

PROTOCOL OR TREATY?

AGREEMENT WITH CHINA.

River Improvement Convention May Cause Stir in Senate.

Washington, Jan. 10.—A protocol entered into between China and the representatives of eleven foreign powers, including W. W. Rockhill, representing the United States, promises to precipitate a lively debate in some forthcoming executive session of the Senate. Some members of the minority maintain that this protocol, which provides for certain improvements by the Chinese government of the Huangpou River above and below Shanghai, is in fact a treaty, so designated in German official documents, and should not, therefore, have been concluded by the State Department without the advice and consent of the Senate.

That there is precedent for the action of the department cannot, however, be denied, as the present agreement replicates the protocol of 1901, dealing with the same subject, which was never submitted to the Senate. The new protocol, which was signed by the representatives of the powers on September 27, 1905, consists of twelve articles, as follows:

Article 1 provides that the Taotai of Shanghai shall assume the entire charge of removing the bar above and below Woo-Sung.

Article 2 that within three months after the signing of the agreement China shall select an engineer to have charge of the improvements in the Huangpou River, and when such selection is approved by the representatives of the powers further progress shall be made.

Article 3 provides that the work shall be prosecuted by duly advertised contracts awarded to the lowest bidder.

Article 4 provides that every three months a full and complete report, showing expenditures and progress, shall be submitted to the consular representatives of the interested powers.

Article 5 provides that all plans shall have full power of construction, cofferdams, etc., in the hands of the Chinese government.

Article 6 confers on the same authorities the right to dredge the river.

Article 7 authorizes the same authorities to acquire any condemnation and purchase any land necessary to the prosecution of the improvement, provided that if any lands within the value of the concession shall be required, their value shall be determined by arbitration, and further that owners of the river frontage shall have preference in the right to purchase any lands of which the Taotai and the consular representatives are in charge to dispose.

Article 8 stipulates that the Chinese government shall defray all expenses of the improvement without the imposition of any special tax on commerce or navigation.

Article 9 binds the Chinese government to devote to the improvements the sum of 400,000 taikwan taels (\$260,000), to be segregated from the customs receipts on opium, and to contract a loan, secured by such future customs, if that course becomes necessary.

Article 10 provides that if the improvements are not conducted to the satisfaction of a majority of the consular corps may demand improvement, and even recommend the dismissal of the engineer in charge, and suggest a substitute, but that in the event of an otherwise undissolvable difference, such difference shall be the subject of negotiation by the diplomatic representatives of the powers.

Article 11 provides that when the protocol shall have been duly signed and executed the stipulations contained in Article 11 and in Annex A, but that in China shall be dependent.

Article 12 provides that the Chinese government shall properly finance the proposed improvements, or otherwise fail to carry out the provisions of the new protocol, such stipulations of the previous agreement shall again be in force.

The protocol of September 27, 1905, bears, in addition to the signatures of the representatives of the eleven powers, including W. W. Rockhill, the great seal of Wai-Wu Puen, the part of China.

DOUBT RAISED IN CHINA.

Minister Here Expects Little Change in Exclusion Laws.

Peking, Jan. 10.—The Chinese Minister at Washington has telegraphed his government that any satisfactory legislation on the exclusion question is improbable. He says that the majority of Congress favor greater liberality, but that the majority of the laboring class is too strong against the Chinese.

TSINAN-FU OPEN TO TRADE.

The Viceroy's Address—Cordiality Shown to Americans—No Boycott in Province.

Tsinan-Fu, Jan. 10.—The ceremonies of opening Tsinan-Fu, capital of the province of Shan-Tung, to foreign trade today were attended by many Chinese and foreign officials. The invited American guests present included consular officials and representatives of prominent mercantile companies. Two hundred and fifty guests attended luncheon at noon, and the Governor of Shan-Tung gave a dinner to the guests to-night.

THE NIAGARA AGAIN AFOAT.

Yacht Owned by Howard Gould Aground for Two Days at Cienfuegos.

Cienfuegos, Jan. 10.—The American steam yacht Niagara, owned by Howard Gould, which was aground in the harbor here since Monday, floated to-night without aid. She sailed for Havana to-day, where Mr. and Mrs. Gould will re-embark.

ORDER TO ARREST MORALES.

Former President of Santo Domingo Still Missing—Capital Quiet.

Santo Domingo, Jan. 10.—The Supreme Court today transmitted to the Minister of the Interior an order for the arrest of Carlos F. Morales and his followers. The authorities do not know where Morales is, and I am doing it still. News received from the interior is favorable to the government.

INCIDENT CONSUMPTION.

How Food Healed Off the Insidious Disease.

The happy wife of a good old-fashioned Michigan farmer says that she contracted the disease in the spring of 1902. It was taken sick—a general breaking down, as it were. I was extremely nervous, could not sleep well at night, and food seemed to do me no good, and I was so weak I could scarcely walk across the room.

The doctor said my condition was due to nervousness, and close confinement, and that I very much feared that I was going to die. For several months I took one kind of medicine after another, but with no good effect.

Then I determined to quit all medicines, give up coffee and see what Grape-Nuts would do for me. I began to eat Grape-Nuts with sugar and cream and bread and butter three times a day.

The effect was surprising! I began to gain flesh and strength for myself, my nerves quieted down, and I slept normally steady and sound, sweet sleep came back to me. In six weeks time I discharged the hired girl and commenced to do my own housework for a family of six. I am now as well as I can be expected to be, and enjoy it. Name given by Postum Co., Battle Creek, Mich.

There's a reason. Read the little book, "The Road to Wellville," in pkgs.

TRUTH ABOUT PANAMA.

Continued from first page.

structed, and is now progressing at the rate of thirty feet a day; that it will be completed at the end of the dry season. He reports, however, that it will be impracticable to undertake a permanent domestic or house sewer system until the commencement of the permanent improvement of the city. He further reports that model quarters for the negro laborers in Colon, with concrete floors and shower baths, are rapidly approaching completion.

FOOD AND WATER SUPPLY.

The government is charged with indifference as to the food supply of the laborers. The mere assertion that in a market house visited by the writer there was not shown care in the preservation of meats and other articles of food therein exhibited for sale is made the basis of a broad generalization that the government is indifferent to the food furnished to its employes. The slightest examination by any one anxious to find the truth would have shown the elaborate, anxious and most careful preparation for the receipt of meats and other foods, their proper preservation and their sale at reasonable prices to the employes of the railroad company and of the canal.

The writer of this article makes the following statement: "Mr. Taft promised officially that by December 1 Colon would have a splendid water supply. There is to-day no water supply in Colon. Mr. Taft does not justify his countrymen by treating apparently questions involving human life by the thousands. We are not all children or fools. We do not need reports which read like the circulars of doubtful land companies."

In the first place, I have no recollection of making any official statement as to when water would be furnished for Colon. All that I have said was in the annual report, made in the month of December, 1905, and in an address at St. Louis on November 18, 1905, that reservoirs were being constructed for Colon, together with a water pipe system. The writer says that there is no water supply at Colon. Mr. Stevens says there is. It should be borne in mind that Colon and Cristobal, although one is in the canal zone and the other is in the republic of Panama, are parts of the same territory.

It is not five minutes' walk from the center of Colon. In a dispatch from Governor Magoon on January 8, 1906, I am advised that of the two temporary reservoirs for Colon and Cristobal water supply one was completed on November 1 and the other in the latter part of December; that the total capacity is that of 300,000 gallons, amply sufficient for the needs of the city. Reservoirs of permanent mains have already been laid and that the remaining 600 feet are being laid at the rate of four hundred to five hundred feet daily; that there are six tanks, with a total capacity of 65,000 gallons, held in reserve at Cristobal in case of accident; that a complete permanent distribution system will be completed by May 1; that the present water supply system, which is not furnishing water for Colon from a reservoir at Brazos Brook, will be connected with the permanent main before January 15, and free public distribution stations will be opened then, supplying all of Colon; that the Colon people are now securing water from tanks, as in years past, and from the public hydrants in Cristobal, and that permanent mains, including fire service, will be completed on the principal streets in Colon by the end of the dry season, April 15, supplying the entire city; that there is no scarcity of water in Colon; that a permanent reservoir capacity of 500,000 gallons is under construction, with two permanent standpipes, one of 400,000 and the other of 500,000 gallons capacity, under contract to be completed by April 15.

Complaint is made of the rents in Colon. It is quite possible that the rents in Colon are too high. The railroad company owns the fee of a large part of the lands in Colon, which are let on short leases, a system adopted before the government took charge of the canal and railroad property. This has resulted in the construction by middlemen of small houses and the letting of them at advanced rents. A plan has now been approved by the commission for the renting of such railway property as can be safely leased on terms of years sufficiently long to permit the erection of permanent structures.

TREATMENT OF NEGROES.

The next class of charges is concerning the treatment of the negroes. The first accusation is that negroes have been invited to the isthmus by a statement that they would receive \$150 gold, whereas when they were brought to the isthmus they were paid, not \$150 gold, but 75 cents gold. This charge is made on the authority of a negro whom the writer of the article met in the city. We do not know his name, and it does not appear that the writer of the article knew his name, or anything about him, except that he was a negro, well dressed. The answer to the charge is that it is not true; that the rates of wages are well advertised throughout the islands of the West Indies as 10 cents gold an hour for a day of eight hours, which may be increased by diligent work to 15 cents an hour, and no other statement is authorized to be made.

It is said that a great prejudice exists against negroes in the railroad management, and that it is exerted against them in their harm in every way possible. The answer to this is that the charge is not true, as Mr. Stevens testifies, and any one who has been on the isthmus with an unprejudiced eye and ear can corroborate him in this statement.

The writer of the article renews a charge, long ago completely refuted, of the mistreatment of a certain boatload of Martinique negroes, who were brought to the isthmus, and who were required to be vaccinated upon landing. They declined to land if they were to be vaccinated. They were therefore refused to land by the captain of the ship. The authorities, thereupon, the owner of the ship demanded the fare back to the place from which they had come, which the men were unable to pay or refused to pay. The captain of the ship then demanded that they be taken out of the ship, which they had no right further to occupy. This was done. They were vaccinated, and then they were received on board the ship by the Captain of the French report of the transaction, including that of the French Consul, who investigated the matter, is appended hereto.

It is said that the negroes are leaving the isthmus in portentous numbers because of mistreatment. As a matter of fact, Mr. Stevens testifies that before the holidays a great number of laborers returned to the islands whence they came. This has been the custom ever since the beginning of the French construction. Many of the laborers leave their families, and because transportation is cheap are able to go back and then return. If any such desertion on the isthmus by the laborers was to be taken as a basis for the charge, it is quite reasonable to expect that a great bulk of purchases should be made in America.

Again, an exploded slander against the commission, that under its authority a boatload of black women were imported from Martinique for immoral purposes, is repeated by the writer of the article. When the statement was made to the writer of this article, I submitted to the Senate the documents upon which that denial rested. In order that they may be of easy reference, I append them to this letter. I repeat that this statement is wholly false.

Finally, I come to the charges specifically made against the Secretary of War. They consist in a refusal to accept the guidance of Mr. Tracy Robinson in visiting the port of Colon, and a refusal to have an interview with Mr. John Lundie, chief engineer of the electric and refrigerating plant in Panama. To the first charge I plead guilty. My communication with the Secretary of War, in which I append the correspondence which was sent to me, and Mr. Robinson's request, I may note that the writer of the article seeks to give the impression that Mr. Lundie's application for an interview was made in the interest of the negro laborers on the isthmus. The correspondence shows how unfounded this is, and that in fact Mr. Lundie did not ask for an interview at all.

LITTLE CHANCE FOR OBSERVATION.

Having thus gone over and stated the evidence which contradicts the charges made by the writer of the article, I now come to weigh the conflicting testimony and to examine into the opportunities for observation which the writer of the article had. I learn from the isthmus that the writer arrived in Panama on the Royal Mail steamer Trent from Jamaica, and left by the same steamer on the afternoon of December 1. Assuming that after landing and docking the writer at once began work, it is not unfair to say that his opportunities for observation were limited to twenty-eight hours, including the time which he spent in the city of Panama, and determine the character of the engineering difficulties of the greatest constructive enterprise yet undertaken by man, the efficiency of tropical

labor, the healthfulness of a city, the proper place to put dredges, the proper amount of capacity for the barges, the character of the character of the administration of justice, the proper position of hotels along the line of the road, the question whether a sewer system should be adapted to Panama at all, or whether the sewer system as established was sufficient for the purpose. Nor does it seem to offer the abundant opportunity for examining the proposed witnesses on converted issues which the writer of the article suggests us that he had. "Many things on the spot" which he says he was able to examine must, therefore, be taken with some qualification. In view of the time which this critic—a man with no knowledge of engineering whatever—took to decide all the questions which arise in the construction of the canal, and pronounced them all by both vanishing difficulty, he should not take exception to the seven or eight days which twelve of the most distinguished engineers in the world in canal construction devoted to the same task.

NO INCOMPETENCY AND NEGLIGENCE.

I come now to the charges of misconduct or acts evidencing incompetency and neglect in the officials in charge of the work. There is a charge of delay by red tape in the construction of the Panama Canal. It is possible that there is an intrusion by the statement of the chief engineer, who is more familiar with the facts than any one else can possibly be. It is charged that a grievous error was made in the placing of a large hotel at Corozal, within three miles of Panama; that it was placed in a swamp and "a hog wallow," and that because of its unhealthful site it is a daily nuisance to the health of the thousands who personally that I have seen the hotel, that it stands upon high ground, and that the drainage about it is good. The former swamp of which complaint is made was a considerable distance away from the hotel, and has been well drained, as Mr. Stevens testifies. Mr. Stevens adds that he knows the hotel to be full. It is quite possible that there are no guests in the hotel appeared empty, because those who occupy it are the employes of the commission, whose work is generally in Panama, and who leave it in the morning and return to it in the evening.

It is alleged on the authority of an engineer, whom the writer of the article consulted, that 20 dredges in the Culebra cut were not used to 20 feet of the promised capacity, and that one of them had capsized because of the slipping of the earth from under it. This I presume may be taken as an indication that the writer of the article, abundant as his opportunities for observation were, did not visit the Culebra Cut, because if he had done so he would have known that there are no dredges within a long distance of the Culebra Cut, and that the instruments being used are not called a steam shovel or dredge, but a steam shovel, or of construction work, but when the layman professes to pass on nice engineering questions and to state that all engineering difficulties in the construction of the canal have been met, or that deliberately formed plans of competent engineers are outrageously amended, as the writer of the article does, he is not to be able to tell the difference between a steam shovel and a dredge.

MOTIVE BEHIND CHARGES.

Mr. Lundie is the chief engineer of the ice and electric plant. It has a capital of \$250,000, which was furnished partly by Americans and partly by Panamanians. Mr. Lundie understood, correctly, that the government expects to erect at Colon its own refrigerator plant, and that it proposes to furnish its own electric light. I believe that Mr. Lundie's company now derives some benefit from the government. Mr. Lundie is very seriously to the government. Mr. Lundie is very seriously to the government. Mr. Lundie is very seriously to the government.

SEWER SYSTEM OF PANAMA.

Finally, criticism is made of the sewer system of Panama, and the question is asked why any sewer was built at all. It may be that there are some circumstances in which it is expected that the sewer shall be used to their utmost capacity. They are being used in the construction of the road at different levels up to the place where the real excavation is full and satisfactory.

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Good Prospects for Philippine and Statehood Bills.

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When asked to name the striplings he referred to the Speaker replied that there were young Nehemiah Sperry, of Connecticut; the youthful General Ketcham, of New-York, and "that youngster, Keifer," of Ohio. When the Speaker has brought these lost sheep into the fold he will feel that his work as a shepherd is practically completed, and that the remainder of "the boys" may be counted on to return to the reservation and get in line for the general distribution of rations without much more work on the part of the whip, Mr. Watson.

The purpose of Representative Payne to move to close the general debate on the Philippine Tariff bill on Friday was abandoned this morning at a conference between the Republican floor leader and the Speaker. It was found that there were a good many Republicans who desired to discuss the bill further, and as the insurgents are walking in and throwing down their arms almost hourly it was deemed good politics to extend the time for the debate and "let the boys talk" as long as they held their text. It is believed that the debate can be closed next Monday, but no definite programme has been determined upon, and no effort will be made to set a day for a vote until it is evident that the orators have practically exhausted the subject.

As soon as the Philippine bill is disposed of the Statehood measure will be taken up, and the leaders now have every confidence that the committee measure will pass without amendment. Representative Babcock, however, has not been letting the grass grow under his feet in the Statehood affair. He has apparently abandoned all hope of defeating the Philippine bill, and is concentrating his fire on the Statehood bill, which the leaders intend to bring in with the bill. Mr. Babcock is circulating a paper pleading for the signature of the Statehood bill, and he professes to have forty-seven signatures already, although the leaders are somewhat skeptical regarding the number.

A vigorous speech in favor of the Philippine tariff bill by Mr. Dalzell, of Pennsylvania, opened the proceedings in the House to-day. It was followed by several others against the measure, the most notable of which was an address by the veteran Mr. Keifer, of Ohio, an ex-Speaker, who returns to the House after a retirement of twenty years. Mr. Keifer expressed "stand pat" doctrine of the pending bill because it was a concession to Democratic principles. His speech was replete with recollections of earlier days, and received close attention and liberal applause from both sides of the chamber.

Just before the session closed the incident of the election from the executive offices of Mrs. Minor Morris, of Texas, was discussed. A brief reply was made by Mr. Grosvenor, of Ohio, who departed sending out sensational reports.

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Chairman Shonts informed the Senator that he desired the investigation to be most exhaustive and thorough, but thought it important that the hearings be hurried, so that a conclusion may be reached as quickly as possible.

MISSOURIAN WINS.

Shartel Succeeds in Increasing Postal Facilities of His State.

Washington, Jan. 10.—A splendid example of Western "hustle" has just been furnished by Representative Cassius M. Shartel, the new Republican member of Congress from the 15th District of Missouri, an example which members of the New-York delegation in the House may ponder over with profit. Mr. Shartel, who has for some years been a prominent banker and business man of Neosho, has by persistent and intelligent work secured a special mail train running southwest from St. Louis and tapping a country hitherto without adequate mail facilities. By the installation of this train about twelve hours is saved in the distribution of mail, newspapers, etc., the orders of business men, now arriving on the first mail in the morning, in time to be filled the same day, and the St. Louis papers reaching many homes before breakfast where before they did not arrive until late in the day.

Representative Shartel, who as a banker has long enjoyed business relations in the East, did not wait to be sworn in as a member of the House, but came to Washington last summer and made several calls on the officials of the Postoffice Department, finally securing the sympathy of the Postmaster General, and by his energetic and intelligent presentation of the case has accomplished a benefit for his State which is of the most prominent and popular members of Congress from his State.

Many members of the New-York delegation in the House are working in season and out, to accomplish a greatly needed reform in the postal service of their State, and especially of New-York City, but thus far no such success has been achieved, possibly because Mr. Shartel took time by the forelock and began his campaign for improved postal facilities in the summer, when Congress was not in session and the postal officials had more time to heed such demands than is at their disposal at this time of the year.

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Divergent Views Expressed in Foreign Relations Committee.

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U. S. Court of Appeals Denies Motion of Cleveland Swindler.

Cincinnati, Jan. 10.—The motion for a rehearing of the appeal for a new trial on behalf of Mrs. Cassie L. Chadwick, of this city, was denied in the United States Court of Appeals here to-day. The court of appeals some weeks ago sustained the judgment of the District Court at Cleveland, Ohio, which found Mrs. Chadwick guilty of conspiring to wreck a national bank, and sentenced her to serve ten years in the Ohio penitentiary. The charge of conspiracy was not borne out by the evidence.

MALARIAL FEVER IN CANAL ZONE.

Victoria, B. C., Jan. 10.—The steamer Ellero arrived here yesterday, thirty-two days from Ancon, with thirty of her crew suffering from fever. Captain Findley says there is a great deal of malarial fever in the canal zone.

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Good Prospects for Philippine and Statehood Bills.

Washington, Jan. 10.—Speaker Cannon was inclined to be somewhat gleeful to-day over his victory in the contest with Representative Babcock—a victory which is becoming almost hourly greater. The Speaker said he had rounded up almost all the "colts," but must devote a few hours to corraling "a small parcel of the more obstreperous youngsters."

When asked to name the striplings he referred to the Speaker replied that there were young Nehemiah Sperry, of Connecticut; the youthful General Ketcham, of New-York, and "that youngster, Keifer," of Ohio. When the Speaker has brought these lost sheep into the fold he will feel that his work as a shepherd is practically completed, and that the remainder of "the boys" may be counted on to return to the reservation and get in line for the general distribution of rations without much more work on the part of the whip, Mr. Watson.

The purpose of Representative Payne to move to close the general debate on the Philippine Tariff bill on Friday was abandoned this morning at a conference between the Republican floor leader and the Speaker. It was found that there were a good many Republicans who desired to discuss the bill further, and as the insurgents are walking in and throwing down their arms almost hourly it was deemed good politics to extend the time for the debate and "let the boys talk" as long as they held their text. It is believed that the debate can be closed next Monday, but no definite programme has been determined upon, and no effort will be made to set a day for a vote until it is evident that the orators have practically exhausted the subject.

As soon as the Philippine bill is disposed of the Statehood measure will be taken up, and the leaders now have every confidence that the committee measure will pass without amendment. Representative Babcock, however, has not been letting the grass grow under his feet in the Statehood affair. He has apparently abandoned all hope of defeating the Philippine bill, and is concentrating his fire on the Statehood bill, which the leaders intend to bring in with the bill. Mr. Babcock is circulating