ONLY CENSURE FOR GEN. MILES

Not Justified in Alleging Refrigerated Beef Was Embalmed.

NO FURTHER PROCEEDINGS.

More Statement of Official Facts Merely Ends of Discipline—Packers Not at Fault.

Washington, May 7.—By direction of the President, who approves the findings, Acting Secretary of War Meikeljohn today made public the report and findings of the military court appointed to investigate the charges made by Major General Miles, commanding the army, that the beef supplied to the army during the war with Spain was unfit for the use of the troops. The most important features of the report are:

The finding that the general's claims that the refrigerated beef was treated with chemicals were not established.

That his allegations concerning the canned roast beef were sustained as its unsuitability for food as used on the transports and as a long-continued field ration.

Censure of General Miles for "error" in failing to promptly notify the secretary of war when he first formed the opinion that the food was unfit.

Censure of the commissary general (Sam Ward Eagan) for the non-executive purchase of the canned beef as an unfitted ration.

Censure of Colonel Maus of General Miles' staff.

The finding that the packers were not at fault and that the meats supplied to the army were of the same quality as those supplied to the trade generally.

The recommendation that no further proceedings will be taken in the premises.

CONCLUSION OF THE COURT.

The conclusion of the court adverse to further proceedings, based upon the charges, is as follows:

"It has been developed in the course of the inquiry, as recited in this report, that in some instances some individuals failed to perform the full measure of duty or to observe the properties which dignified military have commanded, but the court is of the opinion that the mere statement of official facts developed meets the end of discipline and that the interest of the service will be best subserved if further proceedings be not taken."

There is more or less criticism of General Miles in various parts of the report. Probably the most direct is found in the one where it states that beyond the criticism of officers found elsewhere in the report:

"The court finds that against none of the officers commanding corps, divisions, brigades and regiments and their staff officers should a charge of guilty be brought."

"The court also finds that the major general commanding the army had an sufficient justification for alleging that the refrigerated beef was embalmed or was unfit for issue to troops. It also finds that he committed an error in that, having belief or knowledge, as claimed, that the food was unfit, that it caused sickness and distress; that some of it was supplied under the pressure of expressions that it either was embalmed, he did not immediately send such knowledge or belief to the secretary of war, that the secretary might apply a proper remedy might be promptly applied."

The censure of Colonel Maus, inspector general on General Miles's staff, is based upon his failure to call attention to charges concerning the "beef scandal" contained in a report of inspection made by Dr. Sor maker. Dwelle in the 20th Pennsylvania, which he stated his belief that the beef was unsuitable treated.

"The court finds," says the report, "as an important matter as the embalmed beef reported by Major Dwelle, of which he spoke to him personally, is most remarkable."

MILES'S UNEXPLAINED FAILURE.

The remark is also made that General Miles's failure to draw special attention to this report is "unexplained."

Commenting upon General Miles's testimony that he had first formed the opinion that Adjutant General Corbin's embalmed beef had been processed, the report remarks:

"Whatever the date he formed a belief, or reasonable suspicion, that the health of the troops was being impaired by the use of such food, it was his bounden duty, in the opinion of the court, instantly to take the most effective means to ascertain the actual facts and to correct the wrong, if any should be found. He would have been justifiable in obtaining samples of the beef then being supplied to the army by contractors and to have submitted them to proper chemical examination, which would have resulted in the detection of the poison or absence of poison, or sulphite acid or any other chemical agent that may have been used as a preservative. Yet no such precaution as that suggested was taken by the major general commanding at that time, or at any subsequent time, so far as has been learned by the court."

The court finds that the allegations of the major general commanding, to the effect that the refrigerated beef supplied to the troops was treated with chemicals, are not established. The court also finds that so much of the allegations of the major general as relate to the unsuitableness of the canned roast beef, as served on the transports, and as a long continued ration, are sustained, in the opinion of the court, by the other allegations to the effect that the canned fresh beef was unsound.

The evidence shows that Col. John F. Weston, assistant commissary general of subsistence, recommended the adoption of the canned roast beef as a component of the field ration, and to this extent he is responsible.

The report shows the quantity of canned roast beef purchased for the war by the commissary department to be 4,347,174 pounds, including the beef which was brought from Liverpool and other English ports. This amount is characterized as excessive, and the commissary-general (Sam Ward Eagan) is severely criticised in several parts of the documents at this score.

BOAN'S COLOSSAL ERROR.

One of the severest rebukes is as follows: "Considering the little use that has been made of this beef in the regular army, the probability that the volunteers were entirely ignorant of it, that no one as a part of the field ration, had never been mentioned by the President or secretary of war, the story was but characteristic of the action of the commissary-general of subsistence as demonstrated and reckless in that he ordered the purchase of such enormous quantities of beef, that was practically untried and unknown, and the result so fatal. The court also finds that there is no ground for any imputation whatever, of any other actuating motive on the part of the commissary-general, than the earnest desire to procure the best possible food for the troops. The court expresses this opinion of the commissary-general of subsistence as a colonel, since for which there is no judicial sanction."

The court finds that there was neglect, but not to a too degree, in Porto Rico in delivering the refrigerated beef. "The court says the report, "does not wish to state the case more strongly than to say that the finding appears to be warranted that too much time was consumed in distributing this perishable article. The fault, if any there was, lies with the brigade and higher commanding officers and their commissaries and quartermasters, and the court does not see as definite or specific as to warrant naming by the court of any particular officers. They have been tried, tested beef was at first received with great satisfaction.

There is also censure of the army in unloading the refrigerating apparatus of Swift & Co. at Santiago, to be applied by the commissary department in Washington for an order on the quartermaster to expedite the delivery from the transport of the refrigerating plant and not effect any benefit. The delay in this matter was the cause of serious loss."

CANNED BEEF RATION.

The court is of the opinion that the canned roast beef was not suitable as a cooked ration, for reasons, considering the absence of cooking facilities, and the cheese from that ration, of fresh vegetables and condiments. For use on shore as a field ration, where the conditions had their camp-cooking equipment and facilities were available, canned roast beef is suitable for issue, say two days in ten, but not for five days in succession. The court recommends that no further proceedings be taken in regard to the canned roast beef, as it was tested at least one-half of the most active part of the war, and, in other words, the troops had an excuse for cooking other than was practicable with the materials at his control. The work is excessive, as we are now executing one day in five, the court finds this best unsuitable.

"The refrigerated beef is, in the opinion of the court, suitable rations for troops when it can be issued to them in good condition."

WHAT WAS SUITABLE RATION.

As to whether anything better than the beef was available for a ration, the opinion is:

"Fourth—That on the transports the reliance on canned fresh and canned corned beef was other, but that the canned fresh beef was less desirable than the corned.

"Second—That while bacon is not regarded as a suitable constant food in campaign for troops serving in the tropics, combined with the vegetables that were available, it would have been more satisfactory and fit than the unknown and unfamiliar canned roast beef eaten direct from the can.

"Third—That the use of refrigerated beef on shore, after the troops had secured convenient barbers and lodging facilities, was not a proper ration. That the court believes that there was the better food available at practicable.

"Fourth—That the evidence of the witnesses, that the court believes that there was the better food available at practicable."

The extract from the opinion of the court says: "That the canned beef was described as fresh; because it was not salted, and that the meat was not old or stale.

"That the refrigerated beef furnished from the army was fresh, and compared with any packer other than cold air.

"That the meat purchased for the army was the same in appearance, but both stock—refrigerated and canned—were such as were well known in both metropolitan and provincial articles of which there is and has been a very large consumption, but only in the trade supplied by packers in the United States every, not by the armies and navies of Europe.

"That the reports of outbreaks or unsuitability of the beef sent from the United States were forwarded to the war department by the general officer serving in Cuba or Porto Rico after the field operations were in progress for some days, and the article of food was not used for a month after hostilities ceased.

"That bacon came defects in methods of inspecting the beef on the delivery to the transports, and that the deterioration of the meat in transport was due to the fault of no one."

MILES' CHARGES.

The charges of Gen. Miles, as made in an "open letter" and in an "open" and in newspaper interviews, as well as those made before the war investigating, are reviewed at length, the report dwelling among them being the interview with the general sent out from the New York Herald and the Associated Press on January 5th, in which Gen. Miles was quoted as saying that he had "secured samples of the beef and had them tested with chemicals to preserve it and that to be left officially in the hands of the chief of ordnance the embalming process."

The court says the Lodge report (Sen. Lodge's report) "is of a very different character to it was related in the New York Herald of 5th ult., and the Associated Press of January 5th, in which Gen. Miles was quoted as saying that he had "secured samples of the beef and had them tested with chemicals to preserve it and that to be left officially in the hands of the chief of ordnance the embalming process."

The court says the Lodge report is "of a very different character to the conversation as