

NO TRIFLING WITH TREATY OF PEACE IS RATIFIED

Carried by Just One More Vote Than Necessary Two-Thirds.

Several Senators Won Over by the Clash With the Followers of Aguinaldo.

Special Dispatch to The Call.

WASHINGTON, Feb. 6.—It was stated to-day by a prominent caller at the White House that those Senators who were regarded as doubtful in their attitude on the ratification of the peace treaty had been assured this morning that the intention of the Administration regarding the Philippines did not contemplate a colonial policy. On the other hand, it was stated, and the declaration was given as having the very highest official sanction, that the United States intended to simply establish a temporary protectorate over the islands, precisely similar to that in Cuba, and aid the people in establishing a free government of their own, only retaining a coaling station, securing such commercial advantages that might be just under the circumstances and arranging for the repayment of the \$20,000,000 to be paid by the United States to Spain in accordance with the treaty of Paris.

WASHINGTON, Feb. 6.—The treaty of peace negotiated by the Commissioners of the United States and Spain at Paris was to-day ratified by the Senate, the vote being 57 ayes to 27 noes, or one vote more than the two-thirds majority necessary to secure Senatorial concurrence in a treaty document.

The vote was taken in executive session, and until the injunction of secrecy was removed the result was supposed to be private; but the Vice-President had no more than announced the figures before Senators rushed out of every door leading from the Senate chamber declaring that the treaty had been ratified. Some made the mistake of stating that there were three votes to spare.

There was, in fact, only one vote

the view that solid support of the administration would be of vast advantage to the administration in the present crisis. In this connection he referred to the opening of hostilities at Manila and expressed the view that the ratification of the treaty would do much to prevent further bloodshed and restore quiet.

"Let us," said he, "ratify the treaty and then settle our differences concerning the question of expansion afterward. Those questions can wait, but the emergency is too great for any postponement whatever on the ratification question."

Promptly at 3 o'clock the Vice President interrupted Senator Money, who was then speaking, to announce that the hour had arrived for a vote.

But one amendment was offered—that proposed by Senator Vest, placing the Philippines on the same footing as Cuba in this treaty. In the temporary absence of Vest it was presented by Gorman. This amendment was as follows:

Article III.—Strike out the words



MAJOR GENERAL

H FILIPINOS NOW



ELWELL S. OTIS.

MEN WHO FELL IN THE FIGHT

Brave Californians Listed Among the Killed or Wounded.

Each Had Distinguished Himself From the Time the Regiment Reached Manila.

RIVATE JAMES JOSEPH DEWAR.

PRIVATE JAMES JOSEPH DEWAR of Company K, First California, the first reported of California's dead in the late battle at Manila, was a native son of this State, having been born at San Jose. Since his infancy he had resided in San Francisco. His disposition was gentle and pleasant and he made many friends. In July, when Dewar determined to go to the front, he enlisted with a friend, "Billy" Wrin, and the condition of their enlistment was that one should not go without the other, and that they should always be together.

In 1892 Dewar became a member of Battery E, Second Artillery, National Guard, which afterward became Company K First California Infantry. His brother Robert was a member of the same company. When hostilities commenced both brothers were anxious to fight for their country's cause, but their widowed mother could spare but one and James went. She gave him up with the spirit of a true, patriotic woman, and now that he has fallen she consoles herself with the feeling that he died a hero.

Dewar left for Manila on the transport Pennsylvania last July, being among 300 recruits for the First California. Before his departure he jokingly remarked that owing to his extreme height, which was something over six feet, he would make a good target for bullets. While in Manila he started a laundry with two other soldiers and is said to have done a thriving business. In all of his letters to his relatives and friends of this city he never complained of camp life, being of a disposition to make the best of conditions as he found them. His mother and sister, Mrs. C. W. Seeley, reside at 275 Lexington avenue, in this city. Mrs. Seeley is the wife of Lieutenant C. W. Seeley, who also is at Manila.

While in this city Dewar was employed by Waterhouse & Lester on Beale street. He was 26 years of age.

MAJOR EDWARD McCONVILLE.

ACCORDING to Lieutenant Colonel J. W. Jones of the First Idaho Infantry, Volunteers, who lately returned from Manila, Major Edward McConville, the brave soldier who met death in the defense of Manila on Sunday, was one of the most gallant officers in the service. The colonel greatly deplores his taking off, as he esteemed him highly. In speaking of the dead officer's past life Colonel Jones said Major McConville was a veteran of the Civil War and had opposed him in a number of battles around

There was, in fact, only one vote more than was necessary—the balloting resulted 57 ayes to 27 noes.

No vote has been taken in the Senate since that of the repeal of the purchasing clause of the Sherman law that has been followed with as close interest as was the vote of to-day. This anxiety was due not only to the magnitude of the question at issue, but to the uncertainty which attended the matter up to the last moment. Only the select few knew how Senators McEnery of Louisiana and Senator Jones of Nevada would vote half an hour before their votes were cast, and not even these knew when the bells rang for the executive session at a quarter past 2 o'clock.

Many of the vast throng which was turned from the galleries after the doors were closed in response to Senator Davis' motion lingered in the corridors, all waiting eagerly for the first news from inside. It was generally understood that the first forty-five minutes was to be given to speech making, but the crowd apparently was prepared for this delay.

Within the chamber the interest was even more intense. Very few Senators left the chamber, except those engaged in the cloak rooms in trying on the one side to gain votes for the treaty and the other to prevent a break in the ranks. Senators Aldrich, Lodge and Elkins, who have given their especial attention to securing the necessary votes to insure ratification, were doubtful of the result when the secret session began, while Senators Gorman and Jones, the leaders of the opposition, considered their forces intact. Half an hour afterward it was whispered about that Senator McEnery had been won over on condition that his declaratory resolution should be adopted subsequent to the passage of the ratification resolution. When this news was confirmed it was known that ratification was assured, for Senator McLaurin had already announced his intention to vote for the treaty in view of the condition of affairs at Manila. Senator Jones went over at the last moment, making the one vote more than was necessary. There was no applause when the result was announced, but many Senators heaved a sigh of relief, and rushed from the chamber to give the news to the waiting world.

In advance of the voting speeches were made by Senators Ross, Money and Fairbanks. Senator Stewart, who had just arrived from his successful campaign in Nevada for re-election, announced informally during this period of the session that in his entire trip across the continent he had not encountered one man who was opposed to the ratification of the treaty.

Senator Ross read a brief written speech announcing his intention to support the treaty as in the interest of peace. He entered somewhat into the legal questions involved, saying that he saw no obstacle in the way of ratification from that source.

Senator Money reiterated his opposition to the treaty and made a last plea for a modification of the agreement. He asserted that if the friends of the treaty had agreed to a modifying resolution the vote could have been secured much sooner and as it would have carried assurance of pacific intentions on the part of this Government it would have prevented the hostile conflict at Manila.

Senator Teller here interrupted the Mississippi Senator and there was quite a lively exchange of words. Teller announced his belief that the opposition to the treaty was responsible for the Manila battle and Money declared this view to be absurd.

Fairbanks spoke at some length, his speech being the first he had made since the debate began. He made an appeal for unanimity of action, in order that the country might present a harmonious front to the outside world in dealing with so important a question. He said that no partisan political advantage could possibly be claimed by any one in the ratification, and held out

was as follows:

Article III—Strike out the words, "Cedes to the United States," and insert in lieu thereof the words, "Relinquishes all claim of sovereignty over and title to."

Add at the end of article III the following: "The United States desiring that the people of the archipelago shall be enabled to establish a form of free government suitable to their condition and securing the rights of life, liberty and property and the preservation of order and equal right therein assumes for the time being and to the end aforesaid the control of the archipelago, so far as such control shall be needful for the purposes above stated, and will provide that the privileges accorded to Spain by articles IV and V of this treaty shall be enjoyed."

In line 2, article VIII, after the word "Cuba," insert the words, "and the Philippine archipelago." In line 3 of the same article, after the word "Indies" insert "and." In lines 3 and 4 of the same article, strike out the words "and in the Philippine archipelago."

In article IX strike out lines 171, 172 and 173. In line 2 of article XIII, after the word "Cuba," insert the words "the Philippines." In line 3 of the same article strike out the words "the Philippines."

The vote defeating the amendment stood 30-53.

The voting on this amendment proceeded quietly and as all the Senators were present it was soon disposed of. The votes of Senators were closely scanned for pointers on the approaching vote on the treaty itself. The only vote considered as at all significant of a change favorable to the treaty was that of McEnery, who voted against the amendment. Senator Jones of Nevada, McLaurin and Kenney voted for it.

The vote was immediately announced and pages were sent scurrying through the corridors to announce to the few Senators who were not in their seats that the culminating event had arrived. The call proceeded quietly until the name of Senator McLaurin was announced. He created the first stir of the occasion by a speech in explanation of his vote for the treaty. This was the initial break in the ranks of the opposition. McLaurin made a brief statement in explanation of his change of position, giving the open hostilities in Manila as the reason for it.

"I am as I have been from the first," said he, "irrevocably opposed to the expansion of our territory and should have voted against ratification but for the news that has come to us over the cable in the past two days."

He then went on to say that the attack upon our troops had brought about a new condition of affairs, and that he should vote for the treaty.

This announcement created a hubbub of excitement, for while some Senators were informed that he had decided upon a change there were many who were not in possession of this information. This announcement brought some of the opposition to his side, with remonstrances, but he replied to them that he could not any longer see his way clear to cast his vote against the treaty.

Continuing his remarks to the Senate he referred to Senator Fairbanks' appeal to support the administration as an assurance that the critical condition existing at Manila could be more easily handled if the treaty should be ratified. He, for one, was not willing to embarrass the Government at so critical a time. If, after the ratification, the administration should fail to pursue the proper course toward the islands, the fault would be that of the Government and not his, and he would not be justified in committing an unwise act by any apprehension that the administration would not do all that it should do. He also referred to the agreement to pass the McEnery resolution as a pledge against expansion. In view of this promise and in the hope that ratification would lessen bloodshed in the Philippines he would, therefore, he said, cast his vote in the affirmative.

He had hardly concluded when McEnery approached with words of congratulation, saying that he had decided upon the same course. The Louisiana Senator made a speech of explanation to the Senate, publicly announcing himself only by means of his vote.

Jones of Nevada did not vote on the first rollcall, but came from the cloak-

MAJOR GENERAL

DEWEY SEIZES SC LOADED WITH AMMUNITION

United States Authorities That the German Consul Concerned in the Material to

NEW YORK, Feb. 6.—The Herald's Washington correspondent sends the following: Rear Admiral Dewey has notified the Navy Department that he has seized another schooner, loaded with arms and ammunition intended for Aguinaldo and his followers.

The information in the possession of the authorities is to the effect that the German Consul at Hongkong was concerned in the sale of arms to the Filipinos, and this fact may account for their action in keeping the matter secret. There is reason to believe, however, that the matter has been brought unofficially at least, to the attention of the German authorities. The authorities feel satisfied that the German Consul will not be permitted to continue his unfriendly course.

This is not the first evidence the au-

thorities have obtained of the unfriendliness of the United States Department recently reported that, as told in the report, that this officer had in the purchase by him do from a German of something like arms and ammunition safely delivered in the seems, therefore, that agencies the Filipinos armed.

It is declared in the man Consul that he official, but as a private that he was justified throw trade into the countrymen.

room before the vote was announced, and by unanimous consent made a brief and feeling speech. He said that he was against expansion, and if he thought the ratification of the treaty meant expansion he would not vote for it, as he considered a policy of expansion would prove the ruin of the country. The events in Manila during the past two or three days, in his judgment were likely to do more to discourage expansion than anything that had happened, but had at the same time produced a crisis which made the ratification of the treaty necessary. He considered it a patriotic duty to vote for the treaty and consequently cast his vote in the affirmative.

With Jones' vote added the rollcall stood as follows:

Ayes—Aldrich, Allen, Allison, Baker, Burrows, Butler, Cartter, Chandler, Clark, Clay, Cullom, Davis, Deboe, Elkins, Fairbanks, Faulkner, Foraker, Frye, Gallinger, Gear, Gray, Hanna, Hansbrough, Harris, Hawley, Jones (Nevada), Kenny, Kyle, Lindsay, Lodge, McBride, McEnery, McLaurin, McMillin, Mantle, Mason, Morgan, Nelson, Penrose, Perkins, Pettus, Platt (Connecticut), Platt (New York), Pritchard, Quay, Ross, Sewall, Shoup, Simon, Spooner, Stewart, Sullivan, Teller, Thurston, Warren, Wellington, Wolcott—57.

Noes—Bacon, Bate, Berry, Caffery, Chilton, Coakrell, Daniel, Gorman, Hale, Heitfeld, Honr. Jones (Arkansas), Mallory, Martin, Mills, Mitchell, Money, Murphy, Pascoe, Pettigrew, Rawlins, Roach, Smith, Tillman, Turley, Turner, Vest—27. Absent and paired: Cannon and Wilson for, with White against, and Proctor and Wetmore for, with Turpie against.

On the motion of Senator Davis, it was then ordered that the aye and no vote be made public, and soon afterward the doors opened and the Senate proceeded with legislative business, attempting to pass the McEnery declaratory resolution as per promise to that Senator.

News of the ratification of the treaty

reached the White immediately after the vote. Postmaster was with the President first to congratulate

Naturally the President at the vote, and so Secretary Gage called forward, and was followed by Secretary Harry. Within five minutes the ratification of the treaty itself, which had entered into the President's retirement.

The Cabinet members White House were ratification of the treaty as a great triumph expressed his gratification that the treaty was ratified, regretted that it had sary to occupy so much in doing it. He said would now be submit Cortes at the session month, and he anticipated in that direction changes.

Secretary Long said treaty is ratified—give point of the anti-imperialism from any other. The perialism is to have under the control of an absolute military, ratification of the treaty disposition of these American people, w representatives, can t ernment or make an of them that our own orment, and ideas o require."

Secretary Alger the firmation of the victogether with the ratified treaty, was sufficient memorable. He spok

CHOONER ARMS AND ON FOR AGUINALDO

ities Have Information onsul at Hongkong Is he Sale of War o Filipinos.

tained showing the the German Consul ates. The State De- received in informa- Herald at the time, ad been instrumental y agents of Aguinal- n firm in Hongkong e 30,000 stands of nition which were i the Philippines. It hat through German ipinos are quite well

defense of the Ger- he did not act as an ivate individual, and ed in endeavoring to he hands of his own

e House almost im- he announcement of aster General Smith sident, and was the te him.

resident was gratified so expressed himself. ame in soon after- llowed almost imme- rry Alger and Secre- t forty minutes after neral Cox, the secre- e, appeared with the h he promptly deliv- sident's hands and

nbars as they left the e jubilant over the treaty, and spoke of nph. Secretary Hay atification that the d, and said he only ad been found neces- much valuable time said that the treaty nitted to the Spanish ion which opens this elipated no obstruction to the final ex-

said: "I am glad the glad from the stand- mperialist as well as he very height of im- ve these islands now of one man exercising ary authority. The treaty transfers the ese islands to the who, through their n give them self-gov- any other disposition wa principles of gov- s of national welfare

thought that the con- ratory at Manila, to- fication of the peace ent to make the day poke of the perils of

It is explained by the authorities that there is no law or regulation which forbids any person or Government, whether political designation be real or assumed, from purchasing arms from citizens of the United States and shipping them at the risk of the purchaser.

It is expected that Great Britain will take steps to prevent the shipment of arms and ammunition to Filipinos from Hongkong, and it may be that their prevention will cause traders in Hongkong to move their wares to Chinese territory, and then ship them to the archipelago. It will also be practicable for the Filipinos to send supplies from Cochin China.

Dewey's force will be relied upon to capture any vessels carrying arms and ammunition to Aguinaldo.

the position the American troops have occupied for so many months, while the fate of the peace treaty was at issue, and said he was only too pleased now that these troops were free to protect themselves.

CUBANS SYMPATHIZE WITH THE FILIPINOS

Say the Attack on Manila Was Evidence of Liberty-Loving Daring.

Special Cable to The Call and the New York Herald. Copyrighted, 1899, by James Gordon Bennett.

HAVANA, Feb. 6.—News of the battle at Manila created an immense sensation here, being the one subject of conversation to-day. The Cubans are not unfriendly to the United States, yet they are for the moment in full sympathy with the Filipinos, their only real interest in the present trouble in the Pacific being as to its influence upon Cuba. General Menocal to-day said:

"The United States has my highest regard and I wish it success against all foreign foes, but we can't help rejoicing at this demonstration that liberty loving people will fight even against such great odds as now confront the Filipinos. Still, I cannot admit they have any such position in the eyes of the world as have the Cubans. When the American war with Spain broke out they were not fighting, while our independence was practically recognized by the American Congress. For these reasons the result of present trouble shall not and cannot have any effect upon the Cuban problem."

To Cure a Cold in One Day

Take Laxative Bromo Quinine Tablets. All druggists refund the money if it fails to cure. 25c. The genuine has L. B. Q. on each tablet.

eran of the Civil War and had opposed him in a number of battles around Richmond. McConville was a member of McClelland's army and the colonel was fighting with Lee.

"At the close of the war," said Colonel Jones, "Major McConville continued in the army and was sent out among the Indians. While in their country he became conversant with their habits and temperament and in time became one of the most successful superintendents of schools in the service. He was connected with the National Guard for a great many years and also was a leading member of the Knights of Pythias. At the outbreak of the war he, among others of his regiment, tendered his services, as did also his only son, who is a color sergeant in the major's battalion.

"Major McConville enjoyed perfect health throughout the campaign and fulfilled his duties with ability. He leaves a widow and two charming daughters, who are attending school at Lewiston, Idaho. They have my deepest sympathy in their hour of sorrow. I feel his loss keenly as he was particularly close to me during the whole campaign.

"I am proud of the work performed by my regiment and hope it will continue to win glory."

Colonel Jones will leave for his home to-night.

SERGEANT JOSEPH W. MAHR.

SERGEANT JOSEPH W. MAHR, who was killed in the battle, was better known as "Joe" Mahr about town. He gained a reputation in this city as an amateur boxer and was a member of the Manhattan Athletic Club. At the first professional exhibition of the club he boxed with Joe Kennedy. At Manila he organized and was elected president of the first American athletic club there.

Mahr was the commissary sergeant of Company M, First California. One of his brothers, William Mahr, is a second sergeant, and another, Thomas Mahr, is a corporal of the same company. He was over six feet in height and was physically perfect. In the early engagements in the Philippines he is said to have displayed remarkable bravery. Dr. A. P. O'Brien, who was with the First California, but who has since returned, speaks in glowing terms of his gallantry.

Mahr resided with his father, stepmother, five brothers and a step-brother at 537 Minna street in this city. Before the trouble with Spain arose he was employed as a boxmaker by Hobbs, Wall & Co., and was held in high esteem by his employers as well as by his large circle of friends. He was 25 years of age.

LIEUTENANT JAMES MITCHELL.

LIEUTENANT JAMES MITCHELL of the Fourteenth United States Infantry, who died at Manila yesterday as a result of wounds received in battle, was a native of Ireland. He was about 45 years of age. He enlisted in the army in 1867 and was promoted through the various grades of corporal and sergeant. He was at one time the first sergeant of Troop L and quartermaster sergeant of the Seventh Cavalry. In 1872 Lieutenant Mitchell re-enlisted in the Signal Corps. In this branch of the service he arose to the office of sergeant. In 1891 he was commissioned a second lieutenant in the Fifteenth Infantry, although his commission dated from August 17, 1885. On June 18, 1892, he was promoted to first lieutenant in the Ninth Infantry, and in August of the same year was transferred to the Fourteenth Infantry.

Lieutenant Mitchell came to the Presidio with his regiment from Vancouver Barracks, and sailed for Manila at the same time the First California did. He had an excellent record as an officer.

LIEUTENANT ROBERT S. ABERNETHY.

LIEUTENANT ROBERT S. ABERNETHY, Third United States Artillery, who is among the wounded, is well known here, both in army and social circles. In 1893 he was appointed a cadet to West Point from Texas and graduated in 1897 and was sent to this station, being assigned to the Third Artillery. Lieutenant Abernethy left here in July in command of the recruits for the Third Artillery. He is a magnificent specimen of physical manhood, standing six feet three inches in his stocking feet and weighing over 200 pounds. He was a great athlete and was reputed to have been one of the strongest men that ever graduated from the academy.

SERGEANT WILLIAM L. WALL.

SERGEANT WILLIAM L. WALL of Company M, who was slightly wounded, was employed as a clerk in the general freight department of the Southern Pacific Company before departing for the Philippines. His family formerly resided at 1242 Howard street. The young man was among the first to offer his services.

General Otis Kept Posted.

WASHINGTON, Feb. 6.—When the news of the ratification of the peace treaty reached the President, at his di-

rection it was cabled to General Otis at Manila, who promptly replied acknowledging receipt of the message containing the information.