty of Paris had been cast through the air of improper influences.

His statement was developed in a colloquy between him and Mr. Spooner of Wisconsin. Mr. Tillman at first declined to mention names, but when the Wisconsin Senator reminded him that he owed it to himself, to the Senate and to the country "to name the man," Mr. Tillman indicated that he referred to his colleague from South Carolina. Little imagining that his words were likely to be prophetic, Mr. Spooner remarked, sententiously: "I will leave the Senator to fight that out with his colleague."

Mr. McLaurin was not in the chamber at the time, being engaged in committee work; but he was sent for and appeared just as Mr. Tillman concluded his speech.

Pale as ashes, Mr. McLaurin rose to address the Senate, speaking to a question of personal privilege. He reviewed Mr. Tillman's charges, briefly and then denounced the statement made by his colleague as "a wilful and deliberate lie."

Scarcely had the words fallen from his lips when Mr. Tillman, sitting a few seats from him, with Mr. Teller of Colorado between them, sprang at him. Mr. McLaurin, who had half turned towards Mr. Tillman, met him half way, and in an instant the two Senators, having swept Mr. Teller aside, were engaged in a rough and tumble fist fight. Mr. McLaurin received a heavy blow on the forehead, while Mr. Tillman got a bad punch on the nose, which brought blood.

Assistant Sergeant-at-Arms Layton sprang over desks to reach and separate the combatants, and himself received several blows. He got between them finally and by main strength wrenched them apart.

Senators Warren of Wyoming and Scott of West Virginia, two of the most powerful men in the Senate,