Weather To-Day: COLD WAVE.

The News and Observer.

VOL. XLV. NO. 122.

RALEIGH, N. C., FRIDAY MORNING, JANUARY 27, 1899.

PRICE FIVE CENTS.

THIRD EDITIONS



act of 1890 to obtain a pension. Mr. Perkins made the point of orde

against the amendment that it was new legislation. The point of order was sus tained

Mr. Butler, (North Carolina), offered his amendment providing for the pay ment of pensions to Confederate, as as to Union soldiers. He delivered a speech in support of it.

His speech attracted a great deal of attention. After calling up his proposed amendment to the Appropriation Bill for the purpose of giving expression to his views, the Senator withdrew the amend-ment, explaining that he did so in response to the desire of the Confederate veterans. His speech was closely listen ed to by a full Senate, and his con troversy with Senator Chandler and Senator Bates' strong disclaimer on the part of the Confederate veterans, were special features of the Senate's afternoon debate.

After presenting an analysis of th compact of 1787, Mr. Butler declared that "not a single Southern soldier was rebel or a traitor." He maintained that the great fratricidal conflict was forced upon the South, and that the peo-ple of the South simply defended their

and constitutional right personal Under the compact of 1787, the South ern States undoubtedly, in Mr. Butler' opinion, had a right to withdraw fro the Union. He was inclined to think the compact was not right, but was a compact and ought to be, and ought to have been respected."

Mr. Butler said that his own State North Carolina fully and completely recognized the right of South Carolina to withdraw from the Union, but decide herself not to withdraw. It was no until forced to defend herself that North Carolina too, withdrew, together with her sister Southern States.

This, Mr. Butler said, "was true of majority of the Southern States. They had been forced by the Northern States to take up arms in self-defense.

"Every gun fired by a Southern sol dier," declared Mr. Butler, "was fired in defense of the constitutional rights of the Southern States, and in defense of his home and fireside."

Further along, Mr. Butler said, speak ing of the war of the Rebellion:

"It was a most unnecessary war The Southern States did not desire the war. They asked only to be allowed to exercise their constitutional rights. ithdraw peacefully from the Union The South was right and history will The South knew she was so record. right at the time, and she knows it now It is the duty of the Southern people no to permit a prejudiced historian to brand their fathers and brothers as rebels and

"He believed that the States whos soldiers were being pensioned would not go alone.

DOCUMENTS WITHHELD.

Senators Ask Why Papers on Paris Conference Are Not Sent Them.

Washington, Jan. 26 .-- To-day's exetime in the clerk's office, and remarked cutive session of the Senate was con to one of the officials that he was not sumed in the discussion of the failure of would go to Fort Monroe next Monday the President so far to send to the Ser ate the documents in his possession and to take a rest. He did not regard his on file in the State Department, bearcondition as at all serious.

ing upon the Paris conference. After the death of the former Attor-Senator Gorman raised the point as ney General became known the Supreme soon as the doors were closed that the court adjourned for the day. resolution had been adopted several days The news of Mr. Garland's death pro since and addressed the senate at some duced a profound sadness in the Senate, where he had served for many years as length on the failure of the President to respond to the Senate's request for

one of a galaxy of distinguished men. While in the Senate he had been a meminformation. He was followed by Senators Vest and ber of the Committee on Judiciary, and Hoar, who spoke in a similar strain; had taken rank with the strong men of while Senators Spooner and Platt con that day. He naturally gave the greattended that the President had a right er share of his attention to legal ques-

to withhold namers when he thought the tions as the tendency of his mind was ple could be best served by doing so. in that direction. Of recent years he had practiced his profession almost ex-The friends of the treaty profess in reasing confidence for ratification, but there is some talk of adopting a negative resolution to the effect that the treaty does not bind the Unted States to the adoption of a colonial policy. was most fitting.

Mr.

## EWART'S CONFIRMATION.

There is No Longer Any Doubt About the Matter.

Washington, Jan. 26 .- (Special.)-Judge Ewart is certain now to be con The Senate Committee on Jufirmed.

diciary has not yet taken final action on his nomination, but Senator Pritchard and the other friends of Judge Ewart have gained a substantial vic tory in securing a report from the sub ommittee. This report is adverse, it is true, but the danger of the appointment held up is being indefinitely averted: and there seems to be no doubt that th action of the full committee, which will he taken next Monday, will be favorable to the North Carolina judge. This means his final confirmation by the Senate. A good many Senators will still fight him, but it is practically as sured that he will win in the end.

ter days, SANTIAGO'S CUSTOMS RECEIPTS.

Havana, Jan. 26.-Major General Leonard Wood, military Governor of the Department of Santiago, has arrived here from the United States to confer with Major General Brooke, the Governor General of Cuba.

As a result of the conference a mutual understanding has been reached regarding the customs receipts at Santiago. Santiago's \$280,000 will not be used in Lamar, but declined. other provinces, but will be mortgaged to defray the cost of the works now

under way. The sum of \$80,000 is required for the water works at Santia- his

General Eagan followed Mr. Rogers as he sat at a table for the accommoda-tion of counsel, and complained of feel-During the war with Spain, he said

he had been in his office every day with ing very ill. This morning before he and had worked early one exception, went into the court room he spent some and late. He had given his testimony

before the commission under oath-preferably so. He had first read General feeling very well, and he thought he Miles' statement in the Washington pa For a long time he feared that pers. he might not be called before the commission, but he finally received a sum-

mons to appear. Even then he was not fully prepared, as his statement necessarily involved the preparation of etc. He held conversation with the Secretary of War in the course of which he told the Secretary that he desired to defend himself by bringing proceedings against General Miles, but was told that the immunity granted by the President would prevent any such action. Witness accepted this as the fact, but he did not think that this immunity covered the newspaper interview in which General Miles had by inference declared him to be a murderer for gain. This statement of General Miles clusively in the Supreme court of the United States. It was here that he won away his (Eagan's) character. He his most pronounced triumphs and since could not proceed against General Miles the end must come, all recognize that it in the courts or otherwise and that he might be better dead in the gut-

that it should have come while he was ter. His honor as a soldier, he continued. performing his duties in this great had been attacked, and a soldier's honor

should be as sacred as the honor of s woman. "But I am an honest man," His first appearance in the court was in connection with the great case in-volving the validity of the test oath law and the result of his contention in believe that no one who knows me said the General with feeling, "and I this case gave him national fame. The believe that I am a dishonest man. My record is clean, my uniform is unsullied case grew out of the legislation of the reconstruction period. Under the law out I have been slandered and wronged." In answer to a question by his coun in question, no lawyer who had participated in the Civil War on the Confedsel as to whether he had ever received erate side could practice his profession any benefit for any contract he had until he had taken the oath. Mr. Gar-made, General Eagan said, with great made, General Eagan said, with great land challenged the constitutionality of feeling "No! on my honor and before my God,

the law for himself and neighboring not one cent's profit gain 'did I ever relawyers and beginning with the lower the various tribunals to the Supreme \$19,000,000 and I am now a poor man, the various tribunals to the Supreme so poor that I have not now sufficient money with which to pay your fee." Court of the land. There, notwithstanding the court was politically almost unanimously opposed to him, his position The witness spoke of his mental and physical condition between was sustained and the law overthrown. In the contentions in the Republican the time In the contentions in the Republican General Miles gave his testimony and party in Arkansas in the Brooks-Bax- the time he himself had appeared. He

could not get rid of the thought that Garland espoused the cause of Mr. Baxter as did a majority the country believed him to be a murof the Democrats and he succeeded Mr.

Baxter as Governor of the State. He nearly to desperation. was first to the Senate in 1877, being Mr. Worthington then read from a was first to the Senate in 1877, being Mr. Worthington then read from a children of the South during the war unanimously chosen and was serving his second term when called into Mr. Cleve-hand's first Cabinet. While occupying his position as Attorney General he was tendered the creative of the army. At 12 o'clock is a generosity. Senator Fuller

tendered the position on the Supreme Mr. Worthington announced that he said: "I come from a county that has Court bench afterwards given to Mr. was unable to proceed with his case, given the State as able men as any as the Secretary of War, whom he desir- If it were represented by an Anglo-Sax-

Lamar, but declined. Since retiring from his position in the Cabinet Mr. Garland has resided in Washington. He had friends here, where he was universally esteemed for bis unassuming manners, genial dispo-cition end counter por the secret report of the secret report report of the secret report report of the secret report o

sition and common sense way of view- o'clock tomorrow morning.

When I saw the charac aws of 1891, as to the institution for extravagance. white deaf and dumb at Morganton. To ter of this body I knew I should not be asked to do so. I shall endeavor to be economical, but in voting for this Judiciary Committee.

itions and Grievances.

ings Bank of Charlotte.

ty, by refunding to him

the Asheboro and Aberdeen Railway,

S. B. 206: For the relief of J. H. Leach, late sheriff of Montgomery coun-

\$75.21 over

Company.

BILLS PASSED.

enth district in place of F. M. White

S. B. 304. Senator McIntyre: To inorporate the Thompson Institute of in which to accede to their demand for bill I am not violating this obligation; Robeson county. To Judiciary Commit-I am doing one of the, highest duties that can devolve upon a representative

of an enlightened people. I am sure there will not be even a murmer against S. B. 305, Senator Crisp: To prohibit the discharge of fire arms within one half mile of the court house of Bobins expending the few paltry hundreds that will be required to preserve the deeds of those brave men. Rather should I be condemned did I oppose it. In passville. To Committee on Proposition and Grievances.

S. B. 306, Senator Satterfield: To reing this bill we are preserving the nact the charter of the Youngsville and Reidsville railroad. To Committee on ories of men as brave as ever drew a sword or pulled a trigger. And they Railroads were not rebels, either, but brave mer S. B. 307, Senator Satterfield: To in-

who would court death a thousand orporate the Presbyterian church in oungsville. To Committee on Propositimes rather than suffer any act of dis honor." Senator Jackson appealed for the unanimous passage of the bill. ons and Grievances. S. B. 308, Senator Mason: To amend

Senator Brown, speaking briefly, said that he stood for those who knew not the conflict, but who took no pride the less in the splendid achievements of those who were engaged in it.

Senator Glenn spoke eloquently and with much feeling: "Though my hair

But I had a father who offered up his life in defence of a country he loved better. He sleeps in an unknown

payonets of his faithful privates and there is no shaft save that of the immemorial mountain to cast a shadow er that grave. If I did not give to this bill my heartiest support I should unworthy of that father. May my tongue cleave to the roof of my and my own arm fall palsied if ever I shall rise to oppose the perpetuation of the memory of the soldiers and the

women of my State.

The party we represent has more old Confederate soldiers among its white voters in proportion than any other party We are in favor of this resolution bill comes up to help the old soldiers am in favor of voting them dollar we can spare, and more. I shall vote for this bill."

worded, graceful, and pathetic in its ref erence to the colored race. people who cared for the women and children of the South during the war

S. B. 207: To enable the Albemarle and Chesapeake Canal Company to ollect tolls S. B. 214: To appoint a Finance com

H. R. 370, S. R. 227: To appoint Special Committee on Trustees of the State University.

ton and corn while the white (Continued on Second Page.)

Nothing was accomplished at the conference here yesterday and it is rumored that the Filipinos at their next meeting will give the Americans eight days recognition. The rumor is discredited.

THE LAW MUST DECIDE

MRS. CASTLEBERRY'S STRUGGLE TO RE-**COVER POSSESSION OF HER CHILDREN.** 

She Claims that her Husband, from Whom She

is Parel, is Totally Unfit to

Govern Them.

he charter of Gastonia. To Committee on Counties, Cities and Towns. Durham, N. C., Jan. 26.-(Special.)-S. B. 309, Senator Whitaker, by re-The case of Mrs. Ella Castleberry to quest: To regulate cotton weighing at recover possession of her children who Wake Forest. To Committee on Propohave been in the custody of her hus-

band, R. E. Castleberry, was called before Judge H. R. Bryan this afternoon, S. B. 296, Senator Glenn: To incor and has not been concluded at this porate the Winston Trust and Deposi writing. Mr. and Mrs. Castleberry part-

S. B. 288: To authorize Elizabeth ed in 1897, and since that time Mr. Cas-City to issue bonds for public improve leberry has had charge of Goldie and Estes, two of his children. To seat F. P. Jones from the Fou

On January 14th, E. Q. Martin, a brother of Mrs. Castleberry, who is a soldier in the regular army, brought oners of Moore county to fund the Goldie Castleberry to Durham and caried her to her mother's home. Mr. Casleberry arrived here a day or so later with a warrant for Martin's arrest, charging him with abduction, but the oldier had fled. Mr. Castleberry took the child without the knowledge of its other and carried it back to Cary with S. B. 166, H. B. 105; To repeat the him. In the writ of habeas corpus, Mrs. Castleberry claims that her husband is totally unfit to govern the children: while living together he cursed and otherwise mistreated her, A number of

S. B. 187, H. B. 199, H. B. 156: To incorporate S. B. 192, H. B. 156: To incorporate the African Aid and Burial Society. the African Aid and Burial Society. have been summoned, including the en-gineer and conductor of the Southern S. B. 202: To amend the charter of passenger train that killed Newman Ray a year or so ago.

Rev. J. W. Lee and others made addresses here to-night on temperance. At the close of the meeting an anti-saloon league was oragnized.

BOUNTIES FOR OUR SHIPS.

Washington, Jan. 26 .- The shipping bill, providing a system of bounties for American ships, was favorably acted on today by the House Committee on Merchant and Marine and Fisheries. The vote was on party lines, the Democratic members opposing it.

is gray, I was too young to go to the

grave. His grave was digged with the

S. B. 208: To authorize the commi indebtedness. S. B. 50: To amend chapter 65, Pub

Senator Fuller's speech was well derer and for gain, and it drove him, his suggestion that the faithful colored

laws of 1895, as to barb-wire fences in Davie, Granville and Bladen counties. S. B. 155: To change the name of the Senator Franks, speaking for the Re-publicans, said: "I have not considered that there is any politics in this matter. Bank of Levi, to the Merchants and Planters Bank. S. B. 166, H. B. 103: To repeal the Madison counties

S. B. 185: To establish a new townhip in Surry county. S. B. 187, H. B. 226: For the relief ship