

## DOWN With Yellow Fever Is Gen. Duffield.

### Germany Will Back Down In the Irene Bluff at Manila.

#### WAS DUE TO A MISUNDERSTANDING.

Washington, July 18.—(Special.)—A telegram received this morning at the War Department states that Brigadier General Duffield is down with yellow fever at the Siboney hospital. Gen. Duffield comes from Detroit and is a personal friend of Secretary Alger. He commanded a brigade composed of the Sixth Massachusetts and the 33rd and 34th Michigan. He is a man well advanced in years and has been sick for a week or more with fever, which has developed into yellow fever.

### Gen. Merriam Will Command The Fourth Manila Expedition.

San Francisco, July 18.—(Special.)—Maj. Gen. Merriam has assumed command of the expeditionary forces. It is said, in spite of the immense amount of work that has been thus shouldered on this command, active preparations were continued on the vessels of the fourth Manila expedition. There has been a final inspection of the Pennsylvania and the troops designed for her are expected to embark to-day. The troops that are detailed for the Pennsylvania are the 1st Montana Regiment and the recruits for the 1st California. The South Dakota Regiment is to go on the Rio de Janeiro. It is doubtful if the Rio de Janeiro



MAJ. GEN. HENRY U. MERRIAM, U. S. A.

This gallant officer is now in command of the army posts on the Pacific coast. He entered the army from civil life during the war of secession and was captain of the Twentieth Maine volunteers. As an organizer of negro troops during the war he earned the special thanks of the government. After the war he entered the regular service, and was made a brigadier general last year. At the beginning of the Spanish war he was made a major general.

will be ready by Tuesday. The delay is in putting in the bunks. Men worked all day Sunday. There is so far no sign of the St. Paul, due from St. Michael. She is now a week overdue, but has probably had to wait for river steamers.

The Utah light battery of volunteers artillery received orders this morning to prepare and be ready and embark on the Rio de Janeiro without delay. It consists of 105 officers and men, Lieut. Wedgewood commanding. He is, however, too ill to go. No one has as yet been assigned to his place. They are about to get a new armament of four pieces. At present they have only two.

San Francisco, July 18.—(Special.)—The transport Pennsylvania will probably not start for the Philippines until Wednesday.

London, July 18.—(Special.)—The Chronicle says after the war Spain will probably be reduced from the technical status of a "Great Power" to which she was raised in 1883, when her legations abroad were converted into embassies.

### OLD GLORY RAISED.

Above the Spanish Forts of Santiago Sunday.

Formal Surrender of the City by Gen. Toral—Articles of Capitulation.

Santiago De Cuba, July 18.—Amid impressive ceremonies the Spanish laid down their arms between the lines of the Spanish and American forces at 9 o'clock yesterday morning. Gen. Shafter and the American division and brigade commanders and their staffs were escorted by a troop of cavalry and Gen. Toral and his staff by 100 picked men. Trumpeters on both sides saluted with flourishes.

Gen. Shafter returned to Gen. Toral the latter's sword, after it had been handed to the American officer.

Our troops, lined up at the trenches, were eye witnesses of the ceremony. Gen. Shafter and his escort, accompanied by Gen. Toral, rode through the city, taking formal possession.

The city had been sacked before they arrived by the Spaniards. At the palace elaborate ceremonies took place. Exactly at noon the American flag was raised over the palace and saluted by Capt. Capron's battery. At the same time all the regimental bands in our line played "The Star Spangled Banner," after which President McKinley's congratulatory telegram was read to each regiment.

The thirteenth and ninth regiments of infantry will remain in the city to enforce order and exercise municipal authority. The Spanish forces are to encamp outside of our lines.

The formal sanction by the Madrid government of the terms of capitulation Saturday unraveled the tangled skein of demands and counter demands between the opposing commanders, which threatened to end the negotiations and compel a return to arms. The agreement consists of nine articles.

The first declares that all hostilities shall cease, pending the agreement of final capitulation.

Second—That the capitulation includes all the Spanish forces and the surrender of all war material, within the prescribed limits.

Third—The transportation of the troops to Spain at the earliest possible moment, each force to be embarked at the nearest port.

Fourth—That the Spanish officers shall retain their side arms, and the enlisted men their personal property.

Fifth—That after the final capitulation the commanding officers shall furnish a complete inventory of all arms and munitions of war, and a roster of all the soldiers in the district.

Seventh—That the Spanish general shall be permitted to take the military archives and records with him.

Eighth—That all guerillas and irregulars shall be permitted to remain in Cuba if they so elect giving a parole that they will not again take up arms against the United States unless properly released.

Ninth—That the Spanish forces shall be permitted to march out with all the honors of war, depositing their arms to be disposed of by the United States in the future, the American commissioners to recommend to their government that the arms of the soldiers be returned to those "who so bravely defended them."

#### One Dog Less in Town.

The Acme Mills wagon heavily loaded ran over a small dog belonging to Walter Bell, col., on Campbell street this morning. He was cut half in two and "the subsequent proceedings interested him two more."

Rev. Duvall, pastor of the Methodist church at Earlington, returned home this morning.

### RAILROAD PASSES.

Discussed by President Milton H. Smith of the L. & N.

Admits that the Company Issues Them to Judges and Politicians Because it Helps Business.

Mr. Milton H. Smith, President of the Louisville and Nashville Railroad company, has a widespread reputation for bluntness, especially when he talks to those who occupy high places. Mr. Smith's testimony before the Interstate Commerce Commission in the matter of extension of time to comply with the Railroad Safety appliance act of Congress, is exceedingly interesting and characteristic. The testimony was so replete with information of legal and economic character that the senate ordered it printed as a public document, and Law Notes has a review of it in its July issue.

The Commissioners had not progressed very far in questioning Mr. Smith before the delicate subject of the depletion of railroad revenues by free transportation was reached. Mr. Smith stated that his road issued passes to the President and United States Senators. "We transported President McKinley and party to the Nashville Centennial free, but we got our money back by charging the people who went to see the President," he said.

Mr. Smith is of the opinion that the practice of issuing free passes is so thoroughly established that it can not be discontinued. "We may perhaps secure an increased traffic thereby," said he. When the commissioners desired to know how far the judiciary came in for free transportation, Mr. Smith referred the Commissioners to Edward Baxter, general counsel of the L. & N. road. The President stated, however, that he was sure that Mr. Baxter was of the opinion that it was not well to appear before a judge unless he has a pass if he wants one.

"If a Federal Judge wants a pass," continued Mr. Smith, "and asks for it, we give it. We do not press them on the point. They may not ask directly for it, but may have some friend to do it." However, only one or two hold such passes. Concerning the relations of the railroad and people, Mr. Smith said: "The people and the carriers are getting along well, and I say let it alone. They will work it out." The commission asked Mr. Smith if in the absence of regulation the traveler would not be compelled to pay whatever the road charged.

"No," said Mr. Smith. "What could he do?" was asked. "He can walk; he can do what he did before he had the railway." "He can hire horses and drive," interposed some one.

"Yes," said Mr. Smith. Mr. Smith clearly expressed his opinion in favor of doing away with government regulation of railroads and leaving the matter to the carrier and the people. When it was stated that all railroad officials conceded that the law was being violated by some one, but all insisted that their roads stuck to its very letter, Mr. Smith said, "somebody is lying."

Law Notes, in concluding its review, says Mr. Smith is either fifty years ahead of his time or fifty years behind it.

#### Two Ships Go to Cuba.

Norfolk, Va., July 18.—(Special.)—The Yankee left for Santiago last evening with ammunition for Watson's squadron. The Buena Ventura, one of the ships taken from Spain, also left with 100 colored laborers for Cuba, to repair docks.

#### Ore Trade Will Start Again.

Baltimore July 18.—(Special.)—The ore trade between Baltimore and Santiago will be in full blast again inside of a month.

# SICK

## Of His Job Is Major General Shafter.

### Wants to Return Home and Cool Off Soon as Relieved.

#### TALKING ABOUT PORTO RICAN INVASION.

Washington, July 18.—(Special.)—The Naval War Board and Secretaries Long and Alger met this morning. They are reticent concerning the subject of discussion, but it was believed to be the disposal of the forces about Santiago and the details of the Porto Rico expedition.

Gen. Shafter has expressed a desire to return to this country as soon as he can be relieved, and it is thought he will be permitted to start home before the end of the present week.

Two regiments at San Antonio, Texas, have been ordered to leave Wednesday for New Orleans, where they will embark for Santiago to be assigned to the garrison there.

### Spain is Satisfied.—Says

#### It Was an Honorable Surrender.

Madrid, July 18.—(Special.)—The terms of the surrender of Santiago are regarded as honorable to Spanish arms. The troops will probably be sent to the Canaries or the Balearic islands, if found tainted with yellow fever.

Gen. Blanco still has 100,000 regulars and 40,000 volunteers under his command.

### The Irene Incident===

#### Apologized For at Berlin.

London, July 18.—(Special.)—A Berlin dispatch to the Daily News says:

"The Irene incident in Subig Bay was probably due to differences between the German Navy Department and the foreign office. The former has been very self confident since the seizure of Kia Chou Bay. Possibly the Philippine squadron was instructed to display military dash and moved without diplomatic action. Nothing at present would be more disagreeable to the cabinet than friction with the United States." The dispatch adds that a letter from a German resident at Manila says the Americans are anxious above all to prove themselves gentlemen, and thus heap coals of fire on the head of the Spanish Governor, who in a proclamation described them as the scum of mankind, capable of any cruelty.

### Third Regiment In It.

#### Will Help Whip Porto Rico.

Washington, July 18.—(Special.)—The War Department this afternoon decided that Gen. Wilson's division of the Volunteers, including the First and Third Kentucky regiments, shall take part in Porto Rico invasion.

It is reported to-day that the war board had decided to increase this force to 40,000 men, owing to the difficulty of taking a well fortified city like San Juan.

#### Fell and Broke Her Arm.

Nellie, the little seven-year-old daughter of Mr. H. A. Williams, fell from a hammock Sunday afternoon and broke both bones in her left arm just below the elbow. A surgeon was hastily summoned and reduced the fracture and she is now resting comfortably.

#### Weather Forecasts.

Showers to-night and probably Tuesday. High Temperature.

#### Will Take a Vacation.

Rev. M. B. DeWitt has been granted a leave of absence by his church, the Cumberland Presbyterian, and will leave this evening for Tullahoma, Tenn., to spend a month at Cascade Springs, near that place.

Mr. E. H. Price and daughter, Miss Emma Lee, have gone to Atlanta, Ga., to visit Mr. Price's daughter, Mrs. W. D. Smith.