

SPEAK KINDLY OF EAGAN

Associates of Commissary General Testify in His Behalf.

HIS EXTREME NERVOUS STATE DESCRIBED

Victim of Miles' Attack Feels that His Honor as Soldier is Tarnished and that He is Helpless to Resent the Insult.

WASHINGTON, Jan. 26.—The feature of the proceedings before the Eagan court-martial today was the testimony—dramatic in many parts and characteristic in its quiet intensity—of Commissary General Eagan himself.

Not more than fifteen or twenty people outside of the court and a dozen or so newspaper correspondents were admitted to the trial rooms. Several witnesses preceded the chief figure in the trial.

General Eagan listened intently to the testimony of these witnesses and occasionally held brief whispered conferences with his counsel. He was dressed in full uniform, without sword, and his florid face, white hair, and moustache and soldierly bearing recalled to many the late General Sheridan to whom he bears a distinct resemblance.

His call to the stand of immunities was something of a surprise as it had been thought if he testified at all it would be later. When his name was called he rose and standing before the witness chair, raised his right hand, took the oath administered by the judge, and at first stated his army career. As he proceeded in his testimony it became apparent that the line of defense would be justification and extreme nervous condition which rendered the witness unfit for business and made him to a degree irresponsible for his acts.

The president's order of immunities was also made evident, would be relied upon as applicable to General Eagan's testimony before the War commission, and that, therefore, the court-martial had no proper jurisdiction of the case.

When General Eagan began the story of general Miles' operations on him, he raised his voice somewhat and spoke with great earnestness, though with perfect enunciation. In speaking of the criticisms of the newspapers, which he said had been called forth by General Miles' testimony, his manner was intensely dramatic and impressive. His eyes filled with tears and his voice trembled and the impression he left with many was decidedly favorable.

After the court adjourned several members shook his hand and in a friendly way asked after his health.

When the Eagan court-martial reassembled today Judge Adams stated that he submitted formally the testimony of General Miles read yesterday as an exhibit in this trial and with this statement, he said, the prosecution rested its case.

Mr. Worthington, counsel for General Eagan, read several exhibits in connection with the testimony read at yesterday's session of the court. These included the correspondence between General Miles and General Eagan, through the adjutant general, in which the latter asked as to whether the general was published in a New York newspaper, in which General Miles is alleged to have severely criticized the commissary general's department, was authoritative. Extracts from the alleged interview were also read and submitted as a part of the case.

Colonel W. L. Alexander, U. S. A., of the colonel's department, was the first witness called by the defense. He said he returned to Washington from Jamaica on the morning of the day General Eagan gave his testimony before the War investigating commission. General Eagan, he said, was hastily going over papers in connection with his testimony and showed signs of great excitement. General Eagan earnestly handled the papers and witnesses had rarely seen a man in such a nervous condition. His manner was so exceptional that he asked Colonel Davis of the Commissary department who was present, whether the general was not ill. He had been intimately connected with General Eagan but never before had he seen him in such a condition. General Merritt asked whether, to his knowledge, General Eagan had consulted anyone as to the substance of his testimony to be presented to the court. He answered that he had not.

Effect of Miles' Testimony.

Colonel G. B. Davis, assistant to Commissary General Eagan, was the next witness. He testified that he had been very closely associated with General Eagan during the last several months. He was in the office the day General Eagan gave his testimony before the commission and as soon as General Eagan saw the published statement of his testimony he became considerably excited and wrote to General Miles asking as to the truth of an interview published with General Miles. As time went on his excitement increased to such an extent that he did not attend to the routine duties of his office. Later on General Eagan reached such a state that he could not attend to any business. General Eagan's testimony before the commission he read his statement over to the witness, who urged him to modify it somewhat, but he would not listen, and walking up and down the room said he would not change a word of it. Newspaper correspondents were constantly being received criticizing General Eagan and these greatly increased his excitement.

A Famous Chicago Editor

Gains 16 Pounds on Grape-Nuts

Don't Want His Name Used.

The managing editor of one of the most famous Chicago dailies stated in a private conversation a few days ago, "All jokes aside, it's a fact that I am 16 lbs. heavier now than I was this fall, and I noticed the gain in flesh commenced a short time after I adopted Grape-Nuts for my breakfast."

"No, I have made no other change in my habit of life, have been working even a little more steadily than in the past and seem to have an increased amount of vitality. This is not for publication, you understand, for I cannot afford the time to answer a lot of letters of inquiry."

There is a reason why the user of Grape-Nuts feels an increase in vital strength and brain power. The food is made for a purpose and was planned by a food expert, who knows as well how to do the things he is trained for as a blacksmith knows how to shape iron, or a carpenter knows how to produce things of wood. When you eat Grape-Nuts you take advantage of the knowledge of a scientific food maker. A trial will prove it. Postum Cereal Co., Elm, Battle Creek, Mich.

ALGER BEFORE COMMISSION

Constantly in Touch with Bureau Chiefs During the War.

ALL PROVE FAITHFUL TO THEIR DUTY

Immense Amount of Work for Which Country Was Not Prepared Responsible for Any Shortcomings—No Interest in Contracts.

WASHINGTON, Jan. 26.—Secretary Alger, in response to an invitation of the War Investigating commission, appeared before that body today. The secretary was sworn by General Wilson, after which Governor Beaver, after making a commendation to the witness, replied that it was a complete answer to the criticisms which had been made against him, but he had advised that some parts of it be omitted. General Eagan was greatly excited and witnesses thought he brought the matter to his attention more urgently the next morning, but witness did not then have a good opportunity. General Eagan had told the witness that he was prevented from proceeding in military fashion against General Miles by the president's order of immunities of witnesses, but that he hoped to be able to proceed in the matter in the civil courts.

Miss Millard, General Eagan's stenographer, was then called. She had taken the president's order of immunities on September 15 last, and testified that she took the dictation of the general's statement before the commission. From the time General Miles gave his testimony before the commission General Eagan was greatly excited and states he was dictating his statement he walked the floor in an excited state. It had never been his habit to walk the floor while dictating. The statement was not fully completed until the day it was read before the commission. General Eagan only a few minutes before he left to appear before the commission, and he was then in such a nervous state that his hands trembled. The witness thought that the general had never been able to read the statement as a whole from the time it was begun until it was read to the commission.

Mr. Rodgers, clerk in the office of the commissary general, was the next witness. He had been in the office since 1891 and since General Eagan came to the office he had seen him frequently every day. After General Miles' statement had been made public General Eagan's appearance was greatly changed. He looked haggard and worn and there was great excitement. At times he was dictating his statement he walked the floor in an excited state. It had never been his habit to walk the floor while dictating. The statement was not fully completed until the day it was read before the commission. General Eagan only a few minutes before he left to appear before the commission, and he was then in such a nervous state that his hands trembled. The witness thought that the general had never been able to read the statement as a whole from the time it was begun until it was read to the commission.

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PROTECTION OF TRADEMARKS

National Manufacturers Demand Law Making Pirating a Felony.

ADJOURN TO MEET NEXT YEAR IN BOSTON

Officers of the Association Are Re-Elected and Plan to Have Offices in Several Large Cities

CINCINNATI, Jan. 26.—The fourth annual convention of the National Association of Manufacturers adjourned tonight to meet next January in Boston.

This has been the largest and most important annual meeting in the history of the association. It is said to represent now more capital than any other organization in the country, not excepting the National Association of Bankers. A movement was inaugurated at this convention to increase the revenues so that the association will have agencies with warehouses in all parts of the world.

President Search and the other officers, who have had experience in their respective positions, were re-elected and the headquarters remain in Philadelphia, with branch offices in New York, Boston, Chicago and Cincinnati.

In selecting a place for holding the next annual convention the Paris exposition was the one making it a criminal offense to appropriate another's trademark, the penalty being the same as foraging the names of firms and individuals. After some discussion the report, with its endorsement of bills, recommendations and resolutions, was recommended for further investigation.

Fernando W. Peck, United States commissioner general, who came from Chicago on invitation of the convention, earnestly urged the American manufacturers to hold their annual convention next year in Paris, or on the steamer which enroute there as a body. At the close of his address Commissioner Peck was elected an honorary member of the National Association of Manufacturers, the first to receive that honor.

Assistant Commissioner Woodard also addressed the convention in the Paris exposition. A general discussion followed. Resolutions were adopted asking congress to make additional liberal appropriations for the Paris exposition and the executive committee was directed to go to Washington to work for such appropriation.

At the morning session the committee on resolutions offered a supplemental report, which was adopted, approving all the recommendations of the committee on transportation, including house bill No. 10,524 for the improvement of the consular service, the Philadelphia exposition next summer and the international exposition next year at Caracas, Venezuela; protesting against the new classification of freight that went into effect January 1 and insisting upon the old minimum weight for a carload; petitioning congress to improve the harbors so as to admit larger vessels. Eight resolutions had previously been adopted in addition to these six.

Chairman Fairbanks of the committee on weights and measures made a supplemental report favoring the metric system. No action was taken and the committee was discharged.

The amendment changing the time for the annual convention in January to a later date was referred to the executive committee.

Most of the agitation during the week has been in favor of holding the next convention at Boston, but New Orleans today became a most formidable competitor and would have won but for the desire to hold the next meeting on the Atlantic seaboard so that the members could proceed thence direct to the Paris exposition.

At the morning session Commissioner Peck and his associates were occupied all day and tonight conferring with manufacturers about their exhibits at Paris, and it was reported tonight that more had been done today than had yet been accomplished in this country in the interests of American displays at the Paris exposition.

The consideration given to Commissioner General Peck and the Paris exposition was the only thing outside of regular business that occupied any time of the convention.

The third day's session opened with the report on patents and trademarks was presented by Mr. Barker of New York. The report included resolutions endorsing bills pending in congress for registration, the one making it a criminal offense to appropriate another's trademark, the penalty being the same as foraging the names of firms and individuals. After some discussion the report, with its endorsement of bills, recommendations and resolutions, was recommended for further investigation.

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The consideration given to Commissioner General Peck and the Paris exposition was the only thing outside of regular business that occupied any time of the convention.

The third day's session opened with the report on patents and trademarks was presented by Mr. Barker of New York. The report included resolutions endorsing bills pending in congress for registration, the one making it a criminal offense to appropriate another's trademark, the penalty being the same as foraging the names of firms and individuals. After some discussion the report, with its endorsement of bills, recommendations and resolutions, was recommended for further investigation.

Fernando W. Peck, United States commissioner general, who came from Chicago on invitation of the convention, earnestly urged the American manufacturers to hold their annual convention next year in Paris, or on the steamer which enroute there as a body. At the close of his address Commissioner Peck was elected an honorary member of the National Association of Manufacturers, the first to receive that honor.

Assistant Commissioner Woodard also addressed the convention in the Paris exposition. A general discussion followed. Resolutions were adopted asking congress to make additional liberal appropriations for the Paris exposition and the executive committee was directed to go to Washington to work for such appropriation.

At the morning session the committee on resolutions offered a supplemental report, which was adopted, approving all the recommendations of the committee on transportation, including house bill No. 10,524 for the improvement of the consular service, the Philadelphia exposition next summer and the international exposition next year at Caracas, Venezuela; protesting against the new classification of freight that went into effect January 1 and insisting upon the old minimum weight for a carload; petitioning congress to improve the harbors so as to admit larger vessels. Eight resolutions had previously been adopted in addition to these six.

Chairman Fairbanks of the committee on weights and measures made a supplemental report favoring the metric system. No action was taken and the committee was discharged.

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PHILADELPHIA IS READY TO SAIL

Not in a Condition to Make Fast Time to Samoa.

WASHINGTON, Jan. 26.—The Navy department has been advised that the cruiser Philadelphia has completed coaling at San Diego and is prepared to sail today or tomorrow for Apia, Samoa, in execution of the department's instructions to look after the United States' interests in that quarter of the globe. It will touch at Honolulu enroute for coal and fresh provisions. In view of the foul condition of the bottom of this vessel it will be impossible for it to make full speed and it will be near the end of February when it reaches its destination.

Mr. Von Helldorf, the German ambassador, was among Secretary Hay's callers today. It is presumed that there was a further exchange between them respecting the Samoan complications, the nature of which is not known. It is reported that the Berlin dispatches that both sides are willing to await exact information as to what occurred at Apia during the uprising before proceeding further.

Anxious to See American Tars. WASHINGTON, Jan. 26.—Secretary Long has received a cordial letter of invitation from the mayor of Torquay, England, for the United States squadron to visit that place. The mayor warmly congratulates the navy for its success in the Spanish war. Secretary Long's response is appreciative and says no arrangements have been made yet to send a squadron to Europe, but one will go later, and he will bear Torquay's invitation in mind.

Colonel Sexton Improving. WASHINGTON, Jan. 26.—Colonel James A. Sexton is in the hospital in a little better condition this morning.

DEATH RECORD. Former Attorney General. WASHINGTON, Jan. 26.—Former Attorney General Augustus H. Garland was stricken with apoplexy while addressing the United States supreme court at 12 o'clock this afternoon and died within ten minutes. The