

AGUINALDO MAKING HIS FINAL STAND.

His Army Fighting Desperately to Hold Calumpit,

A Portion of Which Place General MacArthur Has Already Taken.

The Filipinos for the First Time Employing Artillery, Two Guns Firing Modern Sharpshooters Having Been Brought Into Action, Which Burst Over General Wheaton's Men Without Effect.

WASHINGTON, April 26.—The following cablegram was received at the War Department late this evening:

"Manila, April 26th.

Adjutant General, Washington: Lawton at Norzagaray and Angat. His two columns, united, have driven enemy to north and west. Slight casualties; names not reported. Only means of communication by couriers.

"MacArthur has taken a portion of Calumpit south of the river. The movement attended with difficulties, on account of the jungle, heat and strong incursions. His casualties yesterday three killed and eleven wounded.

"Developments thus far satisfactory.

"OTIS.

AGUINALDO IN HIS LAST DITCH. MANILA, April 26.—(10:10 p. m.) Aguinaldo's army to-day is defending Calumpit energetically, which is said to indicate that the rebels are finally making that place their last ditch, or stand, which the Americans expected them to make at Malolos.

General Wheaton's brigade advanced in extended order, with the Kansas regiment to the west of the railroad, and the Montana regiment to the east of it, and took up a position covering one and a half miles on the south bank of the Rio Grande. On the opposite banks were fortified trenches from which a few American soldiers would have been able to defile the trenches, so strongly were they constructed. The Americans found the trenches on the south bank of the river deserted, which furnished them with cover from which they could pick off Filipinos whenever one of them showed his head.

When the rebels began firing two puffs of smoke, simultaneously from the trenches on each side of the railroad track, showed they were using cannon, which was a genuine surprise to the Americans. Several shells burst close to General Wheaton's staff, but it seemed that the Filipinos failed to master the machinery of the modern shells, as they were unable to get the right range. Young's Utah Battery was ordered into position in the center of the Kansas Regiment, to silence the rebel guns, and at 11 o'clock the rapid fire guns came into line.

At noon the rebels were still pouring a heavy fire in the direction of the Americans, who returned it spiritedly. Two Americans were killed and seven wounded.

At about this time General Hale's brigade was advancing east of the line, apparently to cross the river and attack the rebel trenches in the flank, as did the Americans yesterday.

General MacArthur has secured an order issued by Aguinaldo to the other commanders, instructing them to instruct their men to economize their fire, save the empty shells and not to fire at the enemy when the latter is under cover. The Filipinos are also instructed never to fire at a longer range than 150 meters, and when they have a river or other obstructions in front to hold their fire until within eighty meters.

This order was issued after the recent encounters between the Filipinos and the Americans.

General Lawton is meeting with the greatest obstacles in the character of the country. His troops have only had a few skirmishes thus far, resulting in five of his men being wounded. But he has been forced to put his men at work building roads, and the transport service is giving much trouble, bullocks dying of the heat and exhaustion, and Chinamen having to be employed in pulling some of the carts. Therefore the General has been unable to cover the ground he hoped to cover.

The natives flee before the expedition, but they swarm back to their huts as soon as the American troops have passed.

A few Filipino sharpshooters are harassing the American ranks. The Commissary Department is preparing to send more rations under a strong escort to the front.

The United States transport Zealandia from San Francisco March 26th, having on board several companies of the Ninth Infantry and a large quantity of supplies, arrived here to-day after an uneventful voyage. Her troops are camped on the water front.

The United States transport Sheridan sails for home to-morrow. She will take among her passengers General Charles King and Mrs. Colonel Stotzinger, who is conveying her husband's body to the United States. The Sheridan also had on board several officers' families, who find Manila an undesirable residence.

SPRECKELS-GRAHAM CASE.

The Defendant Not Likely to Get a Jury Trial.

SAN FRANCISCO, April 26.—Judge Bahrs to-day virtually denied the application of R. A. Graham for a jury trial of the suit brought against him by John D. Spreckels & Company to recover \$722,000 on a promissory note.

In the argument before the court, Mr. Graham's counsel contended that a jury trial was his right, but Judge Bahrs hinted that the case was in equity, and could be heard by the court without the aid of a jury. This reaffirms the ruling of the court made last week, and although the matter was not definitely decided to-day, it is expected by all concerned that Judge Bahrs and not a jury will pass upon the merits of the case when it comes actually to trial.

NATIVE SONS.

Proceedings of the Grand Parlor Session at Salinas.

SALINAS, April 26.—The Grand Parlor convened at 7:30 o'clock this evening. Past Grand President Greany read a telegram from San Francisco, as follows:

"The Director of the Mint at Washington informs the 'Evening Post' that the San Francisco mint will make the medals if material and dies are furnished."

This refers to the proposed medals for California volunteers.

Various committees' reports were received and discussed. Changes in the by-laws proposed by the Committee on Legislation will probably not be settled until to-morrow morning.

As the time approaches for election of officers the fight for the positions of Grand Orator and Grand Trustee of rain. In the morning there will be a parade, and in the afternoon a league game of ball between Watsonville and Santa Cruz. In the evening there will be a banquet given at the Armory Hall to the Grand Officers, delegates and invited guests, at which it is expected there will be 400 people. The Grand Parlor will rush its work to-morrow, in order to complete the session before midnight.

For to-morrow's entertainment of visitors the Executive Committee will carry out Tuesday's program, which was interrupted by a heavy downpour of rain. The morning there will be a parade, and in the afternoon a league game of ball between Watsonville and Santa Cruz. In the evening there will be a banquet given at the Armory Hall to the Grand Officers, delegates and invited guests, at which it is expected there will be 400 people. The Grand Parlor will rush its work to-morrow, in order to complete the session before midnight.

NATIVE SONS AT MONTEREY. MONTEREY, April 26.—The Native Sons and their friends arrived here this morning from Salinas, where the Grand Parlor has been in session. The excursion here will be one of the best of the weather being all that could be desired. The delegates were met at the depot by a large crowd and escorted by a special committee to the Town Hall, where the city was placed at their disposal by Mayor Johnson.

A luncheon, especially arranged by the ladies of Monterey, was served to the Natives at Bagby's hall, after which they were escorted to the places of interest around this historic place.

WEATHER CONDITIONS.

Favorable for Somewhat Cloudy and Threatening To-Day.

SAN FRANCISCO, April 26.—5 P. M.—Weather conditions and general forecast: The following are the seasonal rainfalls to date as compared with those of same date last season and rainfall in last 24 hours.

Station.	Last 24 Hours.	This Season.	Last Season.
Eureka	.....0.20	31.85	31.25
Red Bluff	.....0.24	19.51	12.71
Sacramento	.....0.01	13.92	8.87
San Francisco	.....0.09	45.91	7.75
Fresno	.....0.28	6.93	4.16
San Luis Obispo	.....0.18	16.36	6.06
Los Angeles	.....0.19	4.91	5.28
San Diego	.....0.27	4.83	1.15
Yuma	.....0.00	1.34	1.05

San Francisco data: Maximum temperature 56, minimum 46, mean 51. The weather is cloudy over the Pacific slope, and somewhat threatening over the northern portion. Light rain has fallen during the day in portions of California and Northern Nevada and over Washington and Oregon.

The pressure has risen over the southern portion of the Pacific slope and fallen over the northern.

The temperature has risen in the San Joaquin Valley and in Southern Nevada, elsewhere it has generally fallen.

Conditions are favorable for partly cloudy and somewhat unsettled weather in California Thursday.

RAIN IN THE INTERIOR. BISHOP STATION, April 26.—Since last night 1/4 of an inch of rain has fallen.

VACAVILLE, April 26.—The recent rains have assured a large crop in Solano County. Late fruits promise to make a large yield. Cherries and apricots may do fairly well.

SAN JOSE, April 26.—The rain for the past twenty-four hours was .08 of an inch and for the month .45 of an inch. One of the biggest hay crops in the history of this valley is assured. Some hay is being cut. The storm has passed away.

SAN DIEGO, April 26.—Twenty-one inches of rain in an inch of rain fell here this morning in twenty minutes' time.

VENTURA, April 26.—The rainfall was .45 during the last twenty-four hours, throughout Ventura County. It was nearly an inch at Nordhoff which will be of great value to the barley crop. Berets are in fine shape and fruit is making a magnificent showing.

A Soldier Killed at Truckee.

TRUCKEE, April 26.—Casper Lanno, a private of Company A, Thirtieth United States Infantry, was killed here to-day by an engine. Lanno had been detailed as a guard to prevent the soldiers from leaving the train, and was leaning on his rifle when the engine backed on him, knocking him down and drawing him under the fire box. When removed Lanno was dead. He was a German by birth, and leaves a wife and five children at Eden Center, New York. He had been in the army about twenty-five years, and was about 50 years of age. The remains will be interred at the military cemetery at Benicia, Cal.

An Officer Goes After Terrill.

SAN JOSE, April 26.—An officer left this afternoon for Nogales, Arizona, to bring back S. B. Terrill, the young attorney who fled from here and was arrested there. The officer will stop at Los Angeles to secure the necessary signature of Governor Gage to the papers. Terrill is accused of embezzlement, but may have to face other charges.

MURDOCK CASE DRAGS WEARILY ON.

The Defense Recalls Expert Ames to the Witness Stand.

Testifies as to His Disagreement With Eilsenschmel in Davis Will Case.

W. D. Burnight, a Sheepherder, Formerly in the Employ of Sam. Murdock, Also Called, Much of His Testimony Being Objected to By Plaintiff's Counsel and the Objections Sustained by the Court.

WILLOWS, April 26.—This morning the court in the Murdock case convened at 9:30. The defense recalled Mr. Ames and asked him several questions in regard to his disagreeing with Mr. Eilsenschmel in the Davis will case. The witness said he at first thought this will a forgery, but after careful examination found that those very points which at first seemed to point to forgery finally led him to believe it genuine. He said it was a case in which the expert might differ. As the plaintiff did not wish to ask any questions the witness was excused.

W. D. Burnight was next called. He testified that he was a resident of Anderson and formerly resided in Colusa County. It was near Orland. He knew Samuel, Gawn and Mrs. Murdock, and worked for them at different times. He said he had seen Sam. Murdock in the hands of the sheep. He also did other kinds of work for them. He said:

"The last time I worked for them they had gone out of the sheep business and were farming. I was working for them in 1877. I was working for them at Allen Springs. In June or July of that year Sam Murdock came to my house and stayed all night."

Attorney Lusk asked the witness several questions in regard to the conversation that passed between Samuel and him at this time. But Attorney Johnson objected to every question and the objections were sustained by the court. Lusk then said:

"I would like to make an offer of testimony, and the jury can be excused for a few minutes if the plaintiff so desires."

The court excused the jury, and Attorney Lusk said that they wanted to prove by this witness that Mrs. Murdock threw the trunk of Samuel out of the house and that he cried and said he would half of the property. He said they wanted to show that there was not a friendly feeling between Sam. Murdock and Sam. Johnson. Mr. Johnson objected to this, and the objection was sustained, with an exception by the defense. The jury was then brought in and the testimony was continued.

The counsel asked the witness a great many questions in regard to the feeling Sam Murdock entertained toward Kirkpatrick, Johnson objected, and the objection was sustained. Mr. Lusk here made another offer of testimony, and the jury was again taken into another room. Mr. Lusk said:

"We want to put by the witness that, during the time he worked for Murdock and the time Sam was at his house, whenever the name Kirkpatrick was mentioned Sam expressed dislike for him and used strong language in connection with his name."

Johnson offered the usual objection, and it was sustained. The jury was then again recalled.

Barnes said the reason they wanted this testimony which the court ruled out was to contradict the statements of Gawn Murdock that Sam and his family were on this time on good terms with one another.

"I add this, so that it may go on the record, that we may have data for appeal to the higher court."

Burnight further testified that during all the time he worked at Gawn and Sam Murdock's he never saw Sam talking to Kirkpatrick. He did not remember that Mrs. Murdock returned home in the summer of 1877 for three or four days from Allen Springs. On cross-examination by Johnson he said:

"I stayed in Montana part of my time. Just before I came here I worked for Mr. Bidwell in Chico. I lived in Orland in 1877. I worked for Murdock in March and March. I came from Chico yesterday. I saw Mr. Lusk in Chico last week and talked with him about the case. I also made a written statement to him. I was told by Mr. Lusk that he would put a witness in this case. I saw Mr. Skillman on the train yesterday. I did not tell Mr. Skillman that I was going to Willows to testify in the case of Murdock and that I had been kept in Chico for twenty days and was not allowed to get out on the street. I saw Mr. Skillman and that Mr. Lusk said he would put a witness in this case, which was in favor of his side, but that he would give \$600 to have me not tell what I know in favor of plaintiff or that I was in the case for money and would give my services to the highest bidder. I never said on the witness stand that I had been retained by Lusk as to get \$100."

"Did you get your \$100?"

"I have not seen it yet, but am to get just what I would get if I were shearing sheep."

The witness was then excused and Mr. Ad. Merrill called.

"I reside in Redding," he said, "but formerly lived in Willows. I have done considerable work for the defense in this case in hunting up witnesses, etc. I know H. A. Skiff and saw him while he was in Willows last time. I have known him about fifteen years. I had a conversation with Skiff in February in the hotel in San Luis Obispo.

This is a direct contradiction of what the witness, Skiff, testified to, for it will be remembered that Skiff denied making any such statement, and that he said he knew about the note shortly after it was made.

In the cross-examination, Johnson merely read the notes of Merrill taken at the time the conversation took place, which were a repetition of the previous statements of the witness.

The deposition of S. L. Grafrod, who worked on the Murdock ranch during the life of Samuel, was offered in evidence and partly read by Lusk. The deponent said he worked for Sam and Gawn Murdock about five years, and said at the time he never saw William Murdock on the ranch or ever heard any of the other hands speak of seeing him there.

No Trace of Superintendent Starr.

PASADENA, April 26.—The investigation into the mystery of the disappearance of H. S. Starr, Superintendent of the Oak Knoll ranch, is continued to-day by the officers, but as yet the body has not been found, nor is there any trace of it nor any clue to the mystery. Sheriff Hummel cannot explain the finding of blood spots at the place where the structure took place, except that they indicate that a murder took place, and that the body has been carried.

The Yellow Aster Mines.

SAN FRANCISCO, April 26.—V. A. Clement, the mining engineer for Captain de Lamar, the copper magnate, is in this city en route to Denver, Col., there to enter into negotiations for the purchase of some gold and copper properties. Mr. Clement will not discuss the report of the sale of the Yellow Aster mines of Randsburg to a syndicate headed by Captain de Lamar for \$3,000,000. Captain de Lamar is now in Colorado.

Supposed to Have Suicided.

SAN FRANCISCO, April 26.—Charles E. Chase of this city is supposed to have jumped from an Oakland ferry-boat some time last night. A coat was found in one of the upper rooms of the ferry, and a note stated that the writer had lost some money at the races, and had determined to end his life. No one saw the deed, and no one has been found who saw Chase on the boat. He leaves a wife in this city.

The Fresno Chinatown War.

FRESNO, April 26.—Four prominent representatives of the Chinese Six Companies of San Francisco arrived in Fresno last night, their object being to pacify the warring factions in Chinatown. To all outward appearances the war seems to be over, and no further trouble is anticipated.

The Thirteenth Infantry.

SAN FRANCISCO, April 26.—The Thirteenth United States Infantry arrived here to-day from New York State, en route to Manila. The regiment will be divided between the transports Seneca and Ohio, which will sail for the Philippines within the next day or so.

Samoaan Commissioners Sailed.

SAN FRANCISCO, April 26.—The United States dispatch boat Badger, with the Samoaan Commission on board, has sailed for Apia. The steamer will probably stop at Honolulu for coal.

SEVERE FIGHTING IN SAMOA.

BETWEEN PEACEFUL NATIVES AND REBELS.

Casualties Not Thought to Exceed Twenty, and No Foreigners Among the Injured.

AUCKLAND, April 26.—Advice just received here from Apia, Samoa, dated April 18th, report that severe fighting has taken place between large bodies of peaceful natives and the rebels. The casualties it was thought would not exceed twenty, and no foreigners were among the injured.

NO DISCORD BETWEEN THE OFFICERS OF THE WARSHIPS.

BEHLIN, April 26.—With the view of rectifying the reports of discord said to exist between the three naval commanders at Samoa, the 'Nord Deutsche Zeitung' publishes extracts to-day from the report of the German warship Falke's commander up to March 25th, in which Captain Schoenfelder says:

"The wildest rumors are current concerning the relations between the officers and crew of the Falke and the Americans and English. The reports are due to some of our countrymen, who do not tire of creating ill-feelings between the officers and crew of the three countries by promoting such rumors. As a matter of fact, the relations between the different commanders and officers are thoroughly courteous, and of an accommodating character."

In reply of the courteous nature of his guard duty, Captain Sturdee attended the funeral of a German sailor, and a deputation of an officer and sixteen men, and Admiral Kautz hoisted his flag at half-mast. No disputes have occurred between the German and the American English crews.

"At a recent meeting the military representatives of the three Powers expressed indignation at the rumors, and whenever the commander and officers of the Falke meet the American and English officers and Consuls social forms are strictly observed."

Dealing with the commencement of hostilities, March 15th, and the fact that a fragment of one of the Philadelphia shells entered the German Consulate, the report says:

"The German Consulate was not previously notified of the commencement of hostilities, and was still uninhabited. I immediately dispatched an officer to inform Admiral Kautz that the German Consulate was not evacuated, and that his shots had struck the building, and requested him to cease firing over Apia until the Germans were in safety. Admiral Kautz told the officer that owing to my representations, he would not continue firing over Apia, and the following day he sent his Flag Lieutenant to me and expressed regret at the occurrence."

"Admiral Kautz on March 16th directed that uniformed officers and men should be allowed to pass freely at all times. The American guards on duty were always most civil."

AFFAIRS IN THE ISLAND OF CUBA.

The Application of Immigration Laws of United States

Gives General Satisfaction to the Inhabitants of Havana.

The New Regulations Will Prevent the Ingress of Any More Chinese Laborers, Who, From Their Habits, Are a Constant Menace to the Public Health.

NEW YORK, April 26.—A dispatch to the 'Tribune' from Havana says: The instructions received by Governor General Brooke from Washington to declare applicable to Cuba the immigration laws of the United States are certain to give general satisfaction here. For one thing, the new regulations will prevent the ingress of any more Chinese laborers, who, though useful in certain employments, notably truck gardening, are, from their habits, a constant menace to the public health. The sanitary bureau has been forced to burn out the filthy quarters in which the various Chinese colonies here have been living, there being no other way to purify these centers of contagion. Another undesirable class of immigrants is likely to be prevented under American law from overrunning the eastern half of the island. This class is composed of worthless negroes from Jamaica, Hayti and San Domingo, who wish to better their fortunes at Santiago and elsewhere in the East. General Wood foresaw embarrassment some time ago, and quietly put in force in his province an order returning the would-be immigrants who could not show \$40 each in ready money. General Brooke's decree will establish restrictions of this sort at all Cuban ports on arrival of those who threaten to become charges on the island. While the present condition of agricultural production lasts there will be little or no harm from additional labor of the unskilled class.

The Council of Secretaries, or Insular Cabinet, submitted to General Brooke to-day the draft of a decree providing for the registration of aliens under the terms of Article LX of the treaty of Paris. After the registration bureau is opened Spaniards who desire to remain in Cuba will have a year in which to decide whether or not they will surrender their nationality. This postponement of a final choice on the part of so many of the actual residents of Cuba may complicate to some extent the problem of restricting the immigration of government for the island before a native constituent can be elected. Some satisfactory definition of a Cuban citizenship must be evoked. Not a few of the leaders here who are now struggling for political power are technically aliens. General Brooke, a Santo Domingo General, Julio Sangulilly is, or was, a naturalized citizen of the United States, and dozens of revolutionary leaders and agitators took out similar papers before engaging in the revolt against Spain.

After the registration bureau was presented himself as a candidate for a place on the new Supreme Court bench. He admitted that he was a naturalized American, and when asked whether he would abandon his acquired citizenship to become a Justice, protested vigorously against the necessity of any such renunciation. He had an estate in the interior of the island, and could not afford to give up the rights involved in surrendering such a safeguard. Some difficulty has been experienced in filling the places on the Supreme Bench. Two more declarations of service have been received, one from Matanzas and one from Puerto Principe. Senor Eduardo Tamayo of Santiago, a prominent lawyer, telegraphed to-day, however, that he would take one of the vacant posts.

A very sensible experiment is being tried by Havana police authorities. This consists in the enlistment of a special squad of American ex-soldiers which is to be used in patrolling the parts of the city most frequented by Americans. The new patrolmen are expected to introduce an element of coolness and method into the service and minimize the friction now existing between the soldiers and police. They will be especially valuable in handling such Americans, soldiers, teamsters and others, as become disorderly in the streets and cafes.

The police force continues to engage in shooting affairs. Two detectives in plain clothes shot a saloonkeeper yesterday, apparently without sufficient justification, and one roundsman was himself mortally wounded last Saturday by an antagonist who escaped.

The Cuban telegraph operators are the latest native body of trouble-makers. They say that they are being displaced by operators from the United States, and have written to General Gomez to ask his influence to restore them to favor. American operators are, in fact, in good demand here, owing to their greater experience and skill.

OBJECTION WITHDRAWN.

Spanish Troops Now in Philippines Can Go to Carolina.

WASHINGTON, April 26.—The State Department has withdrawn any objection it may have entertained to the dispatch of Spanish troops from the Philippines to the Carolines. Pending the exchange of ratifications of the peace treaty, it was held that under the terms of the protocol there could be no movement of troops in the direction of strengthening garrisons or in any manner changing the military situation. The only exception was the repatriation of the Spanish troops in Cuba and the Philippines.

Nearly all of the Spanish troops who surrendered at Manila have gone home, and only a few troops remain to garrison some posts on the other islands. The report from Madrid that General Otis has requested the Spanish garrison at Zamboanga, Island of Mindinao, be held in place until American garrisons can be sent to relieve them is confirmed here. Had a similar arrangement been made as to Iloilo, it is said much trouble and bloodshed would have been avoided.

THE COPPER COMBINE.

Marcus Daly Denies Any Knowledge of the Reported Trust.

CHICAGO, April 26.—Marcus Daly, the Montana copper king, is at the Auditorium Hotel, having arrived from New York, where he has been several weeks. When asked about the copper combine, he gave it to be understood that the Anaconda property had not been secured, and professed to have no knowledge that the trust had been consummated.

"I heard of this talk in New York on Saturday," he said, "and made inquiries among some people whom I thought would know something about it if the deal had been made there, but none of them had anything more than I did. It may be that something was done in New York yesterday, as the advance in stocks seems to indicate, but if so, I have received no definite knowledge to that effect."

"You think you would be apt to hear if anything had been accomplished?" he was asked.

"Well, yes, I think I should. Before the scheme can be said to have been consummated the combine will have to deal with me. The talk of a capitalization of \$500,000,000 is nonsense. That is a greatly exaggerated figure. It would simply be impossible to make fair earnings on such a capitalization."

LONDON, April 26.—The Rothschilds and J. S. Morgan & Co. of this city deny that they are in any way connected with the "corner" in copper which is said to be in process of formation in the United States.

STAMP COUNTERFEITERS.

Kendig Tells of Paying Bribe Money to Ingham and Newitt.

LANCASTER (Pa.), April 26.—W. L. Kendig, one of the principals in the counterfeiting of revenue stamps, went to Philadelphia to-day. Prior to his departure, speaking of the alleged connection of former United States District Attorney Ingham, and his law partner, Ex-Assistant District Attorney Newitt, with the scheme, he said the last bribe money paid out was to those two, and the amount was \$3,000.

It was divulged to-day that W. M. Jacobs, the alleged chief of the counterfeiting, had made an unsuccessful attempt to bribe another Internal Revenue Deputy Collector before approaching Collector Downey, who was arrested Monday. A. D. Herr, formerly a clerk for Jacobs, became suspicious that everything was not right, and resigned. A year later he was appointed a Deputy Collector. Jacobs then called on him and asked if any Secret Service men were in Lancaster, and proposed that Herr should keep him posted as much as possible as to their purpose.

The deputy said that Mr. Jacobs, you must remember that I am a sworn officer of the law."

MEAT CONTRACTORS TO BE REIMBURSED.

The Board of Survey Submits Its Report and Findings

Relative to the Loss of Refrigerated Beef Shipped on the Manitoba.

Blame Rests Primarily With the Army in the Lack of Control of the Men and a Responsible Head of the Subsistence Department at Ponce, Under the Difficulties Attending a New Military Situation.

WASHINGTON, April 26.—The board covered by a special order to examine and report on the responsibility for the loss of 300,000 pounds of refrigerated beef sent to Porto Rico last summer has submitted its report and findings. The object was shipped on the transport Manitoba from Swift & Co., Chicago and Kansas City. The board's findings are as follows:

"The beef was good and fit for issue upon its arrival at the port of Ponce, August 10, 1898; was reported to the proper military authorities, and that this condition continued after the release of the Manitoba from the reef on August 18, 1898, although there is reason to believe that the refrigerator was not satisfactory during that interval.

"That notwithstanding the time and labor involved in unloading troops and animals from the Manitoba and in cleaning the ship, up to and including August 16, 1898, due and proper efforts were not made to issue this beef to accessible troops between that date and August 25, 1898, the date of the departure of the Manitoba from Mayaguez.

"That this lack of effort was in the nature of an acquiescence in the arrangements already locally mentioned for the purchase of live beef, but lay primarily in the lack of control of the men and a responsible head of the Subsistence Department in Ponce, under the difficulties attending a new military situation.

"That both at Mayaguez, from August 20th to August 31st, and at Ponce between the date of the return of the Manitoba, August 31st, to her departure for New York, September 7th, proper effort was made for the issue of this beef, and the meat was, in the opinion of the board, still fit for issue.

"That the meat had not been subjected to any chemical process whatever for its preservation.

"That the loss of this beef was due to several causes, possibly deterioration, while the refrigerator plant was interrupted or disturbed, August 10th to August 14th, exposure to high temperature from the time of loading on the transport to date of issue at Mayaguez and after; improper handling and faulty protection after issue; deficient transport to troops; a month elapsed since the beef was dressed before it reached Mayaguez, when for the first time issues were made, owing to the difficulties. Finally, the distribution to the troops was such that, under the circumstances, great loss was inevitable in the absence of any refrigerator at ports of entry.

"That the United States is responsible for the loss. The board is aware of an average waste in refrigerated beef—a loss properly chargeable to the contractor, but the board is unwilling to fix an arbitrary figure for such a shipment, as the facts of the case, handled under the adverse circumstances existing, as established by the testimony, and by the absence of reliable data.

"That Swift & Co. be reimbursed for the loss. The board construes the time limit in the contract with Swift & Co., to which the beef should remain sound for twenty-four hours after delivery to the issuing commissary, if properly protected, the seventy-two-hour clause referring to intermediate storage in land refrigerators.

Secretary Alger has approved the findings of the board and directed that payment be made to Swift & Co., in accordance with the report.

Nothing has been determined as to whether a board of inquiry will be ordered to make a further investigation. The board which has just reported was a Board of Survey.

SAMPSON'S FLEET AT SAN JUAN.

SAN JUAN