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LEADS ALL NORTH CAROLINA DAILIES IN NEWS AND CIRCULATION

"Gen. Miles Lies In His Throat."

Gen. Eagan's Sensational Statements Before the War Investigation Commission in Reply to Gen. Miles' Charges.

"WHOEVER CALLS IT EMBALMED BEEF IS A LIAR"

Eagan Says that He Does Not Believe that Surgeon Daly Himself thought that Chemically Preserved Beef Had Been Issued to the Soldiers, His Own Report to the Contrary Notwithstanding.

EAGAN ATTACKS THE NEWSPAPERS

He Says the Implication that Packing Houses Have Been Creating the Government is a Scandal Calculated to Ruin Thousands of People—He Says if Gen Miles' Statement is False, as He, Eagan, Declares it to Be, Miles Should be Drummed Out of the Service and Incarcerated in Prison With Other Liars—He Says He Should be Denounced by Every Honest Man, Barred from the Clubs, Made a Social Pariah from Whom Even the Bootblack on the Street Would Shrink in Loathing—To All of Which Gen. Miles Refuses to Make Any Reply at Present, and What Action He Will Take is Unknown.

Washington, Jan. 12.—Commissary General Charles P. Eagan to-day reappeared before the war investigation commission to answer the charges of General Nelson A. Miles concerning the commissary supplies furnished the army during the recent war. General Eagan's statement furnished the sensation of the war commission's history and was regarded by old army officers as one of the most remarkable attacks ever made in the history of the service. General Eagan's statement to the commission was a bitter personal attack upon General Miles, so entirely unqualified both as to scope and language that the war commission on hearing its conclusion ordered a brief executive session after which the doors were re-opened, the witness was re-called and business resumed in the general way.

The subject in controversy was General Miles' already famous "embalmed beef" testimony and the letters and documents supporting it. General Miles had charged that the canned and refrigerated meats sent to the army in Cuba and Porto Rico were unfit for use, that they were preserved by the use of chemicals and that they had been bought and sent to the army under pretense of an experiment.

This reflection upon both the ability and honesty of the Commissary Department had angered General Eagan and caused him to request to be recalled to reply to General Miles' charges. That his statements concerning the Commissary General were not the result of a sudden outburst of passion was clearly shown by the fact that General Eagan read his remarks from a carefully prepared typewritten copy.

Not the least remarkable phase of General Eagan's statement was the language in which it was couched. There was scarcely a phrase that would not have been characterized as sensational in an ordinary official utterance. General Eagan after the hearing was over refused to say whether he had any further move in prospect in forcing an issue between himself and General Miles. "I have said all I intend to say for the present," he replied, "and if anyone wants to bring the matter to a court martial I am ready for that too, as I have already stated before the commission."

there was a faint suggestion that he might decide to ignore the statement altogether.

Of course a decision to that effect on the part of General Miles would terminate the incident. But should he decide to take notice officially of the attack the next step would be for him to prefer charges with the President against the Commissary General. These might be based on several technical grounds, such for instance as conduct tending to the destruction of good order and discipline. It would be for the President to pass upon the demand and he might adopt one of three courses: i. e. refuse it; grant it; or instead order a court of inquiry. In this latter case the body would have the power to go into the question of veracity which has been raised, and in fact the conduct of both Generals would be practically under examination.

In beginning his testimony General Eagan referred to the fact that General Miles had refused to be sworn, and commented on the fact that he was the only one of 500 witnesses who had so refused. General Eagan said he himself preferred to be sworn.

General Eagan called attention to General Miles' appointment of Major John D. Black, a civilian, as his chief of staff, and said that this was largely responsible for the trouble that followed. He said that Major Black had been furnished \$5,000 before starting for Porto Rico and that he had apparently not known enough to provide himself a check book and had not left his signature with the Secretary of the Treasury nor made any other preparation for availing himself of the funds at his command. There were experienced disbursing officers in the island who had in the aggregate over \$400,000 in their possession, and yet General Miles had complained that there were no paymasters in the island so that the soldiers had no money with which to buy food for themselves. General Miles had called on the Department to put \$50,000 more in the hands of Major Black, and the General Eagan declined to do, putting \$10,000 to Major Black's credit.

General Eagan referred to the controversy between himself and General Miles regarding the condition of affairs at Tampa, claiming that General Miles had ignored his requests for an inquiry as to the authenticity of certain statements.

"It was such indifference as this," he said, "that had given license to the yellow journalistic knives who had misrepresented and hounded Government officials throughout the war."

eral Miles that 190,000 pounds of the beef were condemned at Porto Rico are absolute falsehoods. No such quality was condemned there or elsewhere.

Witness said Surgeon Daly's report that the beef apparently was injected with chemicals to aid in preservation was a "falsehood and he made it out of whole cloth." He denounced the assertion that chemically prepared beef had been issued anywhere and said he did not believe Surgeon Daly had that belief.

"Why," he asked, "did he shirk his duty, why not then make chemical analysis and why keep this information to himself and then spring it suddenly on the commission and the whole country, and imply that packing houses have been cheating the Government and violating their contracts. At no time did he inform the Commissary General or the Secretary of War of these things."

"This," continued the witness, "is a scandal, calculated to ruin thousands of people and discredit and put in jeopardy one of the greatest industries in the world."

"General Miles was asked by your commission how tinned fresh beef became a part of the army rations. His answer is 'You had better ask the Secretary of War or the Commissary General. I think they can tell you.' I know it was sent to the army as food and the pretense is that it was sent as an experiment." General Miles in saying that this food was sent to the army as a pretense for experiment says that which implies corruption which 99 out of every 100 people will understand to mean corruption. This is a serious charge which should not be made by any man lightly nor without ample evidence to support it.

"Taking the statement in the sense that it was probably intended, the sense that it was accepted by the country at large, the sense that already the press almost wholly of the United States has accepted it—indeed some of that press because of it, called for my dismissal from the army and my court martial—I answer that it was not furnished under the pretense of an experiment, that it should be drummed out of the army and incarcerated in State's prison. If his statement is false, as I assert it to be, then he should be drummed out of the service and incarcerated in prison with other liars. His statement is a scandalous libel reflecting upon the honor of every officer in the department who has contracted for or purchased this meat, and especially the responsibility on the Commissary General—myself. In denouncing General Miles as a liar when he makes this statement, I wish to make it as emphatic and as coarse as the statement itself. I wish to force the lie back into his throat covered with the contents of a camp latrine. I wish to brand it as a falsehood of whole cloth without a particle of truth to sustain it, and unless he can prove his statement he should be denounced by every honest man, barred from the clubs, barred from the society of decent people, and so ostracized that the street beat black would not condescend to speak to him, for he has fouled his own nest, he has aspersed the honor of a brother officer without a particle of evidence or fact to sustain in any degree his scandalous, libelous, malicious falsehood, viz: that this beef or anything whatever was furnished the army under 'pretense of experiment.'"

General Eagan referred to the published interviews of General Miles and the correspondence between them as to their authenticity. General Miles having made a non-committal reply. The witness then said: "When a man refuses to deny a libel or falsehood or a statement attributed to him it is well known that he assumes the matter. When he avoids the question the supposition is that he cannot deny it. My question is not answered yet. He has denied the interview, published in the New York Journal, dated December 23d, 1898, and having refused to distinctly deny it, he should be held to the strictest accountability for it. If he made these statements as set forth then, then he lied again, and if he made the statement that 'pretense is the precise term to be used' (as he said then, referring to the 'experiment') then he lied with as black a heart as the man who blew up the Maine, and he deserves to be characterized and known to America and Europe where his statements have gone, as being the colossal, prodigious liar of the nineteenth century. I submit to this commission and to the whole country that this account of an interview with him in the New York Journal going uncontradicted, undenied, and when the opportunity was given him a refusal to deny it in terms, places upon him the onus and responsibility for the statements in that interview, which statements I here and now denounce as unmitigated falsehoods, vile and slanderous, so slanderous that they can be only called filth. I submit to this committee and to the country at

large whether it is the characteristics of an honorable man to permit such statements as are made in this alleged interview with General Miles in the New York Journal, dated December 23d, 1898, to go uncontradicted, untraced, and whether or not it is not the first duty of a gentleman, an honest man, an honorable man, to deny such base falsehoods as are to be found in the article I refer to, if they were not made by him."

This interview was headed as follows: "Miles makes gross charges against the Administration. Poisons used in beef made the soldiers ill; tons of bad meat sent to troops in Porto Rico." Referring to another published statement that General Miles had sent or had found necessary to send a serious reprimand to the Quartermaster General, the Commissary General and the Chief of Ordnance for conditions that he found in Tampa," General Eagan said no such reprimand was sent and yet the story was allowed to go uncontradicted.

"This uncontradicted story of a reprimand to the heads of three of the most important departments of the army," he continued, "aided as much as anything in exciting the yellow journal press, the knives of so-called journalism, to harass and vilify and libel the conscientious, able and hard-working officers at Washington."

General Eagan referring to newspaper attacks asserted that the Secretary of War had nothing whatsoever to do with the furnishing of refrigerated meats or tinned meats, nor had he attempted to control the contracts, awards or purchases, and in this connection in heated language he attacked three New York newspapers and their editors and proprietors whom, he said, should be indicted and tried for treason to the United States during this war, as giving aid, comfort and information to the public enemy for the sole purposes of gain.

"Were I a man of wealth or means," he protested, "I would take this subject up myself. I would put journalistic knives, purloiners of the secrets of the Government behind the bars where they belong."

General Eagan made a vigorous attack on the Inspector General's Department in connection with this investigation. Referring to Inspector General Breckinridge's investigation, General Eagan pointed out various reports of influences that have been published, and quoted a telegram he received on January 1st from Lieutenant Colonel A. L. Smith, depot commissary at Havana, as follows:

"Commissary General Washington. 'Guild, Inspector Seventh Corps, ordered by Breckinridge to inspect and report on all meat, and request samples. I will, without further instructions, decline to recognize Breckinridge's authority, but will personally show all stores desired unofficially.' (Signed) 'SMITH.'"

"Colonel Smith is an old experienced officer," said General Eagan, "and 'not knowing there was anything like a game in progress, he stood upon the regulations, and from a strict military point of view properly refused this improper course unless he had evidence that it was authorized, as it should have been, by the Secretary of War. For, can he readily see that in this sort of ex-parte examinations is made and ex-parte reports solicited no man's reputation is safe, every man's character may be put in jeopardy; designing people might ruin Christ even, if he were here to-day. But as I believed this course not only improper and not contemplated by the regulations, believing further that it was unauthorized, I refused to comply with Colonel Smith's demand. I replied to Colonel Smith the same day, saying: 'You will not stand on 868 army regulations, but you will allow meats and every article of subsistence stores to be inspected by Smith, and if necessary to be inspected twenty times a day. Inform Guild, Inspector of this dispatch, furnish copy of this dispatch to every commissary in Cuba for their guidance and in compliance in similar cases.'"

"I had no right," General Eagan explained, "to send that dispatch, but took it upon myself to send out this authority, fearing a refusal would be interpreted by the world at large that the Department was afraid of any and every kind of investigation. When I informed the Secretary of War the following day, and he understood and realized that the Inspector General, doubtless at the instigation of the Senior Major General of the army, was inaugurating a system of inspection, not contemplated by the regulations, nor authorized by proper authority, he promptly informed me he would not have approved my course, although he thought perhaps I was right. This inspector General Breckinridge has recently addressed letters direct to officers of my Department calling for reports to him about the various articles of food furnished the past year to the army. He does this without the authority of the Secretary of War. In effect we have in this two officers of the army—General Miles and General Breckinridge—who take upon themselves to investigate matters pertaining solely and exclusively to the Secretary of War; to call for ex-parte reports, and to do this directly, not through the Adjutant General of the army, but direct and without the knowledge of the Secretary of War or the Adjutant General of the army. Your committee will readily see at once how far this thing has gone and to what extremes these men go to establish and make a case."

General Eagan referred to the reports from officers and submitted by General Miles, as irresponsible statements, and said that few army officers "would take advantage of the situation to make statements which they knew there was no power or means upon earth to disprove, because the substances they spoke of have passed out of existence, the proofs are gone."

THE FILIPINOS ARE UNYIELDING

Sink Lighters to Block Channel at Iloilo.

DISORDERS REPRESSED

REFUSE TO DEAL WITH THE AMERICANS.

ANOTHER CONFERENCE IS DESIRED

The Situation at Manila is Critical—Otis Reports it Quiet—Rebels Will Accept American Protectorate to be Followed by Independence.

Manila, Jan. 12.—The situation at Iloilo is unchanged. The Filipinos are unyieldingly active day and night. On Saturday they loaded some lighters with rock and sank them at the entrance of the river, blocking the channel for all vessels with the exception of launches. All the lights have been extinguished.

Order, however, is maintained with severity, and offenders are promptly shot.

On Sunday one of the Arizona's boats, manned by soldiers, was carried by the ebb tide to Quimaras Island; and while attempting to land there armed natives assembled on the beach and compelled the Americans to retire.

The Filipinos refuse to have any dealings with the Americans, vegetables and fruit are not obtainable, business is stunted, and the warehouses are full of rotting sugar.

At Manila the situation is critical, but pacification is possible, in spite of the unyielding attitude of the Filipinos.

It is reported that the rebel Government at Malolos is willing that the Americans should establish a protectorate, on the condition that they promise to give the Filipinos absolute independence within a stated time. It is also said that the Filipinos will demand official recognition.

Efforts are being made to bring about another conference with the rebels. The educated Filipinos are anxious to avoid trouble, and it is hoped that the militant Filipinos will recede before wiser counsel.

TEN VOLUNTEERS DESERT.

Hong Kong, Jan. 12.—The Filipinos here say that ten American volunteers jumped overboard from the transports bound from Manila to Iloilo, swam ashore and said they had not volunteered to fight Filipinos. The report is not confirmed.

A CABLEGRAM FROM OTIS.

Washington, Jan. 12.—The Secretary of War was much gratified this morning by the receipt of the following cablegram at 7:20: "Manila, January 12th. 'Adjutant general, Washington. Conditions apparently improving. Citizens feel more secure. Many natives returning. City quiet and business active.' (Signed) 'OTIS.'"

TROOPS RETURN TO MANILA.

London, Jan. 12.—The Hong-Kong correspondent of the Times says that five thousand additional Americans, who embarked for Iloilo, have returned to Manila.

MANILA IS THREATENED.

London, Jan. 13.—The Hong Kong correspondent of the Times says: "The Filipino refugees insist that Aguinaldo will regard a landing of the Americans at Iloilo as a declaration of war and will immediately attack Manila. He has already warned the foreigners, including the Spaniards, of his intent, offering them a safe conduct into the provinces. The American authorities still exercise a strict censorship at Manila over all press messages."

DEPEW CHOSEN FOR SENATE.

Republicans Unanimously Put Chauncey Forward as Their Candidate.

Albany, N. Y., Jan. 12.—Chauncey M. Depew was unanimously chosen as the candidate of the Republican party as represented in the Senate and Assembly, for United States Senator, at a joint caucus held in the Assembly chamber tonight. There was very nearly a full attendance of members of both houses. The election will be held in both houses next Tuesday and on Wednesday both houses will meet in joint session to declare the results. The Democrats have renominated Murphy to succeed himself. They are in the minority in the Legislature.

HOUSE FOES TO EXPANSION.

Passage of Diplomatic and Consular Appropriation Bill.

Washington, Jan. 12.—The House to-day passed the diplomatic and consular appropriation bill without amendment. This is the sixth of the regular appropriation bills to pass the House. The bill, as passed, carries \$1,705,533. Seven budgets yet remain to be acted upon.

During the general debate to-day two set speeches were made against imperialism by Messrs. Carmack and Gaines, Democrats, of Tennessee.

Mr. Carmack protested against launching this Government on a career of conquest and criminal aggression. The President, he declared, was now waging war upon his own responsibility for his own purposes. While the war against Spain has been blessed of God, this war for the conquest of the Philippines was a crime against liberty and the curse God was upon it. It revolutionized every tradition of the republic. It was being entered upon thoughtlessly and recklessly without considering the cost, it was in utter contempt of the solemn warnings of the greatest and wisest of our statesmen. The flag was to be kept floating over the Philippines, but not a single freeman was to stand beneath its folds. A country that was not fit for a free man's home was not fit for a free man's flag (Democratic applause).

He spoke of the tremendous cost distant possessions would entail upon us, drawing his illustrations from the countries of Europe, England, he said, expended one-third of her revenue for the cost of past wars and one-third in preparing for future wars. Only one-third was expended to meet the current necessities of Government. But more than the monetary cost, said he, would be the loss of our sense of security and peace of mind. War would threaten us constantly and to meet it we would have to be armed to the teeth on sea and land. Once a nation tasted of colonial empire it became a passion. The appetite was never satisfied. Yet one of the world's greatest men had declared that colonial empire had never been a source of power to any country. Macaulay affirmed it. Lord Beaconsfield declared that England's colonies were a millstone about her neck. He referred sarcastically to Secretary Gage's alleged statement that Christian civilization and five per cent profit could go hand in hand. He wanted to know if we could serve God and Mammon at the same time. Mr. Carmack was liberally applauded and congratulated by his colleagues when he concluded.

Mr. Gaines followed with an argument against the power of the United States to acquire territory except for the purpose of making States of such territories.

On motion of Mr. Lacey the bill to extend the scope of the fish commission to game birds was sent to conference after a motion to postpone the bill indefinitely had been voted down, 39-71.

SENATE PROCEEDINGS.

Washington, Jan. 12.—Little business was transacted by the Senate in open session to-day. Sixteen bills on the private pension calendar were passed and a joint resolution extending the thanks of Congress to Miss Clara Burton and other officials of the Red Cross Society for their beneficent work in Armenia and Cuba was adopted.

GREAT BATTLE WITH ARABIAN.

Turkish Troops Capture an Insurgent Position—Immense Loss of Life.

Constantinople, Jan. 12.—A great battle has been fought in the Yemen division of Arabia. The Turkish troops stormed and captured the insurgent position at Shand on November 20th. About 4,000 insurgents and 2,000 Turks were killed or wounded.

TURKS ORDERED TO ADVANCE.

London, Jan. 12.—Special dispatches from Constantinople say that after the battle at Shand, a further Turkish advance was ordered. Abdullah Pasha, commanding the Turkish troops, was directed to capture Sash, the headquarters of an important insurgent leader, one hundred and fifty miles northwest of Sana. All the commanding positions in that vicinity are occupied by rebels, and as the Turkish troops are deserting the operations are likely to be prolonged and difficult.

COLONEL RANKIN'S DEATH.

Burial of the Gallant Old Soldier Will Take Place To-day. Greensboro, N. C., Jan. 12.—(Special.)—Colonel W. S. Rankin, of this city, died this morning at the age of 62 years. Colonel Rankin was promoted from Lieutenant of Company M, Twenty-First North Carolina regiment to Lieutenant Colonel, being promoted step by step, each time for some special act of bravery. Colonel Rankin will be interred in the old Presbyterian cemetery to-morrow at 2 o'clock.

THE BULL-CALF BILL

Discussed Yesterday by the House.

COURTS SAY IT'S NO GOOD

WILL TRY TO MAKE IT HOLD WATER.

THE JUDICIARY COMMITTEE HAS IT

The Pamlico Contest Made the Special Order for Next Wednesday—The Proposed Changes in Libel and Divorce Laws.

The debate in the House yesterday was on what one of the members irreverently called the "Bull-Calf Bill."

It came up on an act introduced by Mr. Barnhill, of Pitt, amending section 2327 of the Code, which provides that when cattle are killed by a railroad in certain counties it shall be a misdemeanor for which the officers of the road and the employees on the train shall be indicted. It is provided further, however, that the question of damage may, within six months, be referred to three commissioners and settled out of court.

Mr. Barnhill wanted Pitt county included in this law. He said there was much litigation in his county over the claims for cattle killed by the railroads, and the people were put to great expense and trouble to collect damages through the courts. As a result they often abandoned their claims rather than prosecute them.

Mr. Leatherwood sent forward an amendment adding to the bill the county of Swain.

Mr. Robinson, of Cumberland, explained that this section of the Code had been decided unconstitutional by the Supreme court in the case of State vs. Devine. He therefore moved reference of the bill to the Committee on Judiciary.

The House refused to refer, by a decided vote. Mr. Allen, of Wayne, said he was sure it was not the disposition of anybody in the House to authorize local legislation. But the Supreme court had already declared this law void and incapable of being enforced, and he thought the Legislature would hardly like to be put in the attitude of putting on the statute books laws that have already been declared unconstitutional.

Mr. Leatherwood had no objection to a proper reference of the bill, but he wished to state that his people had been annoyed a great deal by the killing of cattle and then having to prosecute their claims in court. Many of them had abandoned their cases rather than go to the trouble and expense of the suit.

Mr. Ray said that the bill had been carefully considered by the Committee on Propositions and Grievances—and though there were not many lawyers on the committee the few on it were good ones—and they had found that only the criminal part of the law was unconstitutional. He, however, had no objection to reference of the bill to a proper committee.

The end of the discussion was that the vote refer to the committee was reconsidered, and the bill was referred to the Judiciary Committee.

Another matter that consumed considerable time was the reading of the evidence in the contest case of Dees vs. Paul, from Pamlico county.

The report of the majority recommended the passage of a resolution to the effect that George Dees, the contestant, and not Dudley Paul, the sitting member, was entitled to the seat.

When the House was on the point of taking a vote on this resolution, Mr. Petrie, of Stokes, who had filed the minority report awarding the seat to Paul, asked for the reading of the evidence.

After about one-fourth of it had been read, consuming half an hour, Mr. Overman said from what he had heard of it the contest was a very important one. He therefore moved that further reading of the evidence be dispensed with, and both the majority and minority reports, with the evidence thereon, be printed, and consideration of the contest be made a special order for next Wednesday. It was so ordered.

Perhaps the bill of most importance and general interest among those introduced yesterday, is that of Mr. Macintosh, of Alexander. It amends the law in regard to divorce by creating a separate sub-section for section 1,285 of the Code, providing a complete divorce upon separation following cruel and barbarous treatment outside of the State.

The sub-section reads as follows: "Section 1. If the husband, having married a citizen of North Carolina, shall remove with her to any other State and, while living with her in such other State, shall by cruel or barbarous treatment endanger her life or render her condition intolerable or burdensome, the wife shall, upon returning to North Carolina and residing there in separate and apart from the husband, for the period of twelve months, be entitled to an absolute divorce, to be decreed by the courts of this State: Provided, First: That in the event of divorce granted to the wife for the causes specified in this act, the husband shall not remarry during the life of the wife: Provided, Second: That the husband and wife shall be competent witnesses to testify in their own behalf as to all facts within their knowledge, pertinent to the issue."

"Section 2. That this act shall apply (Continued on Second Page.)"