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United States Department of State

Washington, D.C.: U.S. Government Printing Office, 1903

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FOREIGN RELATIONS

OF

THE UNITED STATES,

WITH

THE ANNUAL MESSAGE OF THE PRESIDENT

TRANSMITTED TO CONGRESS

DECEMBER 7, 1903.



WASHINGTON:
GOVERNMENT PRINTING OFFICE.
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MESSAGE.

To the Senate and House of Representatives:

The country is to be congratulated on the amount of substantial achievement which has marked the past year both as regards our foreign and as regards our domestic policy.

With a nation as with a man the most important things are those of the household, and therefore the country is especially to be congratulated on what has been accomplished in the direction of providing for the exercise of supervision over the great corporations and combinations of corporations engaged in interstate commerce. The

Corporations. Congress has created the Department of Commerce and Labor, including the Bureau of Corporations, with for the first time authority to secure proper publicity of such proceedings of these great corporations as the public has the right to know. It has provided for the expediting of suits for the enforcement of the Federal antitrust law; and by another law it has secured equal treatment to all producers in the transportation of their goods, thus taking a long stride forward in making effective the work of the Interstate Commerce Commission.

The establishment of the Department of Commerce and Labor, with the Bureau of Corporations thereunder, marks a real advance in the direction of doing all that is possible for the solution of the questions vitally affecting capitalists and wage-workers. The act

Department of Commerce and Labor. creating the Department was approved on February 14, 1903, and two days later the head of the Department was nominated and confirmed by the Senate. Since then the work of organization has

been pushed as rapidly as the initial appropriations permitted, and with due regard to thoroughness and the broad purposes which the Department is designed to serve. After the transfer of the various bureaus and branches to the Department at the beginning of the

current fiscal year, as provided for in the act, the personnel comprised 1,289 employees in Washington and 8,836 in the country at large. The scope of the Department's duty and authority embraces the commercial and industrial interests of the Nation. It is not designed to restrict or control the fullest liberty of legitimate business action, but to secure exact and authentic information which will aid the Executive in enforcing existing laws, and which will enable the Congress to enact additional legislation, if any should be found necessary, in order to prevent the few from obtaining privileges at the expense of diminished opportunities for the many.

The preliminary work of the Bureau of Corporations in the Department has shown the wisdom of its creation. Publicity in corporate affairs will tend to do away with ignorance, and will afford facts upon which intelligent action may be taken.

**Bureau of
Corporations.**

Systematic, intelligent investigation is already developing facts the knowledge of which is essential to a right understanding of the needs and duties of the business world. The corporation which is honestly and fairly organized, whose managers in the conduct of its business recognize their obligation to deal squarely with their stockholders, their competitors, and the public, has nothing to fear from such supervision. The purpose of this Bureau is not to embarrass or assail legitimate business, but to aid in bringing about a better industrial condition—a condition under which there shall be obedience to law and recognition of public obligation by all corporations, great or small. The Department of Commerce and Labor will be not only the clearing house for information regarding the business transactions of the Nation but the executive arm of the Government to aid in strengthening our domestic and foreign markets, in perfecting our transportation facilities, in building up our merchant marine, in preventing the entrance of undesirable immigrants, in improving commercial and industrial conditions, and in bringing together on common ground those necessary partners in industrial progress—capital and labor. Commerce between the nations is steadily growing in volume, and the tendency of the times is toward closer trade relations. Constant watchfulness is needed to secure to Americans the chance to participate to the best advantage in foreign trade; and we may confidently expect that the new Department will justify the expectation of its creators by the exercise of this watchfulness, as well as by the businesslike administration of such laws relating to our internal affairs as are intrusted to its care.

**Functions of new
Department.**

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In enacting the laws above enumerated the Congress proceeded on sane and conservative lines. Nothing revolutionary was attempted; but a common-sense and successful effort was made in the direction of seeing that corporations are so handled as to subserve the public good. The legislation was moderate. It was characterized throughout by the idea that we were not attacking corporations, but endeavoring to provide for doing away with any evil in them; that we drew the line against misconduct, not against wealth; gladly recognizing the great good done by the capitalist who alone, or in conjunction with his fellows, does his work along proper and legitimate lines. The purpose of the legislation, which purpose will undoubtedly be fulfilled, was to favor such a man when he does well, and to supervise his action only to prevent him from doing ill. Publicity can do no harm to the honest corporation. The only corporation that has cause to dread it is the corporation which shrinks from the light, and about the welfare of such corporations we need not be oversensitive. The work of the Department of Commerce and Labor has been conditioned upon this theory, of securing fair treatment alike for labor and for capital.

The consistent policy of the National Government, so far as it has the power, is to hold in check the unscrupulous man, whether employer or employee; but to refuse to weaken individual initiative or to hamper or cramp the industrial development of the country. We recognize that this is an era of federation and combination, in which great capitalistic corporations and labor unions have become factors of tremendous importance in all industrial centers. Heartly recognition is given the far-reaching, beneficent work which has been accomplished through both corporations and unions, and the line as between different corporations, as between different unions, is drawn as it is between different individuals; that is, it is drawn on conduct, the effort being to treat both organized capital and organized labor alike; asking nothing save that the interest of each shall be brought into harmony with the interest of the general public, and that the conduct of each shall conform to the fundamental rules of obedience to law, of individual freedom, and of justice and fair dealing towards all. Whenever either corporation, labor union, or individual disregards the law or acts in a spirit of arbitrary and tyrannous interference with the rights of others, whether corporations or individuals, then where the Federal Government has jurisdiction, it will see to it that the misconduct is stopped, paying not the slightest heed to the position or power of the corporation, the union or the

individual, but only to one vital fact—that is, the question whether or not the conduct of the individual or aggregate of individuals is in accordance with the law of the land. Every man must be guaranteed his liberty and his right to do as he likes with his property or his labor, so long as he does not infringe the rights of others. No man is above the law and no man is below it; nor do we ask any man's permission when we require him to obey it. Obedience to the law is demanded as a right; not asked as a favor.

We have cause as a nation to be thankful for the steps that have been so successfully taken to put these principles into effect. The progress has been by evolution, not by revolution. Nothing radical has been done; the action has been both moderate and resolute. Therefore the work will stand. There shall be no backward step. If in the working of the laws it proves desirable that they shall at any point be expanded or amplified, the amendment can be made as its desirability is shown. Meanwhile they are being administered with judgment, but with insistence upon obedience to them; and their need has been emphasized in signal fashion by the events of the past year.

From all sources, exclusive of the postal service, the receipts of the Government for the last fiscal year aggregated \$560,396,674. The expenditures for the same period were \$506,099,007, the surplus for the fiscal year being \$54,297,667. The indications are that the surplus for the present fiscal

**Government receipts
and expenditures.**

year will be very small, if indeed there be any surplus. From July to November the receipts from customs were, approximately, nine million dollars less than the receipts from the same source for a corresponding portion of last year. Should this decrease continue at the same ratio throughout the fiscal year, the surplus would be reduced by, approximately, thirty million dollars. Should the revenue from customs suffer much further decrease during the fiscal year, the surplus would vanish. A large surplus is certainly undesirable. Two years ago the war taxes were taken off with the express intention of equalizing the governmental receipts and expenditures, and though the first year thereafter still showed a surplus, it now seems likely that a substantial equality of revenue and expenditure will be attained. Such being the case it is of great moment both to exercise care and economy in appropriations, and to scan sharply any change in our fiscal revenue system which may reduce our income. The need of strict economy in our expenditures is emphasized by the fact that we can not afford to be parsimonious in providing for what is essential to our national well-being. Careful

economy wherever possible will alone prevent our income from falling below the point required in order to meet our genuine needs.

The integrity of our currency is beyond question, and under present conditions it would be unwise and unnecessary to attempt a reconstruction of our entire monetary system. The same liberty

Needs of financial situation.

should be granted the Secretary of the Treasury to deposit customs receipts as is granted him in the deposit of receipts from other sources. In my Message of December 2, 1902, I called attention to certain needs of the financial situation, and I again ask the consideration of the Congress for these questions.

During the last session of the Congress, at the suggestion of a joint note from the Republic of Mexico and the Imperial Government of China, and in harmony with an act of the Congress appropriating \$25,000 to pay the expenses thereof, a

Conference between gold-standard and silver-standard countries.

commission was appointed to confer with the principal European countries in the hope that some plan might be devised whereby a fixed rate of exchange could be assured between the gold-standard countries and the silver-standard countries. This commission has filed its preliminary report, which has been made public. I deem it important that the commission be continued, and that a sum of money be appropriated sufficient to pay the expenses of its further labors.

A majority of our people desire that steps be taken in the interests of American shipping, so that we may once more resume our former position in the ocean carrying trade. But hitherto the differences

Merchant marine. of opinion as to the proper method of reaching this end have been so wide that it has proved impossible to secure the adoption of any particular

scheme. Having in view these facts, I recommend that the Congress direct the Secretary of the Navy, the Postmaster-General, and the Secretary of Commerce and Labor, associated with such a representation from the Senate and House of Representatives as the Congress in its wisdom may designate, to serve as a commission for the purpose of investigating and reporting to the Congress at its next session what legislation is desirable or necessary for the development of the American merchant marine and American commerce, and incidentally of a national ocean mail service of adequate auxiliary naval cruisers and naval reserves. While such a measure is desirable in any event, it is especially desirable at this time, in view of the fact that our present governmental contract for ocean

mail with the American Line will expire in 1905. Our ocean mail act was passed in 1891. In 1895 our 20-knot transatlantic mail line was equal to any foreign line. Since then the Germans have put on 23-knot steamers, and the British have contracted for 24-knot steamers. Our service should equal the best. If it does not, the commercial public will abandon it. If we are to stay in the business it ought to be with a full understanding of the advantages to the country on one hand, and on the other with exact knowledge of the cost and proper methods of carrying it on. Moreover, lines of cargo ships are of even more importance than fast mail lines; save so far as the latter can be depended upon to furnish swift auxiliary cruisers in time of war. The establishment of new lines of cargo ships to South America, to Asia, and elsewhere would be much in the interest of our commercial expansion.

We can not have too much immigration of the right kind, and we should have none at all of the wrong kind. The need is to devise some system by which undesirable immigrants shall be kept out entirely, while desirable immigrants are properly distributed throughout the country. At present

Immigration.

some districts which need immigrants have none; and in others, where the population is already congested, immigrants come in such numbers as to depress the conditions of life for those already there. During the last two years the immigration service at New York has been greatly improved, and the corruption

**Investigation of
Immigration Service
at New York.**

and inefficiency which formerly obtained there have been eradicated. This service has just been investigated by a committee of New York citizens of high standing, Messrs. Arthur v. Briesen, Lee K. Frankel, Eugene A. Philbin, Thomas W. Hynes, and Ralph Trautman. Their report deals with the whole situation at length, and concludes with certain recommendations for administrative and legislative action. It is now receiving the attention of the Secretary of Commerce and Labor.

The special investigation of the subject of naturalization under the direction of the Attorney-General, and the consequent prosecutions, reveal a condition of affairs calling for the immediate attention of the Congress. Forgeries and perjuries of

**Naturalization
frauds.**

shameless and flagrant character have been perpetrated, not only in the dense centers of population, but throughout the country; and it is established beyond doubt that very many so-called citizens of the United States have no title whatever to that right, and are asserting and enjoying the

benefits of the same through the grossest frauds. It is never to be forgotten that citizenship is, to quote the words recently used by the Supreme Court of the United States, an "inestimable heritage," whether it proceeds from birth within the country or is obtained by naturalization; and we poison the sources of our national character and strength at the fountain, if the privilege is claimed and exercised without right, and by means of fraud and corruption. The body politic can not be sound and healthy if many of its constituent members claim their standing through the prostitution of the high right and calling of citizenship. It should mean something to become a citizen of the United States; and in the process no loophole whatever should be left open to fraud.

The methods by which these frauds—now under full investigation with a view to meting out punishment and providing adequate remedies—are perpetrated, include many variations of procedure by which false certificates of citizenship are forged in their entirety; or genuine certificates fraudulently or collusively obtained in blank are filled in by the criminal conspirators; or certificates are obtained on fraudulent statements as to the time of arrival and residence in this country; or imposition and substitution of another party for the real petitioner occur in court; or certificates are made the subject of barter and sale and transferred from the rightful holder to those not entitled to them; or certificates are forged by erasure of the original names and the insertion of the names of other persons not entitled to the same.

It is not necessary for me to refer here at large to the causes leading to this state of affairs. The desire for naturalization is heartily to be commended where it springs from a sincere and permanent intention to become citizens, and a real appreciation of the privilege. But it is a source of untold evil and trouble where it is traceable to selfish and dishonest motives, such as the effort by artificial and improper means, in wholesale fashion to create voters who are ready-made tools of corrupt politicians, or the desire to evade certain labor laws creating discriminations against alien labor. All good citizens, whether naturalized or native born, are equally interested in protecting our citizenship against fraud in any form, and, on the other hand, in affording every facility for naturalization to those who in good faith desire to share alike our privileges and our responsibilities.

The Federal grand jury lately in session in New York City dealt with this subject and made a presentment which states the situation briefly and forcibly and contains important suggestions for the consideration of the Congress. This presentment is included as an appendix to the report of the Attorney-General.

In my last annual Message, in connection with the subject of the due regulation of combinations of capital which are or may become injurious to the public, I recommended a special appropriation for the better enforcement of the antitrust law as it now stands, to be expended under the direction of the Attorney-General. Accordingly (by the legislative, executive, and judicial appropriation act of February 25, 1903, 32 Stat., 854, 904), the Congress appropriated, for the purpose of enforcing the various Federal trust and interstate-commerce laws, the sum of five hundred thousand dollars, to be expended under the direction of the Attorney-General in the employment of special counsel and agents in the Department of Justice to conduct proceedings and prosecutions under said laws in the courts of the United States. I now recommend, as a matter of the utmost importance and urgency, the extension of the purposes

of this appropriation, so that it may be available, under the direction of the Attorney-General, and until used, for the due enforcement of the laws of the United States in general and especially of the civil and criminal laws relating to public lands and the laws relating to postal crimes and offenses

Extension recom-
ended of purposes
of appropriation for
enforcing trust and
interstate-commerce
laws.

and the subject of naturalization. Recent investigations have shown a deplorable state of affairs in these three matters of vital concern. By various frauds and by forgeries and perjuries, thousands

of acres of the public domain, embracing lands of different character and extending through various sections of the country, have been dishonestly acquired. It is hardly necessary to urge the importance of recovering these dishonest acquisitions, stolen from the people, and of promptly and duly punishing the offenders. I speak in another part of this Message of the widespread crimes by which the sacred right of citizenship is falsely asserted and that "inestimable heritage" perverted to base ends. By similar means—that is, through

frauds, forgeries, and perjuries, and by shameless

Public-land frauds.

briberies—the laws relating to the proper conduct of the public service in general and to the due

Postal frauds.

administration of the Post-Office Department have been notoriously violated, and many indictments have been found, and the consequent prosecutions are in course of hearing or on the eve thereof. For the reasons thus indicated, and so that the Government may be prepared to enforce promptly and with the greatest effect the due penalties for such violations of law, and to this end may be furnished with sufficient instrumentalities and competent legal

assistance for the investigations and trials which will be necessary at many different points of the country, I urge upon the Congress the necessity of making the said appropriation available for immediate use for all such purposes, to be expended under the direction of the Attorney-General.

Steps have been taken by the State Department looking to the making of bribery an extraditable offense with foreign powers. The need of more effective treaties covering this crime is manifest.

Need for treaties
making bribery
extraditable.

The exposures and prosecutions of official corruption in St. Louis, Mo., and other cities and States have resulted in a number of givers and takers of bribes becoming fugitives in foreign lands. Bribery has not been included in extradition treaties heretofore, as the necessity for it has not arisen. While there may have been as much official corruption in former years, there has been more developed and brought to light in the immediate past than in the preceding century of our country's history. It should be the policy of the United States to leave no place on earth where a corrupt man fleeing from this country can rest in peace. There is no reason why bribery should not be included in all treaties as extraditable. The recent amended treaty with Mexico, whereby this crime was put in the list of extraditable offenses, has established a salutary precedent in this regard. Under this treaty the State Department has asked, and Mexico has granted, the extradition of one of the St. Louis bribe givers.

There can be no crime more serious than bribery. Other offenses violate one law while corruption strikes at the foundation of all law. Under our form of government all authority is vested in the people and by them delegated to those who represent them in official capacity. There can be no offense heavier than that of him in whom such a sacred trust has been reposed, who sells it for his own gain and enrichment; and no less heavy is the offense of the bribe giver. He is worse than the thief, for the thief robs the individual, while the corrupt official plunders an entire city or State. He is as wicked as the murderer, for the murderer may only take one life against the law, while the corrupt official and the man who corrupts the official alike aim at the assassination of the commonwealth itself. Government of the people, by the people, for the people will perish from the face of the earth if bribery is tolerated. The givers and takers of bribes stand on an evil preeminence of infamy. The exposure and punishment of public corruption is an honor to a nation, not a disgrace. The shame lies in toleration,

not in correction. No city or State, still less the Nation, can be injured by the enforcement of law. As long as public plunderers when detected can find a haven of refuge in any foreign land and avoid punishment, just so long encouragement is given them to continue their practices. If we fail to do all that in us lies to stamp out corruption we can not escape our share of responsibility for the guilt. The first requisite of successful self-government is unflinching enforcement of the law and the cutting out of corruption.

For several years past the rapid development of Alaska and the establishment of growing American interests in regions theretofore unsurveyed and imperfectly known brought into prominence the urgent necessity of a practical demarcation of the boundaries between the jurisdictions of the United States and Great Britain. Although the treaty of 1825 between Great Britain and Russia, the provisions of which were copied in the treaty of 1867, whereby Russia conveyed Alaska to the United States, was positive as to the control, first by Russia and later by the United States, of a strip of territory along the continental mainland from the western shore of Portland Canal to Mount St. Elias, following and surrounding the indentations of the coast and including the islands to the westward, its description of the landward margin of the strip was indefinite, resting on the supposed existence of a continuous ridge or range of mountains skirting the coast, as figured in the charts of the early navigators. It had at no time been possible for either party in interest to lay down, under the authority of the treaty, a line so obviously exact according to its provisions as to command the assent of the other. For nearly three-fourths of a century the absence of tangible local interests demanding the exercise of positive jurisdiction on either side of the border left the question dormant. In 1878 questions of revenue administration on the Stikine River led to the establishment of a provisional demarcation, crossing the channel between two high peaks on either side about twenty-four miles above the river mouth. In 1899 similar questions growing out of the extraordinary development of mining interests in the region about the head of Lynn Canal brought about a temporary *modus vivendi*, by which a convenient separation was made at the watershed divides of the White and Chilkoot passes and to the north of Klukwan, on the Klehini River. These partial and tentative adjustments could not, in the very nature of things, be satisfactory or lasting. A permanent disposition of the matter became imperative.

After unavailing attempts to reach an understanding through a Joint High Commission, followed by prolonged negotiations, conducted in an amicable spirit, a convention between the United States and Great Britain was signed, January 24, 1903, providing for an examination of the subject by a mixed tribunal of six members, three on a side, with a view to its final disposition. Ratifications were exchanged on March 3 last, whereupon the two Governments appointed their respective members. Those on behalf of the United States were Elihu Root, Secretary of War, Henry Cabot Lodge, a Senator of the United States, and George Turner, an ex-Senator of the United States, while Great Britain named the Right Honourable Lord Alverstone, Lord Chief Justice of England, Sir Louis Amable Jetté, K. C. M. G., retired judge of the Supreme Court of Quebec, and A. B. Aylesworth, K. C., of Toronto. This Tribunal met in London on September 3, under the Presidency of Lord Alverstone. The proceedings were expeditious, and marked by a friendly and conscientious spirit. The respective cases, counter cases, and arguments presented the issues clearly and fully. On the 20th of October a majority of the Tribunal reached and signed an agreement on all the questions submitted by the terms of the Convention. By this award the right of the United States to the control of a continuous strip or border of the mainland shore, skirting all the tide-water inlets and sinuosities of the coast, is confirmed; the entrance to Portland Canal (concerning which legitimate doubt appeared) is defined as passing by Tongass Inlet and to the north-westward of Wales and Pearse islands; a line is drawn from the head of Portland Canal to the fifty-sixth degree of north latitude; and the interior border line of the strip is fixed by lines connecting certain mountain summits lying between Portland Canal and Mount St. Elias, and running along the crest of the divide separating the coast slope from the inland watershed at the only part of the frontier where the drainage ridge approaches the coast within the distance of ten marine leagues stipulated by the treaty as the extreme width of the strip around the heads of Lynn Canal and its branches.

While the line so traced follows the provisional demarcation of 1878 at the crossing of the Stikine River, and that of 1899 at the summits of the White and Chilkoote passes, it runs much farther inland from the Klehini than the temporary line of the later *modus vivendi*, and leaves the entire mining district of the Porcupine River and Glacier Creek within the jurisdiction of the United States.

The result is satisfactory in every way. It is of great material advantage to our people in the Far Northwest. It has removed from the field of discussion and possible danger a question liable to become more acutely accentuated with each passing year. Finally, it has furnished a signal proof of the fairness and good will with which two friendly nations can approach and determine issues involving national sovereignty and by their nature incapable of submission to a third power for adjudication.

The award is self-executing on the vital points. To make it effective as regards the others it only remains for the two Governments to appoint, each on its own behalf, one or more scientific experts, who shall, with all convenient speed, proceed together to lay down the boundary line in accordance with the decision of the majority of the Tribunal. I recommend that the Congress make adequate provision for the appointment, compensation, and expenses of the members to serve on this joint boundary commission on the part of the United States.

It will be remembered that during the second session of the last Congress Great Britain, Germany, and Italy formed an alliance for the purpose of blockading the ports of Venezuela and using such

other means of pressure as would secure a settlement of claims due, as they alleged, to certain of their subjects. Their employment of force for the collection of these claims was terminated by an agreement brought about through the offices of the diplomatic representatives of the United States at Caracas and the Government at Washington, thereby ending a situation which was bound to cause increasing friction, and which jeopardized the peace of the continent. Under this agreement Venezuela agreed to set apart a certain percentage of the customs receipts of two of her ports to be applied to the payment of whatever obligations might be ascertained by mixed commissions appointed for that purpose to be due from her, not only to the three powers already mentioned, whose proceedings against her had resulted in a state of war, but also to the United States, France, Spain, Belgium, the Netherlands, Sweden and Norway, and Mexico, who had not employed force for the collection of the claims alleged to be due to certain of their citizens.

A demand was then made by the so-called blockading powers that the sums ascertained to be due to their citizens by such mixed commissions should be accorded payment in full before anything was paid upon the claims of any of the so-called peace powers. Venezuela, on the other hand, insisted that all her creditors should be

paid upon a basis of exact equality. During the efforts to adjust this dispute it was suggested by the powers in interest that it should

be referred to me for decision, but I was clearly of the opinion that a far wiser course would be to submit the question to the Permanent Court of Arbitration at The Hague. It seemed to me to offer an admirable opportunity to advance the

practice of the peaceful settlement of disputes between nations and to secure for the Hague Tribunal a memorable increase of its practical importance. The nations interested in the controversy were so numerous and in many instances so powerful as to make it evident that beneficent results would follow from their appearance at the same time before the bar of that august tribunal of peace.

Our hopes in that regard have been realized. Russia and Austria are represented in the persons of the learned and distinguished jurists who compose the Tribunal, while Great Britain, Germany, France, Spain, Italy, Belgium, the Netherlands, Sweden and Norway, Mexico, the United States, and Venezuela are represented by their respective agents and counsel. Such an imposing concourse of nations presenting their arguments to and invoking the decision of that high court of international justice and international peace can hardly fail to secure a like submission of many future controversies. The nations now appearing there will find it far easier to appear there a second time, while no nation can imagine its just pride will be lessened by following the example now presented. This triumph of the principle of international arbitration is a subject of warm congratulation and offers a happy augury for the peace of the world.

There seems good ground for the belief that there has been a real growth among the civilized nations of a sentiment which will permit a gradual substitution of other methods than the method of war

in the settlement of disputes. It is not pretended that as yet we are near a position in which it will be possible wholly to prevent war, or that a just regard for national interest and honor will in all

**Advancement of
cause of inter-
national arbitration.**

cases permit of the settlement of international disputes by arbitration; but by a mixture of prudence and firmness with wisdom we think it is possible to do away with much of the provocation and excuse for war, and at least in many cases to substitute some other and more rational method for the settlement of disputes. The Hague Court offers so good an example of what can be done in the direction of such settlement that it should be encouraged in every way.

Further steps should be taken. In President McKinley's annual Message of December 5, 1898, he made the following recommendation:

"The experiences of the last year bring forcibly home to us a sense of the burdens and the waste of war. We desire, in common with most civilized nations, to reduce to the lowest possible point the damage sustained in time of war by peaceable trade and commerce. It is true we may suffer in such cases less than other communities, but all nations are damaged more or less by the state of uneasiness and apprehension into which an outbreak of hostilities throws the entire commercial world. It should be our object, there-

Exemption of
private property at
sea from capture by
belligerent powers.

fore, to minimize, so far as practicable, this inevitable loss and disturbance. This purpose can probably best be accomplished by an international agreement to regard all private property at sea as exempt from capture or destruction by the forces of belligerent powers. The United States Government has for many years advocated this humane and beneficent principle, and is now in a position to recommend it to other powers without the imputation of selfish motives. I therefore suggest for your consideration that the Executive be authorized to correspond with the governments of the principal maritime powers with a view of incorporating into the permanent law of civilized nations the principle of the exemption of all private property at sea, not contraband of war, from capture or destruction by belligerent powers."

I cordially renew this recommendation.

The Supreme Court, speaking on December 11, 1899, through Peckham, J., said:

"It is, we think, historically accurate to say that this Government has always been, in its views, among the most advanced of the governments of the world in favor of mitigating, as to all non-combatants, the hardships and horrors of war. To accomplish that object it has always advocated those rules which would in most cases do away with the right to capture the private property of an enemy on the high seas."

I advocate this as a matter of humanity and morals. It is anachronistic when private property is respected on land that it should not be respected at sea. Moreover, it should be borne in mind that shipping represents, internationally speaking, a much more generalized species of private property than is the case with ordinary property on land—that is, property found at sea is much

less apt than is the case with property found on land really to belong to any one nation. Under the modern system of corporate ownership the flag of a vessel often differs from the flag which would mark the nationality of the real ownership and money control of the vessel; and the cargo may belong to individuals of yet a different nationality. Much American capital is now invested in foreign ships; and among foreign nations it often happens that the capital of one is largely invested in the shipping of another. Furthermore, as a practical matter, it may be mentioned that while commerce destroying may cause serious loss and great annoyance, it can never be more than a subsidiary factor in bringing to terms a resolute foe. This is now well recognized by all of our naval experts. The fighting ship, not the commerce destroyer, is the vessel whose feats add renown to a nation's history, and establish her place among the great powers of the world.

Last year the Interparliamentary Union for International Arbitration met at Vienna, six hundred members of the different legislatures of civilized countries attending. It was provided that the next meeting should be in 1904 at St. Louis, subject to our Congress extending an invitation. Like the Hague Tribunal, this Interparliamentary Union is one of the forces tending towards peace among the nations of the earth, and it is entitled to our support. I trust the invitation can be extended.

**Meeting of
Interparliamentary
Union for Inter-
national Arbitration.**

Early in July, having received intelligence, which happily turned out to be erroneous, of the assassination of our vice-consul at Beirut, I dispatched a small squadron to that port for such service as might be found necessary on arrival. Although the attempt on the life of our vice-consul had not been successful, yet the outrage was symptomatic of a state of excitement and disorder which demanded immediate attention. The arrival of the vessels had the happiest

**Relations with
Turkey.**

result. A feeling of security at once took the place of the former alarm and disquiet; our officers were cordially welcomed by the consular body and the leading merchants, and ordinary business resumed its activity. The Government of the Sultan gave a considerate hearing to the representations of our minister; the official who was regarded as responsible for the disturbed condition of affairs was removed. Our relations with the Turkish Government remain friendly; our claims founded on inequitable treatment of some of our schools and missions appear to be in process of amicable adjustment.

The signing of a new commercial treaty with China, which took place at Shanghai on the 8th of October, is a cause for satisfaction. This act, the result of long discussion and negotiation, places our

**Relations with
China.**

commercial relations with the great Oriental Empire on a more satisfactory footing than they have ever heretofore enjoyed. It provides not

only for the ordinary rights and privileges of diplomatic and consular officers, but also for an important extension of our commerce by increased facility of access to Chinese ports, and for the relief of trade by the removal of some of the obstacles which have embarrassed it in the past. The Chinese Government engages, on fair and equitable conditions, which will probably be accepted by the principal commercial nations, to abandon the levy of "liken" and other transit dues throughout the Empire, and to introduce other desirable administrative reforms. Larger facilities are to be given to our citizens who desire to carry on mining enterprises in China. We have secured for our missionaries a valuable privilege, the recognition of their right to rent and lease in perpetuity such property as their religious societies may need in all parts of the Empire. And, what was an indispensable condition for the advance and development of our commerce in Manchuria, China, by treaty with us, has opened to foreign commerce the cities of Mukden, the capital of the province of Manchuria, and Antung, an important port on the Yalu River, on the road to Korea. The full measure of development which our commerce may rightfully expect can hardly be looked for until the settlement of the present abnormal state of things in the Empire; but the foundation for such development has at last been laid.

I call your attention to the reduced cost in maintaining the consular service for the fiscal year ending June 30, 1903, as shown in the annual report of the Auditor for the State and other Departments, as compared with the year previous. For the year under

**Reduction in cost
of maintaining
Consular Service.**

consideration the excess of expenditures over receipts on account of the consular service amounted to \$26,125.12, as against \$96,972.50 for the year ending June 30, 1902, and \$147,040.16 for the

year ending June 30, 1901. This is the best showing in this respect for the consular service for the past fourteen years, and the reduction in the cost of the service to the Government has been made in spite of the fact that the expenditures for the year in question were more than \$20,000 greater than for the previous year.

The rural free-delivery service has been steadily extended. The attention of the Congress is asked to the question of the compensation of the letter carriers and clerks engaged in the postal service, especially on the new rural free-delivery routes.

Rural Free-delivery Service. More routes have been installed since the first of July last than in any like period in the Department's history. While a due regard to economy must be kept in mind in the establishment of new routes, yet the extension of the rural free-delivery system must be continued, for reasons of sound public policy. No governmental movement of recent years has resulted in greater immediate benefit to the people of the country districts. Rural free delivery, taken in connection with the telephone, the bicycle, and the trolley, accomplishes much toward lessening the isolation of farm life and making it brighter and more attractive. In the immediate past the lack of just such facilities, as these has driven many of the more active and restless young men and women from the farms to the cities; for they rebelled at loneliness and lack of mental companionship. It is unhealthy and undesirable for the cities to grow at the expense of the country; and rural free delivery is not only a good thing in itself, but is good because it is one of the causes which check this unwholesome tendency towards the urban concentration of our population at the expense of the country districts.

Good roads. It is for the same reason that we sympathize with and approve of the policy of building good roads. The movement for good roads is one fraught with the greatest benefit to the country districts.

I trust that the Congress will continue to favor in all proper ways the Louisiana Purchase Exposition. This Exposition commemorates the Louisiana purchase, which was the first great step in the expansion which made us a continental nation. The expedition of Lewis and Clark across the continent followed thereon, and marked the beginning of the process of exploration and colonization which thrust our national boundaries to the Pacific. The acquisition of the Oregon country, including the present States of Oregon and Washington,

Louisiana Purchase Exposition. was a fact of immense importance in our history; first giving us our place on the Pacific seaboard, and making ready the way for our ascendancy in the commerce of the greatest of the oceans. The centennial of our establishment upon the western coast by the expedition of Lewis and Clark is to be celebrated at Portland, Oregon, by an

exposition in the summer of 1905, and this event should receive recognition and support from the National Government.

I call your special attention to the Territory of Alaska. The country is developing rapidly, and it has an assured future. The mineral wealth is great and has as yet hardly been tapped. The fisheries,

if wisely handled and kept under national control, will be a business as permanent as any other, and of the utmost importance to the people. The

forests if properly guarded will form another great source of wealth. Portions of Alaska are fitted for farming and stock raising, although the methods must be adapted to the peculiar conditions of the country. Alaska is situated in the far north; but so are Norway and Sweden and Finland; and Alaska can prosper and play its part in the New World just as those nations have prospered and played their parts in the Old World. Proper land laws should be enacted; and the survey of the public lands immediately begun. Coal-land laws should be provided whereby the coal-land entryman may make his location and secure patent under methods kindred to those now prescribed for homestead and mineral entrymen. Salmon hatcheries, exclusively under Government control, should be established. The cable should be extended from Sitka westward. Wagon roads and trails should be built, and the building of railroads promoted in all legitimate ways. Light-houses should be built along the coast. Attention should be paid to the needs of the Alaska Indians; provision should be made for an officer, with deputies, to study their needs, relieve their immediate wants, and help them adapt themselves to the new conditions.

The commission appointed to investigate, during the season of 1903, the condition and needs of the Alaskan salmon fisheries, has finished its work in the field, and is preparing a detailed report thereon.

Alaskan salmon
fisheries.

A preliminary report reciting the measures immediately required for the protection and preservation of the salmon industry has already been submitted to the Secretary of Commerce and Labor for his attention and for the needed action.

I recommend that an appropriation be made for building light-houses in Hawaii, and taking possession of those already built.

The Territory should be reimbursed for whatever amounts it has already expended for light-houses.

The governor should be empowered to suspend or remove any official appointed by him, without submitting the matter to the legislature.

Hawaii.

Of our insular possessions the Philippines and Porto Rico it is gratifying to say that their steady progress has been such as to make it unnecessary to spend much time in discussing them. Yet the Congress should ever keep in mind that a peculiar obligation rests upon us to further in every way the welfare of these communities. The Phil-

The Philippines
and Porto Rico.

ippines should be knit closer to us by tariff arrangements. It would, of course, be impossible suddenly to raise the people of the islands to the high pitch of industrial prosperity and of governmental efficiency to which they will in the end by degrees attain; and the caution and moderation shown in developing them have been among the main reasons why this development has hitherto gone on so smoothly. Scrupulous care has been taken in the choice of governmental agents, and the entire elimination of partisan politics from the public service. The condition of the islanders is in material things far better than ever before, while their governmental, intellectual, and moral advance has kept pace with their material advance. No one people ever benefited another people more than we have benefited the Filipinos by taking possession of the islands.

The cash receipts of the General Land Office for the last fiscal year were \$11,024,743.65, an increase of \$4,762,816.47 over the preceding year. Of this sum, approximately,

Receipts of General
Land Office.

\$8,461,493 will go to the credit of the fund for the reclamation of arid land, making the total of

this fund, up to the 30th of June, 1903, approximately, \$16,191,836.

A gratifying disposition has been evinced by those having unlawful inclosures of public land to remove their fences. Nearly two million acres so inclosed have been thrown open on demand. In but comparatively few cases has it been necessary to go into court to accomplish this purpose. This work will be vigorously prosecuted until all unlawful inclosures have been removed.

Removal of fences
about unlawful
inclosures of public
lands.

Experience has shown that in the western States themselves, as well as in the rest of the country, there is widespread conviction that certain of the public-land laws and the resulting administrative practice no longer meet the present needs.

Necessity for
revision of public-
land laws.

The character and uses of the remaining public lands differ widely from those of the public lands which Congress had especially in view when these laws were passed. The rapidly increasing rate of disposal of the public lands is not followed by a corresponding increase

in home building. There is a tendency to mass in large holdings public lands, especially timber and grazing lands, and thereby to retard settlement. I renew and emphasize my recommendation of last year that so far as they are available for agriculture in its broadest sense, and to whatever extent they may be reclaimed under the national irrigation law, the remaining public lands should be held rigidly for the home builder. The attention of the Congress is especially directed to the timber and stone law, the desert-land law, and the commutation clause of the homestead law, which in their operation have in many respects conflicted with wise public-land policy. The discussions in the Congress and elsewhere have made it evident that there is a wide divergence of opinions between those holding opposite views on these subjects; and that the opposing sides have strong and convinced representatives of weight both within and without the Congress; the differences being not only as to matters of opinion but as to matters of fact. In order that definite information may be available for the use of the Congress, I have appointed a commission composed of W. A. Richards, Commissioner of the General Land Office; Gifford Pinchot, Chief of the Bureau of Forestry of the Department of Agriculture, and F. H. Newell, Chief Hydrographer of the Geological Survey, to report at the earliest practicable moment upon the condition, operation, and effect of the present land laws and on the use, condition, disposal, and settlement of the public lands. The commission will report especially what changes in organization, laws, regulations, and practice affecting the public lands are needed to effect the largest practicable disposition of the public lands to actual settlers who will build permanent homes upon them, and to secure in permanence the fullest and most effective use of the resources of the public lands; and it will make such other reports and recommendations as its study of these questions may suggest. The commission is to report immediately upon those points concerning which its judgment is clear; on any point upon which it has doubt it will take the time necessary to make investigation and reach a final judgment.

The work of reclamation of the arid lands of the West is progressing steadily and satisfactorily under the terms of the law setting aside the proceeds from the disposal of public lands. The corps of engineers known as the Reclamation Service, which is conducting the surveys and examinations, has been thoroughly organized, especial pains being taken to secure under the civil-service rules a body of skilled, experienced, and efficient men. Surveys and examinations are progressing throughout the arid States and Territories,

plans for reclaiming works being prepared and passed upon by boards of engineers before approval by the Secretary of the Interior. In Arizona and Nevada, in localities where such work is pre-eminently needed, construction has already been begun. In other parts of the arid West various projects are well advanced towards

Irrigation. the drawing up of contracts, these being delayed in part by necessities of reaching agreements or understanding as regards rights of way or acquisition of real estate. Most of the works contemplated for construction are of national importance, involving interstate questions or the securing of stable, self-supporting communities in the midst of vast tracts of vacant land. The Nation as a whole is of course the gainer by the creation of these homes, adding as they do to the wealth and stability of the country, and furnishing a home market for the products of the East and South. The reclamation law, while perhaps not ideal, appears at present to answer the larger needs for which it is designed. Further legislation is not recommended until the necessities of change are more apparent.

The study of the opportunities of reclamation of the vast extent of arid land shows that whether this reclamation is done by individuals, corporations, or the State, the sources of water supply must be effectively protected and the reservoirs guarded by the preservation of the forests at the headwaters of the streams. The engineers making the preliminary examinations continually emphasize this need and urge that the remaining public lands at the headwaters of the important streams of the West be reserved to insure permanency of water supply for irrigation. Much progress in forestry has been made during the past year. The necessity for perpetuating our forest resources, whether in public or private hands, is recognized now as never before. The demand for forest reserves has become insistent in the West, because the West must use the water, wood, and summer range which only such reserves can supply. Progressive lumbermen are striving, through forestry, to give their business permanence. Other great business interests are awakening to the need of forest preservation as a business matter. The Government's forest work should receive from the Congress hearty support, and especially support adequate for the protection of the forest reserves against fire. The forest-reserve policy of the Government has passed beyond the experimental stage and has reached a condition where scientific methods are essential to its successful prosecution. The administrative features of forest reserves are at

Preservation of forests.

present unsatisfactory, being divided between three Bureaus of two Departments. It is therefore recommended that all matters pertaining to forest reserves, except those involving or pertaining to land titles, be consolidated in the Bureau of Forestry of the Department of Agriculture.

The cotton-growing States have recently been invaded by a weevil that has done much damage and threatens the entire cotton industry. I suggest to the Congress the prompt enactment of such remedial legislation as its judgment may approve.

In granting patents to foreigners the proper course for this country to follow is to give the same advantages to foreigners here that the countries in which these foreigners dwell extend in return to our citizens; that is, to extend the benefits of our patent laws on inventions and the like where in return the articles would be patentable in the foreign countries concerned—where an American could get a corresponding patent in such countries.

The Indian agents should not be dependent for their appointment or tenure of office upon considerations of partisan politics; the practice of appointing, when possible, ex-army officers or bonded superintendents to the vacancies that occur is working well. Attention is invited to the widespread illiteracy due to lack of public schools in the Indian Territory. Prompt heed should be paid to the need of education for the children in this Territory.

In my last annual Message the attention of the Congress was called to the necessity of enlarging the safety-appliance law, and it is gratifying to note that this law was amended in important respects. With the increasing railway mileage of the country, the greater number of men employed, and the use of larger and heavier equipment, the urgency for renewed effort to prevent the loss of life and limb upon the railroads of the country, particularly to employees, is apparent. For the inspection of water craft and the Life-Saving Service upon the water the Congress has built up an elaborate body of protective legislation and a thorough method of inspection and is annually spending large sums of money. It is encouraging to observe that the Congress is alive to the interests of those who are employed upon our wonderful arteries of commerce—the railroads—who so safely transport millions of passengers and billions of tons of freight. The Federal inspection of safety appliances, for which the Congress is

now making appropriations, is a service analogous to that which the Government has upheld for generations in regard to vessels, and it is believed will prove of great practical benefit, both to railroad employees and the traveling public. As the greater part of commerce is interstate and exclusively under the control of the Congress the needed safety and uniformity must be secured by national legislation.

No other class of our citizens deserves so well of the Nation as those to whom the Nation owes its very being, the veterans of the civil war. Special attention is asked to the excellent work of the

Pensions. Pension Bureau in expediting and disposing of pension claims. During the fiscal year ending

July 1, 1903, the Bureau settled 251,982 claims, an average of 825 claims for each working day of the year. The number of settlements since July 1, 1903, has been in excess of last year's average, approaching 1,000 claims for each working day, and it is believed that the work of the Bureau will be current at the close of the present fiscal year.

During the year ended June 30 last 25,566 persons were appointed through competitive examinations under the civil-service rules. This was 12,672 more than during the preceding year, and 40 per cent of those who passed the examinations. This

Extension of civil-service rules. abnormal growth was largely occasioned by the extension of classification to the rural free-delivery

service and the appointment last year of over 9,000 rural carriers. A revision of the civil-service rules took effect on April 15 last, which has greatly improved their operation. The completion of the reform of the civil service is recognized by good citizens everywhere as a matter of the highest public importance, and the success of the merit system largely depends upon the effectiveness of the rules and the machinery provided for their enforcement. A very gratifying spirit of friendly cooperation exists in all the Departments of the Government in the enforcement and uniform observance of both the letter and spirit of the civil-service act. Executive orders of July 3, 1902; March 26, 1903, and July 8, 1903, require that appointments of all unclassified laborers, both in the Departments at Washington and in the field service, shall be made with the assistance of the United States Civil Service Commission, under a system of registration to test the relative fitness of applicants for appointment or employment. This system is competitive, and is open to all citizens of the United States qualified in respect to age, physical ability, moral character, industry, and adaptability for manual labor; except that in case of veterans of the civil war

the element of age is omitted. This system of appointment is distinct from the classified service and does not classify positions of mere laborer under the civil-service act and rules. Regulations in aid thereof have been put in operation in several of the Departments and are being gradually extended in other parts of the service. The results have been very satisfactory, as extravagance has been checked by decreasing the number of unnecessary positions and by increasing the efficiency of the employees remaining.

The Congress, as the result of a thorough investigation of the charities and reformatory institutions in the District of Columbia, by a joint select committee of the two Houses which made its report in March, 1898, created in the act approved June 6, 1900, a board of charities for the District of Columbia, to consist of five residents of the District, appointed by the President of the United States, by and with the advice and consent of the Senate, each for a term of three years, to serve without compensation. President McKinley appointed five men who had been active and prominent in the public charities of Washington, all of whom upon taking office July 1, 1900, resigned from the different charities with which they had been connected. The members of the board have been reappointed in successive years. The board serves under the Commissioners of the District of Columbia. The board gave its first year to a careful and impartial study of the special problems before it, and has continued that study every year in the light of the best practice in public charities elsewhere. Its recommendations in its annual reports to the Congress through the Commissioners of the District of Columbia "for the economical and efficient administration of the charities and reformatories of the District of Columbia," as required by the act creating it, have been based upon the principles commended by the joint select committee of the Congress in its report of March, 1898, and approved by the best administrators of public charities, and make for the desired systematization and improvement of the affairs under its supervision. They are worthy of favorable consideration by the Congress.

The effect of the laws providing a General Staff for the Army and for the more effective use of the National Guard has been excellent.

The Army. Great improvement has been made in the efficiency of our Army in recent years. Such schools as those erected at Fort Leavenworth and Fort Riley and the institution of fall maneuver work accomplish satisfactory results. The good effect of these maneuvers upon the

National Guard is marked, and ample appropriation should be made to enable the guardsmen of the several States to share in the benefit. The Government should as soon as possible secure suitable permanent camp sites for military maneuvers in the various sections of the country. The service thereby rendered not only to the Regular Army, but to the National Guard of the several States, will be so great as to repay many times over the relatively small expense. We should not rest satisfied with what has been done, however. The only people who are contented with a system of promotion by mere seniority are those who are contented with the triumph of mediocrity over excellence. On the other hand a system which encouraged the exercise of social or political favoritism in promotions would be even worse. But it would surely be easy to devise a method of promotion from grade to grade in which the opinion of the higher officers of the service upon the candidates should be decisive upon the standing and promotion of the latter. Just such a system now obtains at West Point. The quality of each year's work determines the standing of that year's class, the man being dropped or graduated into the next class in the relative position which his military superiors decide to be warranted by his merit. In other words, ability, energy, fidelity, and all other similiar qualities determine the rank of a man year after year in West Point, and his standing in the Army when he graduates from West Point; but from that time on, all effort to find which man is best or worst, and reward or punish him accordingly, is abandoned; no brilliancy, no amount of hard work, no eagerness in the performance of duty, can advance him, and no slackness or indifference that falls short of a court-martial offense can retard him. Until this system is changed we can not hope that our officers will be of as high grade as we have a right to expect, considering the material upon which we draw. Moreover, when a man renders such service as Captain Pershing rendered last spring in the Moro campaign, it ought to be possible to reward him without at once jumping him to the grade of brigadier-general.

Shortly after the enunciation of that famous principle of American foreign policy now known as the "Monroe Doctrine," President Monroe, in a special Message to Congress on January 30, 1824, spoke as follows: "The Navy is the arm from which

The Navy. our Government will always derive most aid in support of our * * * rights. Every power engaged in war will know the strength of our naval power, the number of our ships of each class, their condition, and the

promptitude with which we may bring them into service, and will pay due consideration to that argument.”

I heartily congratulate the Congress upon the steady progress in building up the American Navy. We can not afford a let-up in this great work. To stand still means to go back. There should be no cessation in adding to the effective units of the fighting strength of the fleet. Meanwhile the Navy Department and the officers of the Navy are doing well their part by providing constant service at sea under conditions akin to those of actual warfare. Our officers and enlisted men are learning to handle the battle ships, cruisers, and torpedo boats with high efficiency in fleet and squadron formations, and the standard of marksmanship is being steadily raised. The best work ashore is indispensable, but the highest duty of a naval officer is to exercise command at sea.

The establishment of a naval base in the Philippines ought not to be longer postponed. Such a base is desirable in time of peace; in time of war it would be indispensable, and its lack would be ruinous. Without it our fleet would be helpless. Our naval experts are agreed that Subig Bay is the proper place for the purpose. The national interests require that the work of fortification and development of a naval station at Subig Bay be begun at an early date; for under the best conditions it is a work which will consume much time.

It is eminently desirable, however, that there should be provided a naval general staff on lines similar to those of the General Staff lately created for the Army. Within the Navy Department itself the needs of the service have brought about a system under which the duties of a general staff are partially performed; for the Bureau of Navigation has under its direction the War College, the Office of Naval Intelligence, and the Board of Inspection, and has been in close touch with the General Board of the Navy. But though under the excellent officers at their head, these boards and bureaus do good work, they have not the authority of a general staff, and have not sufficient scope to insure a proper readiness for emergencies. We need the establishment by law of a body of trained officers, who shall exercise a systematic control of the military affairs of the Navy, and be authorized advisers of the Secretary concerning it.

By the act of June 28, 1902, the Congress authorized the President to enter into treaty with Colombia for the building of the canal across the Isthmus of Panama; it being provided that in the event of failure to secure such treaty after the lapse of a reasonable time, recourse should be had to building a canal through Nicaragua. It has not

Isthmian Canal.

been necessary to consider this alternative, as I am enabled to lay before the Senate a treaty providing for the building of the canal across the Isthmus of Panama. This was the route which commended itself to the deliberate judgment of the Congress, and we can now acquire by treaty the right to construct the canal over this route. The question now, therefore, is not by which route the isthmian canal shall be built, for that question has been definitely and irrevocably decided. The question is simply whether or not we shall have an isthmian canal.

When the Congress directed that we should take the Panama route under treaty with Colombia, the essence of the condition, of course, referred not to the Government which controlled that route, but to the route itself; to the territory across which the route lay, not to the name which for the moment the territory bore on the map. The purpose of the law was to authorize the President to make a treaty with the power in actual control of the Isthmus of Panama. This purpose has been fulfilled.

In the year 1846 this Government entered into a treaty with New Granada, the predecessor upon the Isthmus of the Republic of Colombia and of the present Republic of Panama, by which treaty it was provided that the Government and citizens of the United States should always have free and open right of way or transit across the Isthmus of Panama by any modes of communication that might be constructed, while in return our Government guaranteed the perfect neutrality of the above-mentioned Isthmus with the view that the free transit from the one to the other sea might not be interrupted or embarrassed. The treaty vested in the United States a substantial property right carved out of the rights of sovereignty and property which New Granada then had and possessed over the

Review of relations
of United States
Government to
matter of transit
across Isthmus of
Panama.

said territory. The name of New Granada has passed away and its territory has been divided. Its successor, the Government of Colombia, has ceased to own any property in the Isthmus. A new Republic, that of Panama, which was at one time a sovereign state, and at another time a mere

department of the successive confederations known as New Granada and Colombia, has now succeeded to the rights which first one and then the other formerly exercised over the Isthmus. But as long as the Isthmus endures, the mere geographical fact of its existence, and the peculiar interest therein which is required by our position, perpetuate the solemn contract which binds the holders of the territory to respect our right to freedom of transit across it, and binds us

in return to safeguard for the Isthmus and the world the exercise of that inestimable privilege. The true interpretation of the obligations upon which the United States entered in this treaty of 1846 has been given repeatedly in the utterances of Presidents and Secretaries of State. Secretary Cass in 1858 officially stated the position of this Government as follows:

“The progress of events has rendered the interoceanic route across the narrow portion of Central America vastly important to the commercial world, and especially to the United States, whose possessions extend along the Atlantic and Pacific coasts, and demand the speediest and easiest modes of communication. While the rights of sovereignty of the states occupying this region should always be respected, we shall expect that these rights be exercised in a spirit befitting the occasion and the wants and circumstances that have arisen. Sovereignty has its duties as well as its rights, and none of these local governments, even if administered with more regard to the just demands of other nations than they have been, would be permitted, in a spirit of Eastern isolation, to close the gates of intercourse on the great highways of the world, and justify the act by the pretension that these avenues of trade and travel belong to them and that they choose to shut them, or, what is almost equivalent, to encumber them with such unjust relations as would prevent their general use.”

Seven years later, in 1865, Mr. Seward in different communications took the following position:

“The United States have taken and will take no interest in any question of internal revolution in the State of Panama, or any State of the United States of Colombia, but will maintain a perfect neutrality in connection with such domestic altercations. The United States will, nevertheless, hold themselves ready to protect the transit trade across the Isthmus against invasion of either domestic or foreign disturbers of the peace of the State of Panama. * * * Neither the text nor the spirit of the stipulation in that article by which the United States engages to preserve the neutrality of the Isthmus of Panama, imposes an obligation on this Government to comply with the requisition [of the President of the United States of Colombia for a force to protect the Isthmus of Panama from a body of insurgents of that country]. The purpose of the stipulation was to guarantee the Isthmus against seizure or invasion by a foreign power only.”

Attorney-General Speed, under date of November 7, 1865, advised Secretary Seward as follows:

“From this treaty it can not be supposed that New Granada invited

the United States to become a party to the intestine troubles of that Government, nor did the United States become bound to take sides in the domestic broils of New Granada. The United States did guarantee New Granada in the sovereignty and property over the territory. This was as against other and foreign governments."

For four hundred years, ever since shortly after the discovery of this hemisphere, the canal across the Isthmus has been planned. For two score years it has been worked at. When made it is to last for the ages. It is to alter the geography of a continent and the trade routes of the world. We have shown by every treaty we have negotiated or attempted to negotiate with the peoples in control of the Isthmus and with foreign nations in reference thereto our consistent good faith in observing our obligations; on the one hand to the peoples of the Isthmus, and on the other hand to the civilized world whose commercial rights we are safeguarding and guaranteeing by our action. We have done our duty to others in letter and in spirit, and we have shown the utmost forbearance in exacting our own rights.

Last spring, under the act above referred to, a treaty concluded between the representatives of the Republic of Colombia and of our Government was ratified by the Senate. This treaty was entered into at the urgent solicitation of the people of Colombia and after a body of experts appointed by our Government especially to go into the matter of the routes across the Isthmus had pronounced unanimously in favor of the Panama route. In drawing up this treaty every concession was made to the people and to the Government of Colombia. We were more than just in dealing with them. Our generosity was such as to make it a serious question whether we had not gone too far in their interest at the expense of our own;

**Repudiation of
treaty by Colombia.** for in our scrupulous desire to pay all possible heed, not merely to the real but even to the fancied rights of our weaker neighbor, who already owed so much to our protection and forbearance, we yielded in all possible ways to her desires in drawing up the treaty. Nevertheless the Government of Colombia not merely repudiated the treaty, but repudiated it in such manner as to make it evident by the time the Colombian Congress adjourned that not the scantiest hope remained of ever getting a satisfactory treaty from them. The Government of Colombia made the treaty, and yet when the Colombian Congress was called to ratify it the vote against ratification was unanimous. It does not appear that the Government made any real effort to secure ratification.

Immediately after the adjournment of the Congress a revolution broke out in Panama. The people of Panama had long been discontented with the Republic of Colombia, and they had been kept quiet only by the prospect of the conclusion of the treaty, which was to them a matter of vital concern. When it became evident that the treaty

Revolution in
Panama.

was hopelessly lost, the people of Panama rose literally as one man. Not a shot was fired by a single man on the Isthmus in the interest of the Colombian Government. Not a life was lost in the accomplishment of the revolution. The Colombian troops stationed on the Isthmus, who had long been unpaid, made common cause with the people of Panama, and with astonishing unanimity the new Republic was started. The duty of the United States in the premises

Course of
United States.

was clear. In strict accordance with the principles laid down by Secretaries Cass and Seward in the official documents above quoted, the United States gave notice that it would permit the landing of no expeditionary force, the arrival of which would mean chaos and destruction along the line of the railroad and of the proposed canal, and an interruption of transit as an inevitable consequence. The de facto Government of Panama was recognized in the following telegram to Mr. Ehrman:

“The people of Panama have, by apparently unanimous movement, dissolved their political connection with the Republic of Colombia and resumed their independence. When you are satisfied that a de facto government, republican in form and without substantial opposition from its own people, has been established in the State of Panama, you will enter into relations with it as the responsible government of the territory and look to it for all due action to protect the persons and property of citizens of the United States and to keep open the isthmian transit, in accordance with the obligations of existing treaties governing the relations of the United States to that territory.”

The Government of Colombia was notified of our action by the following telegram to Mr. Beaupré:

“The people of Panama having, by an apparently unanimous movement, dissolved their political connection with the Republic of Colombia and resumed their independence, and having adopted a Government of their own, republican in form, with which the Government of the United States of America has entered into relations, the President of the United States, in accordance with the ties of friendship which have so long and so happily existed between the

respective nations, most earnestly commends to the Governments of Colombia and of Panama the peaceful and equitable settlement of all questions at issue between them. He holds that he is bound not merely by treaty obligations, but by the interests of civilization, to see that the peaceful traffic of the world across the Isthmus of Panama shall not longer be disturbed by a constant succession of unnecessary and wasteful civil wars."

When these events happened, fifty-seven years had elapsed since the United States had entered into its treaty with New Granada. During that time the Governments of New Granada and

**Disturbances on
Isthmus since 1846.**

of its successor, Colombia, have been in a constant state of flux. The following is a partial list of the disturbances on the Isthmus of Panama during the period in question as reported to us by our consuls. It is not possible to give a complete list, and some of the reports that speak of "revolutions" must mean unsuccessful revolutions.

May 22, 1850.—Outbreak; two Americans killed. War vessel demanded to quell outbreak.

October, 1850.—Revolutionary plot to bring about independence of the Isthmus.

July 22, 1851.—Revolution in four southern provinces.

November 14, 1851.—Outbreak at Chagres. Man-of-war requested for Chagres.

June 27, 1853.—Insurrection at Bogota, and consequent disturbance on Isthmus. War vessel demanded.

May 23, 1854.—Political disturbances; war vessel requested.

June 28, 1854.—Attempted revolution.

October 24, 1854.—Independence of Isthmus demanded by provincial legislature.

April, 1856.—Riot, and massacre of Americans.

May 4, 1856.—Riot.

May 18, 1856.—Riot.

June 3, 1856.—Riot.

October 2, 1856.—Conflict between two native parties. United States forces landed.

December 18, 1858.—Attempted secession of Panama.

April, 1859.—Riots.

September, 1860.—Outbreak.

October 4, 1860.—Landing of United States forces in consequence.

May 23, 1861.—Intervention of the United States forces required by intendente.

October 2, 1861.—Insurrection and civil war.

April 4, 1862.—Measures to prevent rebels crossing Isthmus.

June 13, 1862.—Mosquera's troops refused admittance to Panama.

March, 1865.—Revolution, and United States troops landed.

August, 1865.—Riots; unsuccessful attempt to invade Panama.

- March, 1866.—Unsuccessful revolution.
 April, 1867.—Attempt to overthrow Government.
 August, 1867.—Attempt at revolution.
 July 5, 1868.—Revolution; provisional government inaugurated.
 August 29, 1868.—Revolution; provisional government overthrown.
 April, 1871.—Revolution; followed apparently by counter revolution.
 April, 1873.—Revolution and civil war which lasted to October, 1875.
 August, 1876.—Civil war which lasted until April, 1877.
 July, 1878.—Rebellion.
 December, 1878.—Revolt.
 April, 1879.—Revolution.
 June, 1879.—Revolution.
 March, 1883.—Riot.
 May, 1883.—Riot.
 June, 1884.—Revolutionary attempt.
 December, 1884.—Revolutionary attempt.
 January, 1885.—Revolutionary disturbances.
 March, 1885.—Revolution.
 April, 1887.—Disturbance on Panama Railroad.
 November, 1887.—Disturbance on line of canal.
 January, 1889.—Riot.
 January, 1895.—Revolution which lasted until April.
 March, 1895.—Incendiary attempt.
 October, 1899.—Revolution.
 February, 1900, to July, 1900.—Revolution.
 January, 1901.—Revolution.
 July, 1901.—Revolutionary disturbances.
 September, 1901.—City of Colon taken by rebels.
 March, 1902.—Revolutionary disturbances.
 July, 1902.—Revolution.

The above is only a partial list of the revolutions, rebellions, insurrections, riots, and other outbreaks that have occurred during the period in question; yet they number 53 for the 57 years. It will be noted that one of them lasted for nearly three years before it was quelled; another for nearly a year. In short, the experience of over half a century has shown Colombia to be utterly incapable of keeping order on the Isthmus. Only the active interference of the United States has enabled her to preserve so much as a semblance of sovereignty. Had it not been for the exercise by the United States of the police power in her interest, her connection with the Isthmus would have been sundered long ago. In 1856, in 1860, in 1873, in 1885, in 1901, and again in 1902, sailors and marines from United States war ships were forced to land in order to patrol the Isthmus, to protect life and property, and to see that the transit across the

Isthmus was kept open. In 1861, in 1862, in 1885, and in 1900, the Colombian Government asked that the United States Government would land troops to protect its interests and maintain order on the Isthmus. Perhaps the most extraordinary request is that which has just been received and which runs as follows:

“Knowing that revolution has already commenced in Panama [an eminent Colombian] says that if the Government of the United States will land troops to preserve Colombian sovereignty, and the transit, if requested by Colombian chargé d'affaires, this Government will declare martial law; and, by virtue of vested constitutional authority, when public order is disturbed, will approve by decree the ratification of the canal treaty as signed; or, if the Government of the United States prefers, will call extra session of the Congress—with new and friendly members—next May to approve the treaty. [An eminent Colombian] has the perfect confidence of vice-president, he says, and if it became necessary will go to the Isthmus or send representative there to adjust matters along above lines to the satisfaction of the people there.”

This dispatch is noteworthy from two standpoints. Its offer of immediately guaranteeing the treaty to us is in sharp contrast with the positive and contemptuous refusal of the Congress which has just closed its sessions to consider favorably such a treaty; it shows that the Government which made the treaty really had absolute control over the situation, but did not choose to exercise this control. The dispatch further calls on us to restore order and secure Colombian supremacy in the Isthmus from which the Colombian Government has just by its action decided to bar us by preventing the construction of the canal.

The control, in the interest of the commerce and traffic of the whole civilized world, of the means of undisturbed transit across the Isthmus of Panama has become of transcendent importance to the United States. We have repeatedly exercised this control by intervening in the course of domestic dissension, and by protecting the territory from foreign invasion. In 1853 Mr. Everett assured the Peruvian minister that we should not hesitate to maintain the neutrality of the Isthmus in the case of war between Peru and Colombia. In 1864 Colombia, which has always been vigilant to avail itself of its privileges conferred by the treaty, expressed its expectation that in the event of war between Peru and Spain the United States would carry into

Latest proposition
of Colombian
Government.

Importance to
United States of
control of means of
undisturbed transit
across Isthmus.

effect the guaranty of neutrality. There have been few administrations of the State Department in which this treaty has not, either by the one side or the other, been used as a basis of more or less important demands. It was said by Mr. Fish in 1871 that the Department of State had reason to believe that an attack upon Colombian sovereignty on the Isthmus had, on several occasions, been averted by warning from this Government. In 1886, when Colombia was under the menace of hostilities from Italy in the Cerruti case, Mr. Bayard expressed the serious concern that the United States could not but feel, that a European power should resort to force against a sister republic of this hemisphere, as to the sovereign and uninterrupted use of a part of whose territory we are guarantors under the solemn faith of a treaty.

The above recital of facts establishes beyond question: First, that the United States has for over half a century patiently and in good faith carried out its obligations under the treaty of 1846; second, that when for the first time it became possible for Colombia to do anything in requital of the services thus repeatedly rendered to it for fifty-seven years by the United States, the Colombian Government peremptorily and offensively refused thus to do its part, even though to do so would have been to its advantage and immeasurably to the advantage of the State of Panama, at that time under its jurisdiction; third, that throughout this period revolutions, riots, and factional disturbances of every kind have occurred one after the other in almost uninterrupted succession, some of them lasting for months and even for years, while the central government was unable to put them down or to make peace with the rebels; fourth, that these disturbances instead of showing any sign of abating have tended to grow more numerous and more serious in the immediate past; fifth, that the control of Colombia over the Isthmus of Panama could not be maintained without the armed intervention and assistance of the United States. In other words, the Government of Colombia, though wholly unable to maintain order on the Isthmus, has nevertheless declined to ratify a treaty the conclusion of which opened the only chance to secure its own stability and to guarantee permanent peace on, and the construction of a canal across, the Isthmus.

Under such circumstances the Government of the United States would have been guilty of folly and weakness, amounting in their sum to a crime against the Nation, had it acted otherwise than it did when the revolution of November 3 last took place in Panama. This great enterprise of building the interoceanic canal can not be held up to gratify the whims, or out of respect to the governmental

impotence, or to the even more sinister and evil political peculiarities, of people who, though they dwell afar off, yet, against the wish of the actual dwellers on the Isthmus, assert an unreal supremacy over the territory. The possession of a territory fraught with such peculiar capacities as the Isthmus in question carries with it obligations to mankind. The course of events has shown that this canal can not be built by private enterprise, or by any other nation than our own; therefore it must be built by the United States.

Every effort has been made by the Government of the United States to persuade Colombia to follow a course which was essentially not only to our interests and to the interests of the world, but to the interests of Colombia itself. These efforts have failed; and Colombia, by her persistence in repulsing the advances that have been made, has forced us, for the sake of our own honor, and of the interest and well-being, not merely of our own people, but of the people of the Isthmus of Panama and the people of the civilized countries of the world, to take decisive steps to bring to an end a condition of affairs which had become intolerable. The new Republic of Panama immediately offered to negotiate a treaty with us. This treaty I herewith submit. By it our interests are better safeguarded than in the treaty with Colombia which was

ratified by the Senate at its last session. It is

**Submission of
treaty with new
Republic of Panama.**

better in its terms than the treaties offered to us by the Republics of Nicaragua and Costa Rica.

At last the right to begin this great undertaking is made available. Panama has done her part. All that remains is for the American Congress to do its part and forthwith this Republic will enter upon the execution of a project colossal in its size and of well-nigh incalculable possibilities for the good of this country and the nations of mankind.

By the provisions of the treaty the United States guarantees and will maintain the independence of the Republic of Panama. There is granted to the United States in perpetuity the use, occupation,

Provisions of treaty. and control of a strip ten miles wide and extending three nautical miles into the sea at either

terminal, with all lands lying outside of the zone necessary for the construction of the canal or for its auxiliary works, and with the islands in the Bay of Panama. The cities of Panama and Colon are not embraced in the canal zone, but the United States assumes their sanitation and, in case of need, the maintenance of order therein; the United States enjoys within the granted limits all the rights, power, and authority which it would

possess were it the sovereign of the territory to the exclusion of the exercise of sovereign rights by the Republic. All railway and canal property rights belonging to Panama and needed for the canal pass to the United States, including any property of the respective companies in the cities of Panama and Colon; the works, property, and personnel of the canal and railways are exempted from taxation as well in the cities of Panama and Colon as in the canal zone and its dependencies. Free immigration of the personnel and importation of supplies for the construction and operation of the canal are granted. Provision is made for the use of military force and the building of fortifications by the United States for the protection of the transit. In other details, particularly as to the acquisition of the interests of the New Panama Canal Company and the Panama Railway by the United States and the condemnation of private property for the uses of the canal, the stipulations of the Hay-Herran treaty are closely followed, while the compensation to be given for these enlarged grants remains the same, being ten millions of dollars payable on exchange of ratifications; and, beginning nine years from that date, an annual payment of \$250,000 during the life of the convention.

THEODORE ROOSEVELT.

WHITE HOUSE,

December 7, 1903.

LIST OF PAPERS, WITH SUBJECTS OF CORRESPONDENCE.

ARGENTINE REPUBLIC.

| No. | From and to whom. | Date. | Subject. | Page. |
|-----|---|------------------|---|-------|
| | Señor Luis M. Drago to Señor Martín García Mérou. (Transmitted to the Department of State by the Argentine minister.) | 1902. Dec. 29 | Monroe doctrine and diplomatic claims of European powers. Argument against the use of force in collecting the latter as a violation of the former. | 1 |
| | Mr. Hay to Señor Mérou . . . | 1903. Feb. 17 | Same subject. Position of the United States is announced in quoted passages of the President's messages to Congress of 1901 and 1902. The United States will be glad to see the decision left to an impartial arbitration. | 5 |
| 255 | Mr. Ames to Mr. Hay | May 5 | Same subject. Reports gratification of the minister for foreign affairs at the favorable comments of the press of the United States on his note of December 29, 1902, and improvement of public sentiment toward the United States. | 6 |
| 257 | Same to same | May 6 | Message of the President of the Argentine Republic to Congress. Transmits copies and translation. | 7 |

AUSTRIA-HUNGARY.

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| 7 | Mr. Storer to Mr. Hay | 1903. Jan. 23 | Commercial agents of the United States. Point raised by the Austrian Government that the consular convention does not provide for officers styled "commercial agents" has been relinquished, the term being accepted as synonymous with "consular agents." | 14 |
| 8 | Mr. Hay to Mr. Storer | Feb. 19 | Same subject. Commercial agents of the United States enjoy the same powers and privileges as other principal consular officers. They differ in that respect from officers described in international law by that title and for whom recognition is not asked. | 15 |
| 19 | Mr. Rives to Mr. Hay | Mar. 18 | Same subject. Commercial agents will be recognized and permitted to discharge their official duties, but no exequaturs will be issued. | 16 |
| 26 | Mr. Hay to Mr. Storer | Apr. 9 | Recognition accorded by the Austro-Hungarian Government to Commercial Agent John Steel Twells at Carlsbad is regarded as sufficient. | 16 |
| 53 | Same to same | Nov. 14 | Admission of United States corporations to engage in business in Austria-Hungary. Incloses letter from Charles Strauss stating that before he is allowed to open a branch office at Vienna he will be obliged to file a certificate that Austrian subjects are admitted to trade in the United States. Instructs to ascertain about the requirement and the form of the certificate. | 17 |
| 56 | Same to same | Nov. 23 | Same subject. Incloses letter of November 19 from Charles Strauss. | 17 |
| 84 | Mr. Storer to Mr. Hay | Dec. 14 | Same subject. Certificate not required. States requirements to be fulfilled by Mr. Strauss. | 18 |
| | Mr. Hengelmüller to Mr. Hay. | Dec. 15 | Renunciation of American citizenship. Asks whether the Hungarian Government may restore their original nationality to Hungarians who declare their renunciation before a Hungarian magistrate. Cites the case of Joseph Fuchs. | 19 |
| 49 | Mr. Loomis to Mr. Hengelmüller. | Dec. 23 | No provision is made by the laws of the United States for issuing a certificate of renunciation of citizenship, and the United States interposes no obstacle to the Austro-Hungarian Government to admit American citizens as subjects of that Government. | 20 |

BULGARIA.

| No. | From and to whom. | Date. | Subject. | Page. |
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| | Mr. Jackson to Mr. Hay (telegram). | 1903. Sept. 19 | Presentation of credentials. The Prince of Bulgaria expressed pleasure at the establishment of direct diplomatic relations. | 21 |
| | Prince Ferdinand to President Roosevelt (telegram). | ...do.... | Same subject and tenor..... | 21 |
| | President Roosevelt to Prince Ferdinand (telegram). | Sept. 21 | Same subject. Appreciates the friendly message of the Prince. | 21 |
| 11 | Mr. Jackson to Mr. Hay | Sept. 24 | Same subject. Gives detailed account of the ceremonies and attentions paid him by the Prince. | 21 |

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| 441 | Mr. Bryan to Mr. Hay..... | 1902. Aug. 14 | Free navigation of the Amazon River. Incloses decree ordering collection of duties on goods on ships entering or leaving the river. | 36 |
| 444 | Same to same | Aug. 19 | Same subject. Decree in No. 441 has been corrected so as to make it applicable to Bolivia only. | 36 |
| 464 | Same to same | Oct. 31 | Same subject. French and German Governments have protested against transit duties on the Amazon. | 37 |
| 466 | Same to same | Nov. 7 | Same subject. The protest of the French minister against transit duties has received the approval of his Government. | 37 |
| 302 | Mr. Hay to Mr. Seeger..... | Dec. 9 | Same subject. Directs proper remonstrance against the imposition of transit duties on goods from Bolivia. | 38 |
| | Mr. Seeger to Mr. Hay..... | 1903. Jan. 20 | Same subject. Incloses copy of note to the minister for foreign affairs, remonstrating against the suspension of free navigation of the Amazon. The measures are inspired by jealousy of alleged American expansion, and began with the granting of the Acre concession to the American syndicate. Incloses opinion of French jurist, L. Renault, and memorandum of the Bolivian minister to the British Government on the subject. | 38 |
| 316 | Mr. Hay to Mr. Seeger..... | Feb. 17 | Same subject. Free navigation of the Amazon River seems, as stated in L. Renault's opinion, to have been established by the constitution of Brazil. | 41 |
| | Mr. Seeger to Mr. Hay..... | Feb. 22 | Same subject. Transit duties formally abolished. Cash settlement has been made by Brazil with syndicate. Incloses circular of minister for finance reestablishing free transit as an act of grace to Bolivia. | 41 |
| | Same to same | Mar. 3 | Same subject. Incloses reply of minister for foreign affairs to protest in his dispatch of January 20. It contends that the right to free navigation does not belong to States through which tributaries of the Amazon run unless sanctioned by treaty. | 42 |
| 11 | Mr. Thompson to Mr. Hay.. | Apr. 16 | Mohroe doctrine. Note of the Argentine minister for foreign affairs criticised in Brazil. Incloses newspaper article reflecting general opinion in Brazil. | 24 |
| | Treaty between the United States and Brazil. | Apr. 30 | For the extradition of criminals. Text..... | 27 |
| 20 | Mr. Thompson to Mr. Hay.. | May 8 | First annual message of President Rodriguez Alves, with translation of part relating to foreign relations. | 33 |

CHINA.

| | | | | |
|-----|----------------------------|------------------|---|-----|
| 779 | Mr. Conger to Mr. Hay..... | 1901. Oct. 16 | Foreign traders in Peking. Incloses correspondence with the foreign office relating to the removal of, and the payment of octroi tax on all goods but those certified to be for the use of the legations. Prospects of Peking being made a treaty port discussed. | 119 |
| 416 | Mr. Hay to Mr. Conger..... | Nov. 23 | Same subject. Approves course taken by him... | 121 |

CHINA—Continued.

| No. | From and to whom. | Date. | Subject. | Page. |
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| 1169 | Mr. Conger to Mr. Hay..... | 1902. Dec. 11 | Citizenship of Mongolian women married to United States citizens. Incloses for Department's approval his opinion that the women can not acquire United States citizenship, but that the children are citizens. | 44 |
| | Same to same (telegram).... | Dec. 16 | Russian customs and postal service in leased territory and Manchuria. Reports that the Russians are arranging with the Chinese Government customs service for Talienwan and interior Manchurian ports similar to the maritime customs under Russian commissioner; post-offices under the same control. | 46 |
| 1175 | Same to same..... | Dec. 17 | Same subject. Transmits details relating to the subject. | 46 |
| 606 | Mr. Hay to Mr. Conger..... | 1903. Jan. 3 | Same subject. So far as disclosed, no ground is afforded for representations. If any danger to American interests should develop, legation may take appropriate action. | 46 |
| 1191 | Mr. Conger to Mr. Hay..... | Jan. 19 | Expiatory monument to the memory of Baron von Ketteler, the German minister murdered in Peking. Inauguration of, on January 18 reported. Text of inscription, speeches made by officials. | 77 |
| 1193 | Same to same..... | Jan. 22 | Rebellious movements in the north and south and brigandage in Manchuria. Reports condition of affairs. The Imperial Government is confining itself to putting off outbreak by avoiding conflict with the leaders. | 79 |
| 622 | Mr. Hay to Mr. Conger..... | Feb. 5 | Citizenship of Mongolian women married to United States citizens. Approves opinion in his 1169 and cites cases on the construction of the phrase "and who might lawfully be naturalized." | 45 |
| 1219 | Mr. Conger to Mr. Hay..... | Feb. 21 | Consuls engaged in business. Question as to the right to attend consular meetings, put by the consul at Chefoo, answered in the affirmative. Incloses letters from and to Consul Fowler. | 82 |
| 1228 | Same to same..... | Mar. 6 | Russian customs service in leased territory and Manchuria. Reports that Chinese are resisting Russian scheme, and that, as a consequence, goods are entering without payment of duty. | 48 |
| 1233 | Same to same..... | Mar. 10 | Russian enterprise in Manchuria. Incloses letter from consul at Niuchwang, reporting steps taken by Russia to gain commercial and political control. | 49 |
| 1236 | Same to same..... | Mar. 12 | Boxer movement in Chihli promptly suppressed by viceroy. Incloses proclamation. | 80 |
| 1242 | Same to same..... | Mar. 20 | Consular jurisdiction in territory leased to Russia. Incloses Russian circular setting forth restrictions on. | 84 |
| 1246 | Same to same..... | Mar. 25 | Manchuria. Russian courts established in various parts of—to take the place of the consular court at Niuchwang, whose jurisdiction is limited to that port. Incloses letter from Consul Miller, representing hardship on American plaintiffs and reply thereto acknowledging Russia's right. | 49 |
| 1252 | Same to same..... | Mar. 31 | Treaty ports in Manchuria. Recommends Tantung-kou in preference to Taku-chan and Mukden and Harbin, gives reasons and asks instructions. | 51 |
| 656 | Mr. Loomis to Mr. Conger.. | Apr. 13 | Consuls engaged in business. Right of, to take part in the deliberations of the consular corps can not be denied, discusses the question in all its bearings, and approves his letter to the consul at Chefoo in his 1219. | 88 |
| | Mr. Conger to Mr. Hay (telegram). | Apr. 18 | Manchuria. Reports that Niuchwang is not yet evacuated, that the Russian minister alleges as reason for delay unfinished negotiations for permanent sanitary commission under Russian domination. | 53 |
| 1270 | Same to same..... | do | Same subject. Confirms above telegram..... | 53 |
| | Same to same (telegram).... | Apr. 23 | Same subject. Reports new demands made by Russia before evacuating, and that Chinese Government refused to comply with them. | 53 |
| | Mr. Hay to Mr. Conger (telegram). | Apr. 25 | Same subject. Directs to insist on our request for treaty ports and consulates and to make known our objections to second clause, excluding all foreigners except Russians from Chinese service. | 54 |

CHINA—Continued.

| No. | From and to whom. | Date. | Subject. | Page. |
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| | Mr. Hay to Mr. Conger (telegram). | 1908. Apr. 29 | Manchuria. Conditions for evacuations. Gives substance of reply of Russian Government to the inquiry of the United States Government relating to. | 54 |
| 1283 | Mr. Conger to Mr. Hay | do | Same subject. Incloses his note to the Chinese Government in compliance with Department's telegram of April 25, and reports filing of notes of warning and protest by the British and Japanese ministers. | 54 |
| | Mr. Goodnow to Mr. Hay... | May 2 | Same subject. Reports that the Chinese commissioners decline to discuss the opening of Manchurian ports. | 55 |
| | Mr. Conger to Mr. Hay (telegram). | May 3 | Same subject. Has sent by mail the Russian note to the Chinese Government containing demands which must be agreed to before evacuation will take effect. | 56 |
| 1284 | Same to same..... | May 4 | Same subject. Incloses note referred to in above telegram. | 56 |
| | Same to same (telegram)... | May 7 | Same subject. Opening of treaty ports. Reports that Russian charge still insists that no Manchurian ports shall be opened. | 58 |
| 1288 | Same to same..... | do | Same subject. Incloses Consul Miller's report of occupation by the Russians of territory opposite Niuchwang, which they evacuated six months ago. | 58 |
| 674 | Mr. Hay to Mr. Conger..... | May 16 | Same subject. Opening of treaty ports. Instructs to consult freely with his colleagues and the Japanese treaty commissioners, and to report their views and his own. | 59 |
| | Same to same (telegram)... | May 18 | Same subject. Treaty ports. Instructs to obtain a written statement from the Chinese Government of its objections to complying with our request, and of what it proposes instead. | 60 |
| | Same to same (telegram)... | May 23 | Same subject. Treaty ports and consulates. Instructs to tell the Russian minister, on his arrival at Peking, that the Russian Government has assured us that it is not opposed to our proposition of open ports and consulates, and to ask his cooperation. | 60 |
| | Mr. Conger to Mr. Hay (telegram). | May 28 | Same subject. Treaty ports and consulates. Gives substance of note from the Chinese Government stating its position in relation to. | 60 |
| | Mr. Hay to Mr. Conger (telegram). | May 29 | Same subject. Treaty ports and consulates. Gives substance of reply to be made to Chinese note reported in above telegram. | 61 |
| 1308 | Mr. Conger to Mr. Hay | do | Same subject. Treaty ports. Incloses correspondence with the foreign office, and reports interview with the principal secretary of the foreign office, who states that the Chinese Government will herself open the Manchurian ports. | 61 |
| | Same to same (telegram)... | May 30 | Same subject. Treaty ports. The Russian minister states that Russia is not opposed to open ports and consulates, but that he can not cooperate with Mr. Conger without instructions. | 63 |
| | Same to same (telegram)... | June 6 | Same subject. The Russian minister thinks that reply as to cooperation has been sent from St. Petersburg to the Department of State. | 63 |
| | Mr. Hay to Mr. Conger (telegram). | do | Same subject. Instructs him to take no action until further instructed. The matter is being discussed at Washington. | 63 |
| 1318 | Mr. Conger to Mr. Hay..... | June 9 | Same subject. Reports conversation with the Russian minister, and incloses note to the Chinese foreign office. | 64 |
| | Mr. Hay to Mr. Conger (telegram). | June 16 | Same subject. Treaty ports. Gives substance of a telegram from the United States embassy in Russia on the subject, and instructs him to confer fully with the Russian minister and to report result to the Department. | 64 |
| | Mr. Conger to Mr. Hay (telegram). | June 18 | Same subject. Treaty ports. Has communicated to the Russian minister the demands of the United States. The minister says he has no instructions and can make no statement concerning Russia's attitude. | 65 |
| 1327 | Same to same..... | do | Same subject. Confirms above and reports conversation with the Russian minister. | 65 |
| 1333 | Same to same..... | June 23 | Same subject. Treaty ports. Reports that the Japanese and British representatives agree with him in regard to ports mentioned. Reports action of these powers, which are the only ones interested in the matter. | 65 |

CHINA—Continued.

| No. | From and to whom. | Date. | Subject. | Page. |
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| | | 1903. | | |
| | Mr. Conger to Mr. Hay (telegram). | July 1 | Manchuria. Treaty ports. Reports that Prince Ch'ing again promised that China would open ports after evacuation, but could not give written promise. | 66 |
| 1344 | Same to same..... | do | Same subject. Treaty ports. Reports details of interview with Prince Ch'ing. | 66 |
| | Mr. Hay to Mr. Conger (telegram). | July 13 | Same subject. Treaty ports. Fails to appreciate the failure of Prince Ch'ing to give written promise. Directs to continue urging compliance with our request for. | 67 |
| | Same to same (telegram)... | July 14 | Same subject. Treaty ports. Quotes memorandum of Russian embassy setting forth Russian position, and instructs to hand copy to Prince Ch'ing and to urge in the strongest manner immediate agreement. | 67 |
| | Mr. Conger to Mr. Hay (telegram). | July 22 | Same subject. Treaty ports. Prince Ch'ing has given written promise that China will open ports after evacuation by Russia. | 68 |
| | Mr. Loomis to Mr. Conger (telegram). | do | Same subject. Treaty ports. Promise of Chinese Government to open ports after evacuation is unsatisfactory. Should be included in the treaty. | 68 |
| 1353 | Mr. Conger to Mr. Hay..... | July 23 | Same subject. Treaty ports. Reports interview with Prince Ch'ing. Gives reasons why it is preferable to sign treaty now without reference to ports. Incloses correspondence. | 68 |
| | Mr. Hay to Mr. Conger (telegram). | July 26 | Same subject. Treaty ports. Written agreement to sign treaty providing for opening of Moukden and Ta-tung-kou will be accepted. Will insist on inclusion of article in treaty providing for new ports in Manchuria and will not sign the treaty without it. | 70 |
| | Mr. Conger to Mr. Hay (telegram). | Aug. 3 | Same subject. Treaty ports. Reports conference with the Prince on the subject of above telegram. The Prince promises to reply very soon. | 70 |
| | Same to same (telegram)... | Aug. 14 | Same subject. Treaty ports. Promise of the Chinese Government to sign treaty October 8 containing provisions for. | 71 |
| 1369 | Same to same..... | do | Same subject. Treaty ports. Incloses note containing promise as reported in above telegram. | 71 |
| | Mr. Hay to Mr. Conger (telegram). | Aug. 15 | Same subject. Treaty ports. Prince Ch'ing's note satisfactory. | 74 |
| 1370 | Mr. Conger to Mr. Hay..... | Aug. 17 | Same subject. Confirms above telegram..... | 74 |
| 1372 | Same to same..... | Aug. 21 | Rights of foreigners in Peking. Incloses Chinese note stating that the practice of allowing foreign merchants to buy property and to engage in business will be discontinued. | 121 |
| 1374 | Same to same..... | Aug. 25 | Manchuria. Treaty ports. An-tung is reported to be much more desirable than Ta-tung-kou. Admiral Evans has been asked to investigate. | 74 |
| | Same to same (telegram)... | Sept. 9 | Same subject. Treaty ports. An-tung, found to be preferable. Prince Ch'ing has no objection to substituting same in treaty. | 75 |
| 1385 | Same to same..... | do | Same subject. Treaty ports. Gives full details as to the desirability of substituting An tung for Ta-tung-kou. Incloses papers in support of his opinion. | 75 |
| | Same to same (telegram)... | Sept. 12 | Same subject. Treaty ports. Reports that the Chinese Government consent to the substitution of An-tung for Ta-tung-kou. | 76 |
| | Mr. Adee to Mr. Conger (telegram). | do | Same subject. Treaty ports. Substitution of An-tung for Ta-tung-kou is approved. | 77 |
| | Same to same (telegram)... | Sept. 23 | Same subject. Evacuation. Directs to inform the Chinese Government again that the treaty must be signed on October 8, and that the date is not contingent on the action of Russia. | 77 |
| | Mr. Conger to Mr. Hay (telegram). | Sept. 24 | Treaty. Prince Ch'ing has again promised that the treaty shall be signed on October 8. | 77 |
| 716 | Mr. Hay to Mr. Conger..... | Oct. 7 | Right of war vessels to visit Chinese inland waters. Incloses correspondence with the Navy Department in regard to the visit of United States gunboats to the upper Yangtse. | 85 |
| | Messrs. Conger, Goodnow, and Seaman to Mr. Hay (telegram). | Oct. 8 | Treaty. Report that the treaty with China has been signed. | 77 |
| | Treaty between the United States and China. | do | For the extension of the commercial relations between them. Text. | 91 |
| 718 | Mr. Fay to Mr. Conger..... | Oct. 9 | Rights of foreigners in Peking. Approves his course in not making reply to note in his 1372, but leaving the matter open for future discussions. | 122 |

COLOMBIA.

| No. | From and to whom. | Date. | Subject. | Page. |
|-----|---------------------------------------|-----------------|--|-------|
| 732 | Mr. Hart to Mr. Hay..... | 1903. Mar. 2 | Missionary schools in Colombia. Difficulty met in obtaining permission to resume their work notwithstanding the promises made by the Colombian Government. Reports his actions and incloses correspondence. | 123 |
| | Mr. Loomis to Mr. Beaupré (telegram). | Mar. 18 | Canal treaty. Inform Colombian Government Senate yesterday approved canal convention without amendment. | 133 |
| 741 | Mr. Beaupré to Mr. Hay.... | Mar. 30 | Same subject. Chances of ratification, in present condition of public opinion, seem to depend chiefly on the earnestness of the Government and the French Company. | 133 |
| | Mr. Hay to Mr. Beaupré (telegram). | Apr. 7 | Same subject. If the subject of the request of Colombia to the canal and railroad companies for appointment of agents to negotiate cancellation of the present concessions, etc., arises, inform the Colombian Government that the treaty covers entire matter, and any change would be in violation of the Spooner law, and not permissible. | 133 |
| 6 | Mr. Beaupré to Mr. Hay.... | Apr. 15 | Same subject. Revulsion of public feeling in regard to the canal treaty has been brought about by the press, possibly with the connivance of the Government and the intent of obtaining more money. | 134 |
| 10 | Same to same..... | Apr. 24 | Same subject. Notice has been given to the Government that all matters relating to the concessions of the canal and railroad companies are covered by the treaty. Incloses note. | 135 |
| 13 | Same to same..... | Apr. 27 | Same subject. Delay in convening Congress is ascribed to irregular elections in Tolima Department. | 136 |
| 6 | Mr. Hay to Mr. Beaupré.... | Apr. 28 | Same subject. Incloses notices of Colombian Government to both companies that they must seek formal permission of the Colombian Government to effect transfer of their concessions and enter into agreements to that effect. Reviews seriatim the various points in which this pretension of Colombia violates the treaty and formal assurances given by Colombian representatives, and instructs to declare that such a course can not be acquiesced in by the United States. | 136 |
| 8 | Same to same..... | May 4 | Missionary schools in Colombia. Acknowledges No. 732, and directs continued actions on the same lines. | 127 |
| 17 | Mr. Beaupré to Mr. Hay.... |do.... | Canal treaty. Reports growing opposition to the treaty, and nature of arguments used against it. | 142 |
| 18 | Same to same..... | May 5 | Same subject. General Marcellano Vargas is to be sent to the United States to secure better terms. | 143 |
| | Same to same (telegram)... | May 7 | Same subject. Special session of Congress has been called for June 20. | 113 |
| 19 | Same to same..... |do.... | Same subject. Attitude of the Government and probable fate of the treaty in the Congress, as stated in private conversation by a prominent Colombian. | 143 |
| 24 | Same to same..... | May 12 | Same subject. Quotes article of a senator from the Department of Panama denouncing Chargé Herran as a criminal. | 144 |
| | Same to same (telegram)... | May 28 | Same subject. A telegram has been received by the President reporting recent arrival of a large number of United States employees on the Isthmus. If true, it will intensify opposition to the ratification of the convention. Asks instructions. | 145 |
| 37 | Same to same..... |do.... | Same subject. Reports unfavorable impression created by news contained in his telegram of 28th instant. | 145 |
| | Mr. Hay to Mr. Beaupré (telegram), | May 30 | Same subject. Report relating to large number of United States officials or citizens absolutely false. Deny it promptly and emphatically. | 145 |
| 15 | Same to same..... | June 2 | Same subject. Instructs him to keep a vigilant watch over the various phases of the case, to keep the Department informed, and to exert his influence in favor of ratification. | 145 |
| | Same to same (telegram)... | June 9 | Same subject. Comments on delay in ratification by Colombia, who proposed the treaty. Rejection or undue delay would compromise friendly understanding between the two countries and prompt regrettable action in Congress. | 146 |

COLOMBIA—Continued.

| No. | From and to whom. | Date. | Subject. | Page. |
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| 44 | Mr. Beaupré to Mr. Hay.... | 1903. June 10 | Canal treaty. Incloses note of protest to the minister for foreign affairs against any demands on the canal and railroad companies for the cession of their concessions to the United States, and note of the minister of finance to the two companies intimating that such demands are to be made. | 146 |
| 45 | Same to same |do | Same subject. Strong effort is being made to change public opinion. Colombian Government has officially informed the agent of the canal company that if the company would pay about \$10,000,000 ratification would be assured. | 150 |
| 48 | Same to same | June 13 | Same subject. Department's telegram of June 9 has been communicated to the minister for foreign affairs, who will lay it before the President. Reports conversation on the subject. | 150 |
| | Same to same (telegram)... | June 17 | Same subject. Members of Congress are arriving. Opposition to the ratification of the convention is very strong. Public opinion is that it will not be ratified. | 151 |
| | Same to same (telegram).... |do | Quarantine at Panama. Reports that he can not obtain withdrawal or modification of quarantine. | 151 |
| 55 | Same to same | June 20 | Canal treaty. Incloses reply of minister for foreign affairs to Department's telegram of June 9. | 151 |
| 56 | Same to same |do | Same subject. Reports convening of extra session of Congress, gives names of presiding officers of both Houses, and quotes text of President's message. | 154 |
| 57 | Same to same |do | Same subject. Report on the organization of both Houses. Friends of the Government are in sufficient majority to pass any measure desired by the Government. | 154 |
| | Same to same (telegram)... | June 23 | Same subject. Friends of the Government have control in Congress. | 155 |
| | Same to same (telegram)... | June 25 | Same subject. Opposition Chamber of Representatives demanded papers relating to the treaty; the Government objected and was sustained by vote 38 to 5. | 155 |
| | Same to same (telegram).... | June 26 | Same subject. Chamber of Representatives favorable; majority in the Senate uncertain. | 155 |
| 67 | Same to same | July 1 | Same subject. Concessions of the canal and railroad companies. Incloses note from the minister for foreign affairs, who, while insisting that the Government has a right to give or withhold its authority for the transfer of concessions, states that the matter will be referred to Congress. | 156 |
| | Mr. Loomis to Mr. Beaupré (telegram). |do | Same subject. Asks whether the Colombian Government has been fully acquainted with Department's instruction of April 28. | 157 |
| 68 | Mr. Beaupré to Mr. Hay.... | July 2 | Same subject. The President had a meeting of senators at the palace. Majority declared in opposition to the treaty. | 157 |
| | Same to same (telegram)... | July 5 | Same subject. Gives substance of reply of minister for foreign affairs to note communicating Department's instruction of April 28. | 158 |
| | Same to same (telegram).... |do | Same subject. Department's telegram of June 9 created sensation and was construed by many as a threat of direct retaliation. | 158 |
| 72 | Same to same | July 6 | Message of President Marroquin to the Colombian Congress. Transmits translation of. | 158 |
| | Same to same (telegram)... | July 9 | Canal treaty. Reports that treaty can not be ratified without two amendments relating to payments by the canal company and the United States. | 163 |
| | Same to same (telegram).... | July 11 | Same subject. Majority in Senate opposed to treaty. Danger lies in delay. Strong intimation from the Department that unnecessary delay should be avoided might be effective. | 163 |
| 78 | Same to same |do | Same subject. Outline of the status of the treaty in the Senate and the House. The Government has been charged by the opposition with lack of good faith and consistency in not defending a treaty of its own making and for endeavoring to throw the responsibility upon Congress. | 163 |
| | Mr. Hay to Mr. Beaupré (telegram). | July 13 | Same subject. Neither amendment mentioned in telegram of July 9 would be accepted by the United States Senate. | 164 |

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| | Mr. Beaupré to Mr. Hay (telegram). | 1903. July 15 | Canal treaty. Belief now is that it will be ratified, but with amendments entailing additional concessions. Asks instructions relating to Department's position on this point. | 165 |
| 83 | Same to same | July 21 | Same subject. Review of the situation in Colombian Congress to date. Attitude of German and British representatives favorable to the United States; foreign influence, if at all, is exerted through Colombian representatives. | 165 |
| 23 | Mr. Loomis to Mr. Beaupré.do ... | do | Same subject. Requests two copies of proclamation calling for extra session of Congress. | 167 |
| 85 | Mr. Beaupré to Mr. Hay..... | July 22 | Same subject. Incloses inquiry of minister for foreign affairs in regard to correlation of Spooner law with the question of transfer of the canal company's rights and possible amendments to the treaty and and his reply thereto. | 167 |
| | Mr. Loomis to Mr. Beaupré (telegram). | July 29 | Same subject. Asks information as to present condition. | 168 |
| | Mr. Hay to Mr. Beaupré (telegram). | July 31 | Same subject. Any amendment imposing new financial obligation on the canal company would be taken as voiding the negotiations. Any other requiring additional payment by the United States could not be approved by the Senate, and perfection of the treaty would be jeopardized by any amendment whatever. | 168 |
| 90 | Mr. Beaupré to Mr. Hay.... | Aug. 3 | Panama Canal, financial aspect and prospects. Incloses memorandum by British Vice-Consul Dickson discussing the published opinion of J. T. Ford, engineer. | 169 |
| 26 | Mr. Loomis to Mr. Beaupré.do ... | do | Canal treaty. Acknowledges No. 67 and corrects error in translation. | 171 |
| | Mr. Beaupré to Mr. Hay (telegram). | Aug. 5 | Same subject. Inquiry of minister for foreign affairs whether modifications in the treaty would be considered in violation of the Spooner law and full substance of reply thereto. | 171 |
| | Same to same (telegram)....do ... | do | Same subject. Text of amendments reported by the committee and favored by a majority of the Senate. | 172 |
| | Same to same (telegram)....do ... | do | Same subject. Substance of his note protesting against amendments to articles 1 and 13. | 174 |
| | Same to same (telegram via consulate at Colon). Same to same (telegram).... | do | Suspension of cable service. No cable received since July 13. | 174 |
| | Same to same (telegram).... | Aug. 6 | Canal treaty. Colombia dreads reported intention of the United States to denounce treaty of 1846 if canal treaty is rejected. | 174 |
| 98 | Same to same..... | Aug. 7 | Same subject. Incloses notes to the minister for foreign affairs deprecating any amendments to the treaty. | 175 |
| 101 | Same to same..... | Aug. 10 | Same subject. Inquiry of the minister for foreign affairs as to circumstances, other than those already pointed out by the legation, which would involve in connection with the rejection of the treaty complications of a serious nature, and his reply thereto. | 177 |
| | Mr. Loomis to Mr. Beaupré (telegram). | do | Same subject. Keep Department advised..... | 179 |
| | Mr. Beaupré to Mr. Hay (telegram). | Aug. 12 | Same subject. Treaty rejected to-day by the Senate. | 179 |
| | Same to same (telegram)....do ... | do | Same subject. Gives reason for belief that this rejection is not final, and substance of General Ospina's speech proposing amendment to the constitution by which the Executive would be empowered to conclude the canal treaty. | 179 |
| | Same to same (telegram)....do ... | do | Same subject. Hopes of a reaction of public sentiment in favor of the treaty are expressed which would bring about some method of re-considering the treaty, and an extension of time is requested for this purpose. | 180 |
| | Mr. Loomis to Mr. Beaupré (telegram). | Aug. 13 | Same subject. Amendments mentioned in telegram of the 5th would be fatal to the treaty. | 180 |
| 105 | Mr. Beaupré to Mr. Hay.... | Aug. 15 | Same subject. Sentiment in Colombia over the possibility of vigorous action by the United States seems to have opened the way for some compromise which will permit of a treaty being concluded by the Executive. States motive for writing to the minister for foreign affairs against amendments or delay and effect thereof in the Senate. Gives summary of the only debate over the treaty that took place in the Senate, and respective position of the several parties and of the Government on the question. | 180 |

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| | | 1903. | | |
| | Mr. Loomis to Mr. Beaupré (telegram). | Aug. 15 | Canal treaty. Asks for additional information relating to the rejection of the treaty. | 184 |
| | Mr. Beaupré to Mr. Hay (telegram). |do.... | Same subject. Reconsideration of the vote considered possible. Committees have been appointed by both chambers to make joint report; both appear to be disposed to find means of ratifying the treaty. | 184 |
| 107 | Same to same | Aug. 17 | Same subject. Incloses two notes from the minister for foreign affairs, the first replying and taking exceptions to that of the legation deprecating amendments or delay, the second announcing appointment of Senate committee to consider means of bringing about the construction of the canal. | 185 |
| | Same to same (telegram) |do.... | Same subject. The President states that Congress will pass a law authorizing him to continue and finish negotiations. | 187 |
| 110 | Same to same | Aug. 18 | Suspension of cable service. Department's telegram of July 31 the only one received since July 18. Telegrams have been received from Europe. | 187 |
| | Mr. Adee to Mr. Beaupré (telegram). | Aug. 19 | Same subject. Enumerates telegrams received and sent. Directs protest against interference with diplomatic privilege if Department's telegrams have not been received. | 188 |
| | Mr. Hay to Mr. Beaupré (telegram). | Aug. 24 | Canal treaty. The President will make no engagement as to his action on the canal matter. | 188 |
| | Mr. Beaupré to Mr. Hay (telegram). |do.... | Same subject. Nothing has been done, action depending upon the attitude of the United States, which is waited for in great anxiety. | 188 |
| 115 | Same to same |do.... | Same subject. Incloses decree calling extra session of Colombian Congress and articles of the constitution therein referred to. | 188 |
| | Same to same (telegram) .. | Aug. 26 | Suspension of cable service. Enumerates Department's telegrams not received. | 189 |
| | Mr. Hay to Mr. Beaupré (telegram). | Aug. 29 | Canal treaty. Statement of the President's position under the provisions of the Spooner law. No engagement restraining his freedom of action will be entered into. | 189 |
| | Mr. Beaupré to Mr. Hay (telegram). |do.... | Same subject. Committee has not yet reported, and prospect of satisfactory report not good. | 189 |
| | Same to same (telegram)... | Aug. 30 | Same subject. Reports appointment of governors who are pledged to the treaty. | 190 |
| | Same to same (telegram)... | Aug. 31 | Same subject. Reports interview with Senator Ospina, who believes that the treaty will be approved by the next Senate, and who stated to the President that in case Panama should revolt he would stand by Panama. Gives opinions of other public men of Colombia. | 190 |
| | Same to same (telegram)... | Sept. 1 | Telegraphic communications. Department's messages have not been received. | 190 |
| | Same to same (telegram)... | Sept. 2 | Same subject. Received Department's telegram of the 24th. | 190 |
| | Same to same (telegram)... | Sept. 5 | Canal treaty. Acknowledges Department's telegram of August 29, and gives main lines of the committee's report on the treaty. Debate will begin next Monday. | 191 |
| 129 | Same to same |do.... | Same subject. Review of the conditions which brought about the failure of the treaty. | 191 |
| 131 | Same to same | Sept. 8 | Mob attacks on Syrians. Reports serious case at Honda in July, and action taken on behalf of the brothers Chemas, who are American citizens, and of Ricardo Deeb, at Chiquinquirá. | 127 |
| | Same to same (telegram)... | Sept. 10 | Canal treaty, consideration of the committee's report postponed until 14th instant. Attack on the appointment of Senator Obaldía as governor of Panama closed with a resolution equivalent to a vote of censure against the Government. No prospect of satisfactory action. | 192 |
| 133 | Same to same | Sept. 11 | Same subject. Gives details of the debate reported in above telegram, describes the wavering and double-dealing attitude of President Marroquin's Government, which resulted in developing bitter and almost unanimous opposition to the Government rather than to the treaty. | 193 |
| | Same to same (telegram) .. | Sept. 14 | Same subject. The committee report passed first reading. Situation not changed. | 195 |
| 137 | Same to same | Sept. 17 | Mob attacks on Syrians. Incloses note from minister for foreign affairs stating action taken for protection of Turkish subjects. | 129 |
| | Same to same (telegram)... |do.... | Canal treaty. No discussion of the canal question, and no change in the situation. | 195 |

COLOMBIA—Continued.

| No. | From and to whom. | Date. | Subject. | Page. |
|-----|---------------------------------------|-------------------|---|-------|
| 139 | Mr. Beaupré to Mr. Hay.... | 1903. Sept. 18 | Canal treaty. Incloses "Diario oficial," publishing text of the majority and minority reports of the special committee, and printed text of the report of the Senate members of the joint committee. | 195 |
| | Same to same (telegram)... | Sept. 22 | Same subject. No new developments | 201 |
| 150 | Same to same..... | Sept. 24 | Same subject. Reviews legislative procedure in Columbia, and its effect on the canal treaty. Bill is not likely to pass without amendments. | 201 |
| 154 | Same to same | Sept. 25 | Same subject. Reports further details and gives a general view of the situation. | 202 |
| | Same to same (telegram)... | Sept. 27 | Same subject. Additional amendments to projected law practically certain. | 204 |
| | Same to same (telegram) .. | Sept. 30 | Same subject. Senate committee's report has been prepared, and will approve rejection of the treaty and disapprove law authorizing Executive to negotiate and complete treaty. | 204 |
| 164 | Same to same..... | ...do ... | Same subject. Obtained report of special committee, to which report of the canal committee was referred. There is a project on foot to annul the arrangement between the Colombian Government and the French canal company extending franchise and privileges of the company. | 205 |
| | Mr. Hay to Mr. Beaupré.... | Oct. 9 | Mob attacks on Syrians. Approves course taken by minister. | 130 |
| | Mr. Beaupré to Mr. Hay (telegram). | ...do ... | Canal treaty. Report of committee will recommend to annul extension of concessions to canal company. | 206 |
| | Same to same (telegram)... | Oct. 10 | Same subject. Presentation of report postponed until 12th. It provides for a bill granting an extension to the company. Congress not likely to act on the report before adjourning. | 206 |
| 176 | Same to same..... | ...do ... | Same subject. Reports present stage of Congressional action. Comments on lack of sufficient interest evinced in official circles, and embarrassment of the legation in obtaining and forwarding reliable information. | 206 |
| | Same to same (telegram)... | Oct. 15 | Same subject. Committee report, while proposing a law to ratify extension of time granted to the canal company points out advantages that would be derived by Colombia from annulment of concessions. | 208 |
| 179 | Same to same..... | Oct. 16 | Same subject. Views of General Vélez, the probable candidate of the opposition for the Presidency, on the subject of the canal and foreign aid to the development of Colombia. | 209 |
| 181 | Same to same..... | ...do ... | Same subject. Full text of the committee report. | 210 |
| | Same to same (telegram)... | Oct. 17 | Same subject. Transmits information that the Colombian Congress will be dissolved before the end of the month and a special envoy sent to Washington to renew negotiations. | 213 |
| 183 | Same to same..... | Oct. 19 | Same subject. Inquires about his third telegram of August 12, which has not yet been confirmed by the Department. | 213 |
| 185 | Same to same..... | Oct. 20 | Conditions on the Isthmus. Asks that the consuls at Panama and Colon keep him informed of conditions there. | 214 |
| 186 | Same to same..... | Oct. 21 | Canal treaty. Alarm in Government circles in regard to the possible attitude of the United States in the contingency of trouble on the Isthmus evinced in the Senate, Senator Caro laying the blame on the Government's action which led to the rejection of the treaty. | 214 |
| | Mr. Hay to Mr. Beaupré (telegram). | Oct. 22 | Same subject. If it is the purpose of Colombia to ask for more favorable terms, intimate that it will be useless to send a special envoy. | 216 |
| 188 | Mr. Beaupré to Mr. Hay.. | Oct. 23 | Taxes on shipping at Panama. Measure was taken to provide against invasion of bubonic plague. Will be rescinded as soon as danger from that cause has disappeared. | 216 |
| | Same to same (telegram)... | ...do ... | Canal treaty. Committee's report not yet discussed. Colombian Congress apparently waiting for the message of the President of the United States to the extra session of Congress, and will not adjourn until December 14. | 217 |
| | Same to same (telegram)... | Oct. 27 | Same subject. Substance of discussion of committee report in the Senate. Congress will adjourn the 31st. | 217 |
| | Same to same (telegram)... | Oct. 29 | Conditions on the Isthmus. Requests instruction to the consul-general at Panama to keep him informed of matters of consequence. | 218 |

COLOMBIA—Continued.

| No. | From and to whom. | Date. | Subject. | Page. |
|-----|--|------------|--|------------|
| | | 1903. | | |
| 194 | Mr. Beaupré to Mr. Hay.... | Oct. 30 | Monetary reform law adopting the United States gold dollar for the unit of currency and providing for the redemption of paper money passed and signed by the President, but not yet published. Recites its main features. | 130 |
| | Mr. Hay to Mr. Beaupré (telegram). |do.... | Leave of absence. Authorized to avail himself of. | 218 |
| | Mr. Beaupré to Mr. Hay (telegram). | Oct. 31 | Canal treaty. Congress adjourned. No action taken on committee report. Anxiety is felt over reports of secession movements in the Cauca and Panama. | 218 |
| | Same to same (telegram)... | Nov. 1 | Same subject. Substance of manifesto issued by the Government criticizing the acts of the last Congress and announcing proposals made to the United States to consider new negotiations. | 218 |
| 199 | Same to same | Nov. 2 | Same subject. Full particulars in regard to adjournment of Congress and its action on the treaty. Incloses manifesto of the Government. | 219 |
| 207 | Same to same | Nov. 4 | Same subject. Gives summary of the manifesto.. | 222 |
| | Same to same (telegram).... |do.... | Revolution in Panama. Reports that the Isthmus is preparing for secession and that troops are being sent by the Government. | 224 240 |
| | Messrs. José A. Arango, Federico Boyd, and Tomas Arias to the Secretary of State (telegram). |do.... | Same subject. Independence of the Isthmus and organization of an executive board announced. | 238 |
| | Demetro S. Brida to the President of the United States (telegram). |do.... | Same subject. The municipality of Panama joins in the movement of separation of the Isthmus from Colombia and looks for recognition by the United States. | 239 |
| | Messrs. Arango, Boyd, and Arias to the Secretary of State (telegram). | Nov. 5 | Same subject. Appointment of Philippe Bunau-Varilla as confidential agent to the United States and of Dr. Francisco V. de la Esprilla as minister of foreign affairs announced. | 239 |
| | Same to same (telegram)... | Nov. 6 | Same subject. All the towns on the Isthmus have adhered to the declaration of independence, and the authority of the Republic of Panama is obeyed. | 239 |
| | Same to same (telegram).... |do.... | Same subject. Appointment of Philippe Bunau-Varilla as envoy extraordinary and minister plenipotentiary to the United States announced. | 239 |
| | Mr. Hay to Mr. Beaupré (telegram). |do.... | Same subject. Recognition of the Republic of Panama. The President earnestly commends to the Governments of Colombia and Panama the peaceful and equitable settlement of all questions at issue between them. He holds that he is bound to see that the peaceful traffic across the Isthmus shall no longer be disturbed by unnecessary and wasteful civil wars. | 225 240 |
| | Mr. Beaupré to Mr. Hay (telegram). |do.... | Canal treaty and revolution in Panama. General Reyes states that if the United States will land troops to preserve Colombian sovereignty the Colombian Government will declare martial law and will approve by decree the ratification of the treaty as signed. | 225 241 |
| | Mr. Hay to Dr. Herran..... |do.... | Revolution in Panama. Incloses telegram sent to-day to the United States minister at Bogotá announcing the recognition of the Republic of Panama by the United States. | 243 |
| | Mr. Bunau-Varilla to Mr. Hay (telegram). | Nov. 7 | Same subject. Gives notice of his appointment as envoy extraordinary and minister plenipotentiary to the United States. Requests that an expression of the grateful sense of obligation of the new Republic to the United States be conveyed to the President. | 240 |
| | Mr. Beaupré to Mr. Hay (telegram). |do.... | Canal treaty and revolution in Panama. General Reyes will leave for Panama next Monday, and he desires to know if the American commander will cooperate with him and the Panama Government to arrange peace and the approval of the canal treaty on condition that the integrity of Colombia be preserved. | 226 241 |
| | Same to same (telegram).... |do.... | Same subject. Colombian Government asks whether the United States will allow landing of troops and whether the United States will take action to maintain Colombian sovereignty under the treaty of 1846. Have been unable to obtain from the Colombian Government confirmation of the promises made by Reyes. | 226 242 |
| | Dr. Herran to Mr. Hay..... |do.... | Revolution in Panama. Protests against the attitude assumed by the Government of the United States. | 243 |

COLOMBIA—Continued.

| No. | From and to whom. | Date. | Subject. | Page. |
|-----|------------------------------------|-----------------|---|------------|
| | Mr. Beaupré to Mr. Hay (telegram). | 1903. Nov. 9 | Revolution in Panama. Riotous demonstrations at Bogotá. Martial law has been declared and the United States legation placed under strong guard. | 227 242 |
| | Mr. Tower to Mr. Hay (telegram). | Nov. 10 | Same subject. The report telegraphed from New York that Colombian citizens had petitioned the Colombian Government to thank the German Government for its offered protection and to make concessions of land therefor has been officially declared as absolutely untrue. | 244 |
| | Mr. Beaupré to Mr. Hay (telegram). | Nov. 11 | Revolution in Panama and canal treaty. Reports intense and bitter feeling against the Government and the United States. An army of 15,000 men is being raised and will be sent to the Isthmus if the United States will permit landing. A resolution was passed at a meeting requesting the Government to call a convention for the purpose of amending the constitution to render possible immediate ratification of the treaty. | 227 |
| | Mr. Hay to Mr. Beaupré (telegram). |do.... | Same subjects. The consul-general at Panama has been instructed to use good offices in securing courteous reception to General Reyes. Landing of Colombian troops on the Isthmus is deemed undesirable. | 228 243 |
| | Mr. Porter to Mr. Hay (telegram). |do.... | Revolution in Panama. The French generally are much pleased with the events in Panama and our attitude there. French consul at Panama has been authorized to enter into relations with the de facto Government. | 244 |
| 22 | Mr. Hay to Doctor Herran.. |do.... | Same subject. Acknowledges receipt of protest of the 7th instant. | 244 |
| | Mr. Varilla to Mr. Hay..... |do.... | Reception of minister of Panama. Requests audience with the President to present his letter of credence. | 245 |
| 1 | Mr. Loomis to Mr. Varilla.. | Nov. 12 | Same subject. States when the President will receive him. | 245 |
| | Mr. Beaupré to Mr. Hay..... |do.... | Revolution in Panama. Report of interview with the President. Apprehends serious trouble and danger to Americans. | 228 |
| | Same to same (telegram)... | Nov. 14 | Same subject. Quotes from long note of the minister for foreign affairs protesting against the recognition of the Republic of Panama. Asks instructions in case of severance of relations. | 229 |
| | Same to same (telegram)... | Nov. 17 | Same subject. Abstract from note of minister for foreign affairs inquiring as to the actual intentions of the United States and arguing against prevention of the use of force by Colombia. | 229 |
| | Mr. Hay to Mr. Beaupré (telegram). | Nov. 18 | Same subject. Directs to again inform the Colombian Government that the United States has recognized the Republic of Panama. Repeats that he and the secretary of legation may avail themselves of their leave when they think best. | 230 |
| | Mr. Reyes to Mr. Hay..... | Dec. 8 | Attitude of the United States in the event of Colombia attempting to maintain her sovereignty on the Isthmus. Inquiry relating to. | 279 |
| 1 | Mr. Hay to Mr. Reyes..... | Dec. 11 | Same subject. Sets forth reasons why an invasion of the territory of Panama by Colombian troops would be regarded with the gravest concern by the Government of the United States. | 279 |
| | Mr. Reyes to Mr. Hay..... | Dec. 23 | Same subject. Statement of grievances. Presents a long argument based on the treaty of 1846 and facts and incidents connected with the canal treaty to show that great wrongs have been inflicted on Colombia by the United States, and proposes that the matter be referred to The Hague Tribunal. | 283 |
| 4 | Mr. Buchanan to Mr. Hay.. | Dec. 25 | Special mission to Panama. Reports arrival at post and gives details of his reception. | 314 |
| 6 | Same to same | Dec. 27 | Political conditions in the Department of Cauca. Reports critical condition and efforts made by the Colombian Government to restore order. | 316 |
| 7 | Same to same | Dec. 28 | Revolution in Panama. Incloses pamphlet of the history of the uprising on the Isthmus. | 319 |
| 9 | Same to same |do.... | Canal treaty. Resolutions of municipalities of Panama approving. | 333 |

COLOMBIA—Continued.

| No. | From and to whom. | Date. | Subject. | Page. |
|-----|-----------------------------|------------------|---|-------|
| | Mr. Reyes to Mr. Hay | 1903. Dec. 29 | Attitude of the United States, etc. Quotes telegram from his Government instructing him to ask prompt and categorical answer to the question whether military action against Panama would be held by the Government of the United States to be a declaration of war. | 280 |
| | Mr. Hay to Mr. Reyes | Dec. 30 | Same subject. Quotes from Department's note of December 11 and states that formal action of the United States in the event of an invasion of the territory of Panama by Colombian troops must be determined by the circumstances of the case. | 280 |
| | Mr. Varilla to Mr. Hay..... | Dec. 31 | Canal indemnity. States that it is the purpose of the Republic of Panama to leave part of the indemnity in the Treasury of the United States and asks whether interest at the rate of 3 per cent would be allowed. | 281 |
| | Same to same..... |do.... | Debt of Colombia. Announces decision of the Republic of Panama to assume its share in proportion to its population. | 282 |
| | Mr. Hay to Mr. Reyes | 1904. Jan. 5 | Attitude of the United States, etc. Answers at length the statement of grievances, reviews circumstances and events that compelled the attitude assumed by the United States, declines arbitration by The Hague Tribunal and tenders good offices toward an amicable settlement with Panama. | 294 |
| | Mr. Reyes to Mr. Hay | Jan. 6 | Same subject. Asks that his note of December 23 be submitted to the United States Senate. | 306 |
| | Mr. Varilla to Mr. Hay..... |do.... | Canal treaty. Resolutions of municipalities of Panama approving. | 343 |
| | Mr. Hay to Mr. Reyes | Jan. 9 | Attitude of the United States, etc. Refutes points presented in his note of January 6 in regard to alleged purpose of the Government of the United States, the ability of Colombia to suppress the revolution, and motives of the Colombian Senate in rejecting the canal treaty. | 309 |
| | Mr. Reyes to Mr. Hay | Jan. 11 | Same subject. Renews previous protests, denies that Panama was ever independent, and expresses hope that the Government of the United States will reconsider its decision. | 311 |
| | Mr. Hay to Mr. Reyes | Jan. 13 | Same subject. Again declines to reconsider the decision already announced and proposes to exert good offices for submission to a plebiscite of the question of separation, and for submission to a special court of arbitration of the settlement of claims of either Government against the other. | 313 |

CORRESPONDENCE BETWEEN THE DEPARTMENT OF STATE AND CONSULAR OFFICERS AT PANAMA AND COLON.

| | | | |
|--|-----------------|--|-----|
| Mr. Loomis to the consul-general at Panama (telegram). | 1903. Nov. 3 | Revolution in Panama. Uprising on Isthmus reported. Keep Department promptly and fully informed. | 231 |
| Mr. Loomis to the consul at Colon (telegram). |do.... | Same subject and tenor..... | 231 |
| Mr. Ehrman to Mr. Hay (telegram). |do.... | Same subject. Reports situation critical. Uprising expected in the night. | 231 |
| Same to same (telegram) .. |do.... | Same subject. Reports uprising; gives details... | 231 |
| Mr. Loomis to Mr. Ehrman (telegram). |do.... | Same subject. Transmits telegram from the Navy Department to the <i>Nashville</i> . | 231 |
| Mr. Malmros to Mr. Hay (telegram). |do.... | Same subject. Reports revolution imminent and that the Government vessel <i>Cartagena</i> arrived with troops. | 235 |
| Mr. Loomis to Mr. Malmros (telegram). |do.... | Same subject. Asks if troops are disembarking from the <i>Cartagena</i> or preparing to land. | 236 |
| Mr. Malmros to Mr. Hay... |do.... | Same subject. Troops from the <i>Cartagena</i> disembarked and camping on the Pacific dock, awaiting orders. | 236 |
| Mr. Loomis to Mr. Malmros (telegram). |do.... | Same subject. Asks whether he received and delivered a message to the <i>Nashville</i> . | 236 |
| Same to same (telegram)... |do.... | Same subject. Troops landed from the <i>Cartagena</i> should not proceed to Panama. | 236 |

CORRESPONDENCE BETWEEN THE DEPARTMENT OF STATE AND CONSULAR OFFICERS
AT PANAMA AND COLON—Continued.

| No. | From and to whom. | Date. | Subject. | Page. |
|-----|---------------------------------------|------------|--|-------|
| | | 1903. | | |
| | Mr. Loomis to Mr. Malmros (telegram). | Nov. 3 | Revolution in Panama. Make all possible effort to get the message sent for the <i>Nashville</i> . | 236 |
| | Mr. Hay to Mr. Malmros (telegram). |do.... | Same subject. Directs to inform the captain of the <i>Nashville</i> that the Colombian troops must be prevented from departing for Panama. | 237 |
| | Mr. Malmros to Mr. Hay (telegram). | Nov. 4 | Same subject. Reports situation in detail | 237 |
| | Mr. Loomis to Mr. Ehrman (telegram). |do.... | Same subject. Directs to inform the commander of the gunboat <i>Bogotá</i> that the United States desires him to refrain from shelling the city of Panama. | 232 |
| | Mr. Ehrman to Mr. Hay (telegram). |do.... | Same subject. Reports formation of a government at a mass meeting. | 232 |
| | Same to same (telegram).... |do.... | Same subject. The <i>Bogotá</i> fired several shells on the city. One Chinaman killed. | 232 |
| | Same to same (telegram).... | Nov. 5 | Same subject. Reports receipt of a circular letter from the provisional government giving notice of formation of the Republic of Panama. | 232 |
| | Mr. Loomis to Mr. Ehrman (telegram). |do.... | Same subject. Acknowledge receipt of circular letter and await instructions. | 232 |
| | Same to same (telegram).... |do.... | Same subject. Keep Department informed..... | 233 |
| | Mr. Ehrman to Mr. Hay (telegram). |do.... | Same subject. Colombian troops reembarked for Cartagena. | 233 |
| | Mr. Loomis to Mr. Malmros. |do.... | Same subject. What is the situation this evening? | 238 |
| | Mr. Malmros to Mr. Hay (telegram). |do.... | Same subject. <i>Nashville</i> landed 50 men. Negotiations between Colombian commander and Panama Government progressing. | 237 |
| | Same to same (telegram).... |do.... | Same subject. All Colombian soldiers are going on board Royal Mail steamer, returning to Cartagena. | 238 |
| | Same to same (telegram).... | Nov. 6 | Same subject. Republic of Panama proclaimed at Colon. | 238 |
| | Mr. Ehrman to Mr. Hay (telegram). |do.... | Same subject. Situation peaceful. Colon and interior provinces joined independence. No Colombian soldiers on the Isthmus. | 233 |
| | Mr. Hay to Mr. Ehrman (telegram). |do.... | Same subject. Instructions in regard to entering into relations with the de facto government in Panama. | 233 |
| | Same to same (telegram).... |do.... | Same subject. Transmits text of telegram of this day to the United States minister at Bogotá relating to the recognition of the Republic of Panama. | 234 |
| | Mr. Ehrman to Mr. Hay (telegram). |do.... | Same subject. Reports appointment of Philippe Bunau-Varilla as envoy extraordinary and minister plenipotentiary to the United States. | 234 |
| | Same to same (telegram).... | Nov. 7 | Same subject. The Panama Government has been informed that it will be held responsible for the protection of persons and property of American citizens. | 234 |
| | Same to same (telegram).... | Nov. 8 | Same subject. It is reported that the Colombian Government has detained British steamers <i>Manavi</i> and <i>Quito</i> for the purpose of bringing troops to the Isthmus. | 234 |
| 463 | Mr. Ehrman to Mr. Loomis. | Nov. 9 | Same subject. Gives full and detailed account of. | 254 |
| 464 | Same to same..... |do.... | Same subject. Incloses correspondence with the provisional government of the Republic of Panama. | 252 |
| | Same to same (telegram).... | Nov. 10 | Canal treaty. A commission from the Panama Government has left for Washington to arrange a canal treaty. | 235 |
| | Mr. Loomis to Mr. Ehrman (telegram). |do.... | Revolution in Panama. Keep in touch with the United States naval forces at Panama and keep commander advised. | 235 |
| | Mr. Ehrman to Mr. Hay (telegram). | Nov. 11 | Canal treaty. Bunau-Varilla is authorized to make treaties. | 235 |

CORRESPONDENCE BETWEEN THE NAVY DEPARTMENT AND OFFICERS OF THE UNITED STATES NAVY AND MARINE CORPS.

| | | | | |
|--|---------------------------------|---------|--|-----|
| | | 1903. | | |
| | Commander Hubbard to Mr. Moody. | Oct. 15 | Report of alleged revolution in the State of Cauca. | 249 |
| | Mr. Darling to Admiral Glass. | Nov. 2 | Revolution in Panama. Directs him to proceed to Panama, to maintain free and uninterrupted transit, and to prevent landing of any armed force. | 247 |

CORRESPONDENCE BETWEEN THE NAVY DEPARTMENT AND OFFICERS OF THE UNITED STATES NAVY AND MARINE CORPS—Continued.

| No. | From and to whom. | Date. | Subject. | Page. |
|-----|--|------------|--|-------|
| | | 1903. | | |
| | Mr. Darling to the <i>Nashville</i> . | Nov. 2 | Revolution in Panama. Instruction to maintain free and uninterrupted transit and to prevent landing of any armed force. | 247 |
| | Mr. Darling to the <i>Atlanta</i> .. | Nov. 3 | Same subject. Instruction to proceed to Colon.. | 247 |
| | Mr. Darling to the <i>Nashville</i> .. |do.... | Same subject. Make every effort to prevent Government troops at Colon from proceeding to Panama. | 248 |
| | Same to same..... |do.... | Same subject. Repeats above telegram to the consul at Panama. | 248 |
| | Commander Hubbard to Mr. Moody. |do.... | Same subject. Reports upon situation at Colon.. | 249 |
| | Same to same..... | Nov. 4 | Same subject. Provisional government established at Panama. Colombian officers taken prisoners. Prohibited transit of troops. | 250 |
| | Same to same |do.... | Same subject. Government troops yet in Colon. Have prohibited transportation of troops. | 250 |
| | Same to same |do.... | Same subject. Have landed force for protection of American citizens. | 250 |
| | Admiral Glass to Mr. Moody |do.... | Same subject. Reports movements of vessels under his command. | 250 |
| | Mr. Darling to the <i>Nashville</i> .. |do.... | Same subject. Send immediately a battery with force of men to Panama. | 248 |
| | Mr. Moody to the <i>Nashville</i> .. | Nov. 5 | Same subject. Prevent landing of armed force at Colon and Porto Bello. | 248 |
| | Mr. Moody to the <i>Boston</i> |do.... | Same subject. Prevent recurrence of bombardment at Panama. | 248 |
| | Commander Hubbard to Mr. Moody. |do.... | Same subject. British war vessel <i>Amphion</i> is protecting American interests at Panama. | 250 |
| | Same to same |do.... | Same subject. Have withdrawn force landed Wednesday. No bloodshed. | 250 |
| | Same to same |do.... | Same subject. Have landed force again. Situation again acute. | 251 |
| | Same to same |do.... | Same subject. Large body of troops reported sailing from Cartagena. | 251 |
| | Mr. Moody to the <i>Maine</i> | Nov. 6 | Same subject. Proceed at once to Colon | 249 |
| | Captain Delano to Mr. Moody. |do.... | Same subject. All quiet. Have withdrawn marines. | 251 |
| | Same to same |do.... | Same subject. Independent party in possession of Panama, Colon, and railroad line. | 251 |
| | Commander Diehl to Mr. Moody. | Nov. 7 | Same subject. All quiet..... | 251 |
| | Captain Delano to Mr. Moody. | Nov. 8 | Same subject. <i>Atlanta</i> left for Bocas del Toro.... | 251 |
| | Commander Diehl to Mr. Moody. | Nov. 9 | Same subject. Seizure of British steamers at Buenaventura to transport Colombian troops feared. Asks instructions. | 251 |
| | Mr. Moody to Commander Diehl. |do.... | Same subject. Instructs to watch seized British steamers at Buenaventura and to protect them. | 249 |
| | Admiral Glass to Mr. Moody | Nov. 10 | Same subject. <i>Bogotá</i> is reported to have sailed from Buenaventura with 1,000 troops for Rio Dulce. Have sent <i>Concord</i> to prevent landing. | 252 |
| | Mr. Moody to Admiral Glass |do.... | Same subject. Did British steamers leave with Colombian troops aboard? | 249 |

MESSAGES FROM THE PRESIDENT OF THE UNITED STATES TO CONGRESS.

| | | | | |
|--|-----------------------------|------------------|---|-----|
| | The President to Congress.. | 1903. Nov. 16 | Revolution in Panama Transmits all correspondence and other official documents relating to the subject. | 230 |
| | Same to same | Nov. 27 | Same subject. Transmits additional correspondence. | 252 |
| | Same to same | Dec. 18 | Canal treaty. Transmits report of the Secretary of State, with accompanying papers relating to the subject. | 132 |
| | Same to same | 1904. Jan. 4 | Isthmian canal. Statement of action in executing the act entitled "An act to provide for the construction of a canal connecting the waters of the Atlantic and Pacific oceans," approved June 28, 1902. | 260 |
| | Same to same | Jan. 18 | Relations of the United States with Colombia and the Republic of Panama. Transmits report of the Secretary of State covering additional papers bearing upon the subject. | 283 |

CUBA.

| No. | From and to whom. | Date. | Subject. | Page. |
|-----|--|------------------|--|-------|
| | Convention between the United States and Cuba. | 1902. Dec. 11 | Commercial convention. Text | 375 |
| | Supplementary convention between the United States and Cuba. | 1903. Jan. 26 | For extension of time within which the ratification of above convention may be exchanged. Text. | 381 |
| | Agreement between the United States and Cuba. | Feb. 23 | For the lease to the United States of lands in Cuba for coaling and naval stations. Text. | 350 |
| 479 | Mr. Squiers to Mr. Hay.... | Apr. 11 | Message of the President of Cuba to Congress. Gives extracts of. | 353 |
| 492 | Same to same | Apr. 24 | Authentication of papers to be used in Cuba must be made by Cuban diplomatic or consular officers in the country where they originate. Incloses decree and correspondence with the minister for foreign affairs relating to the refusal to recognize an authentication made by the second secretary of the United States legation. | 369 |
| 213 | Mr. Hay to Mr. Squiers.... | May 2 | Same subject. Approves his insisting upon the recognition of the certification given by the United States legation, but admits that Cuba's right to regulate her domestic affairs can not be disputed. | 371 |
| 520 | Mr. Squiers to Mr. Hay.... | May 9 | Jurisdiction of the supreme court on constitutional questions. Incloses law establishing procedure. | 371 |
| 669 | Same to same | Sept. 19 | Tour of President Palma through the island. Reports itinerary, purposes, and probable results. | 374 |
| | Lease to the United States by the Government of Cuba. | Oct. 2 | Of certain areas of land and water for naval or coaling stations in Guantanamo and Bahía Honda. Text. | 351 |
| 689 | Mr. Squiers to Mr. Hay.... | Oct. 17 | Tour of President Palma through the island. Reports return of Mr. Palma and the reception given him in various places. | 374 |
| 712 | Same to same | Nov. 7 | Message of President Palma to the Cuban Congress. Incloses translation and discusses its contents. | 359 |

DENMARK.

| | | | | |
|-----|------------------------------------|------------------|--|-----|
| 295 | Mr. Swenson to Mr. Hay ... | 1903. Mar. 13 | Eighty-fifth birthday anniversary of the King. Incloses press clippings concerning the approaching visit of the German Emperor on this occasion and the departure of the Duke of Cumberland in connection with the latter's claim to the Kingdom of Hanover. | 383 |
| 298 | Same to same | Apr. 17 | Military service, liability of naturalized citizens on account of. Incloses correspondence with N. H. T. Lind and Ditley Eltzholtz on the subject. | 385 |
| 299 | Same to same | Apr. 28 | Visit of the German Emperor. Reports details of the reception given him. | 385 |
| | Mr. Hay to Mr. Swenson (telegram). | Nov. 14 | Fortieth anniversary of the King's reign. Directs to convey the President's felicitations. | 387 |
| 322 | Mr. Swenson to Mr. Hay ... | Nov. 18 | Same subject. Incloses message of congratulation in accordance with above telegram. Gives an account of the celebrations and pays tribute to the King's character and popularity. | 387 |
| 323 | Same to same | Nov. 20 | Same subject. Incloses acknowledgment of the minister for foreign affairs. | 388 |

DOMINICAN REPUBLIC.

| | | | | |
|-----|----------------------------|------------------|---|-----|
| 527 | Mr. Powell to Mr. Hay..... | 1903. Apr. 10 | Revolutionary movement in Santo Domingo. City surrounded by President Vasquez, can not resist long. Arrival of U. S. S. <i>Atlanta</i> and good services rendered by Captain Turner reported. | 390 |
| 541 | Same to same..... | May 12 | Same subject. Details of President Vasquez' attack on Santo Domingo. Further trouble likely to arise from the competition of various candidates for the presidency. | 392 |

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DOMINICAN REPUBLIC—Continued.

| No. | From and to whom. | Date. | Subject. | Page. |
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| 552 | Mr. Powell to Mr. Hay..... | 1903. June 9 | Recognition of the provisional government. Incloses correspondence with the Dominican foreign office on the subject. | 393 |
| 614 | Same to same..... | Oct. 22 | Presentation of the letter of President Roosevelt to President A. Woss y Gil. Incloses correspondence relating to the. | 394 |
| 629 | Same to same..... | Oct. 30 | Blockade of insurgent ports. Full report of the demand made on the steamship <i>Cherokee</i> to discharge her cargo for the ports of Puerto Plata and Samana at Santo Domingo. Incloses correspondence with the minister for foreign affairs who contends that the interdiction was not made under orders of blockade, but by virtue of the company's contract, and his letter of advice to the master of the vessel. | 396 |
| 632 | Same to same..... | do | Same subject. Blockade has been declared, but no notice has been given to the legation. Both Dominican vessels are in Santo Domingo harbor. | 402 |
| 639 | Same to same..... | Nov. 3 | Same subject. The <i>Cherokee</i> left for Samana with a letter from the legation to the United States naval commander requesting the latter to convoy her into port. | 402 |
| 640 | Same to same..... | do | Same subject. Ports are not actually blockaded, but merely closed by decree. | 403 |
| 197 | Mr. Hay to Mr. Powell..... | Nov. 5 | Same subject. Incloses correspondence on the subject with the consul-general of the Dominican Republic at New York. | 403 |
| 641 | Mr. Powell to Mr. Hay..... | do | Same subject. Reports that the U. S. S. <i>Baltimore</i> arrived and will convoy the <i>Cherokee</i> . | 404 |
| 647 | Same to same..... | Nov. 11 | Same subject. Incloses additional correspondence with the foreign office. <i>Cherokee</i> landed her cargo at closed port. | 404 |

FRANCE.

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|------|--------------------------------------|------------------|--|-----|
| | Memorandum from the French embassy. | 1903. Jan. 13 | Claims of France against Venezuela. Statement of the position of the French Government. | 410 |
| | Mr. Porter to Mr. Hay (telegram). | Apr. 16 | Visit of United States war vessels to Marseille to participate in the reception of President Loubet suggested. | 406 |
| | Mr. Loomis to Mr. Porter (telegram). | Apr. 24 | Same subject. The United States European Squadron will proceed to Marseille. | 406 |
| 1185 | Mr. Porter to Mr. Hay..... | May 5 | Same subject. High appreciation by the French Government and people evinced by the special marks of attention paid by President Loubet to Admiral Cotton in Marseille and Paris. Incloses clipping from the New York Herald. | 406 |
| | Mr. Jusserand to Mr. Hay.. | July 3 | Stoppage on the high seas of the French steamer <i>Amiral Fourichon</i> by a United States war vessel without adequate cause. Relates incident and asks to be enabled to report to his Government. | 408 |
| 47 | Mr. Hay to Mr. Jusserand.. | Sept. 1 | Same subject. Transmits explanation of the incident as given by the Navy Department. | 408 |
| | Mr. Jusserand to Mr. Hay.. | Sept. 5 | Same subject. The information contained in above note will be forwarded to his Government. | 409 |

GERMANY.

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|-----|------------------------------|-----------------|---|-----|
| | Mr. von Holleben to Mr. Hay. | 1901. Dec. 5 | Desertion of seamen on the Pacific coast. Incloses letter from the Rickmers Reismühlen Rhederei & Schiffbau A. G., complaining of the rapid increase of desertions of ships' crews in California, and requests that the Government of the United States earnestly apply itself to afford an effectual remedy. | 411 |
| 696 | Mr. Hay to Mr. von Holleben. | Dec. 17 | Same subject. The matter has been brought to the attention of the governors of California and Oregon. | 413 |
| 721 | Same to same..... | 1902. Feb. 5 | Same subject. The governor of California reports that he has requested the local authorities to strictly observe the provisions of the consular convention of 1871. | 413 |

GERMANY—Continued.

| No. | From and to whom. | Date. | Subject. | Page. |
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| 2153 | Mr. Dodge to Mr. Hay..... | 1902. Nov. 28 | Difficulty with Venezuela. Incloses semiofficial announcement of the sending of three more small cruisers to Venezuelan waters. | 417 |
| 2154 | Same to same.....c..... | Dec. 3 | Same subject. The under secretary for foreign affairs denies, in an interview, report of increase of German naval forces in Venezuelan waters. | 418 |
| | Mr. Hay to Mr. Dodge (telegram). | Dec. 5 | Same subject. The President would be pleased to see a settlement effected through J. & W. Seligman & Co. | 418 |
| 2161 | Same to same..... | Dec. 10 | Same subject. The under secretary for foreign affairs mentioned, at a reception, presentation of ultimatum and negotiations with Great Britain about display of force. Seligman's offer of financial assistance to Venezuela not officially known at the foreign office. Incloses text of memorandum laid before the Reichstag. | 418 |
| | Mr. Hay to Mr. Tower (telegram), | Dec. 12 | Same subject. Directs to inform the German Government that the United States does not acquiesce in any extension of the doctrine of pacific blockade which may affect adversely the rights of States not parties to the controversy, or discriminate against the commerce of neutral nations. | 420 |
| | Same to same (telegram).....do... |do... | Same subject. Directs to inform the German Government that the Venezuelan Government requests the United States minister to communicate a proposition to Germany that the present difficulty relating to the manner of settling claims of German subjects be submitted to arbitration. | 420 |
| | Mr. Tower to Mr. Hay (telegram). | Dec. 14 | Same subject. The German Government has yielded to the wishes of Great Britain and intends to unite in a joint declaration of a warlike blockade, but has at present no intention to declare war. | 421 |
| | Mr. Hay to Mr. Tower (telegram). | Dec. 16 | Same subject. Directs to ascertain what is intended by a warlike blockade without war, and to represent the desirability of arbitration. | 421 |
| 2 | Mr. Tower to Mr. Hay..... | Dec. 17 | Same subject. Gives substance of interviews at the foreign office. | 421 |
| 3 | Same to same..... |do... | Same subject. Department's telegram relating to arbitration of claims has been submitted to the German Government. | 422 |
| | Memorandum from the German embassy. | Dec. 18 | Same subject. Capture of Venezuelan gunboats. Gives names of boats captured and explanation relating to the destruction of two of them. | 422 |
| | Mr. Hay to Mr. Tower (telegram). |do... | Same subject. Directs to inform the German Government that the Government of Venezuela has conferred upon the United States minister to Venezuela full powers to enter into negotiations on the part of Venezuela to settle present difficulties and to ascertain if Germany is disposed to assent thereto. | 423 |
| | Mr. Tower to Mr. Hay (telegram). |do... | Same subject. Blockade and arbitration. Warlike blockade will be enforced under the rules of Capt. Charles H. Stockton's naval war code, although it is not intended to make a formal declaration of war. Question of arbitration is under consideration and is acceptable in principle to Germany. | 423 |
| | Same to same (telegram)..... | Dec. 19 | Same subject. Germany and Great Britain have agreed to invite the President of the United States to act as arbitrator. Certain claims will be reserved. | 423 |
| | Same to same (telegram)..... |do... | Same subject. Proposal to empower the United States minister to Venezuela to enter into negotiations has been communicated to the German Government. | 424 |
| | Mr. Hay to Mr. Tower (telegram). | Dec. 20 | Same subject. Arbitration. The President has informed Venezuela of the proposed invitation to act as arbitrator, and inquired if it is the wish of Venezuela that he so act. The President desires to be informed more precisely of the reservations of the subject-matter of arbitration contemplated. | 424 |
| | Mr. Tower to Mr. Hay (telegram). | Dec. 22 | Same subject. Blockade. Gives substance of the official announcement of the blockade of Puerto Cabello and Maracaibo. | 424 |
| 5 | Same to same..... |do... | Same subject. Blockade. Incloses text of official announcement of. | 425 |

GERMANY—Continued.

| No. | From and to whom. | Date. | Subject. | Page. |
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| | Mr. Tower to Mr. Hay (telegram). | 1902. Dec. 23 | Difficulty with Venezuela. Arbitration. German memorandum accepting arbitration of claims under reservation of those specified in the memorandum of the chancellor to the Reichstag of December 8, 1902, and amounting to the aggregate of \$325,000, to be immediately paid, defining the scope of arbitration, tendering the office of arbitrator to the President, and accepting recourse to The Hague Tribunal if the President declines. | 425 |
| | Same to same (telegram)... | Dec. 24 | Same subject. The German Government announces that as the President has been invited to act as arbitrator, this invitation must take precedence of the proposal made by the Venezuelan Government that the United States minister there should be empowered to negotiate as the representative of that Government. | 426 |
| 6 | Same to same.....do | do | Same subject. Incloses text of the memorandum relating to arbitration. | 426 |
| | Mr. Hay to Mr. Tower (telegram). | Dec. 26 | Same subject. Arbitration by The Hague Tribunal is preferred by the President, who will continue extending good offices if desirable. | 428 |
| | Same to same (telegram)... | Dec. 27 | Same subject. German preliminary conditions have been telegraphed in full to the United States minister at Caracas. Venezuela's response will be promptly communicated. | 429 |
| 10 | Mr. Tower to Mr. Hay..... | Dec. 29 | Same subject. Incloses memorandum of German claims and grievances. | 429 |
| 11 | Same to same.....do | do | Same subject. Incloses memorandum from the German foreign office relating to the appointment of United States Minister Bowen as Venezuela's plenipotentiary. | 431 |
| 12 | Same to same.....do | do | Same subject. President Roosevelt's declination of the office of arbitrator has been communicated to the German Government. Reports sentiment of the German people. | 432 |
| | Mr. Hay to Mr. Tower (telegram). | Dec. 31 | Same subject. Instructs to communicate to the German Government a telegram from the United States minister to Venezuela containing President Castro's reply to the German preliminary conditions. | 433 |
| | Mr. Tower to Mr. Hay (telegram). | 1903. Jan. 2 | Same subject. Above telegram has been communicated to the German Government. | 433 |
| | Same to same (telegram)... | Jan. 6 | Same subject. The German Government will open negotiations with Minister Bowen in Washington upon receipt of definite statement of President Castro accepting preliminary conditions. Negotiations not to prejudice the right of reference to The Hague Tribunal. | 434 |
| | Mr. Hay to Mr. Tower (telegram). | do | Same subject. Advises him of acceptance by Great Britain of the negotiation if Venezuela assents to the conditions imposed by Great Britain. | 433 |
| 17 | Mr. Tower to Mr. Hay..... | Jan. 8 | Same subject. Incloses text of German memorandum accepting, conditionally, the negotiation with Minister Bowen. | 434 |
| | Mr. Hay to Mr. Tower (telegram). | do | Same subject. Designation of Minister Bowen as Venezuela's plenipotentiary. Quotes telegram of January 8 from Mr. Bowen. | 435 |
| | Mr. Tower to Mr. Hay (telegram). | Jan. 9 | Same subject. President Castro's answer has been communicated to the minister for foreign affairs, who incidentally remarked that the answer was still lacking a definite statement as to the payment of claims or security therefor. | 435 |
| | Mr. Hay to Mr. Tower (telegram). | Jan. 10 | Same subject. Mr. Bowen is coming to Washington. Instructs to suggest that the matter of raising the blockade be taken into consideration with a view to early determination. | 436 |
| | Mr. Tower to Mr. Hay (telegram). | Jan. 13 | Same subject. Blockade. The minister for foreign affairs states that the subject will be dealt with in the answer of Germany to Venezuela. | 436 |
| 21 | Same to same..... | Jan. 14 | Same subject. Reports in full interview with Baron Richthofen on the matter of raising the blockade. | 436 |
| | Same to same (telegram)... | Jan. 17 | Same subject. The German Government will instruct its representative in Washington to open negotiations with Mr. Bowen upon the distinct agreement that Venezuela declares itself bound by the three conditions set out in the German memorandum. | 437 |

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| No. | From and to whom. | Date. | Subject. | Page. |
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| | | 1903. | | |
| 38 | Mr. Tower to Mr. Hay..... | Jan. 29 | Military service. The application of George Hoferer for permission to visit his home has been denied on the ground that he emigrated after being actually enrolled. | 442 |
| | Same to same (telegram)... | Feb. 19 | Difficulty with Venezuela. Raising of blockade of Maracaibo and Puerto Cabello officially announced. | 437 |
| 50 | Same to same..... | Feb. 21 | Same subject. Incloses notes from the foreign office announcing the raising of the blockade. | 437 |
| | Memorandum from the German embassy. | Feb. 25 | Same subject. Asks if the chargé d'affaires of the United States in Venezuela can remain in charge of German interests there until the arrival of the German minister. | 438 |
| 62 | Mr. Tower to Mr. Hay..... | Mar. 6 | Right of consuls to apply directly to local authorities for information. Reports that the consul-general at Frankfort was denied information by the police of that city, the latter claiming that such applications must be made through the diplomatic channel. Discusses the matter and requests instruction. | 444 |
| | Mr. Adec to Baron von Sternburg. | Mar. 8 | Blockade of insurgent ports by the Venezuelan Government. Transmits announcement of the reestablishment of the blockade of the Orinoco River and of the ports of Carupano and Guanta. | 438 |
| 31 | Mr. Loomis to Mr. Tower... | Mar. 11 | Military fine imposed on Jacob Roos. Incloses petition for release from and permission to visit Germany. | 442 |
| | Mr. Loomis to Baron von Sternburg. | Mar. 13 | Blockade of insurgent ports by the Venezuelan Government. Decree of, has been revoked. | 438 |
| 42 | Mr. Hay to Mr. Tower..... | Apr. 1 | Right of consuls to apply directly to local authority for information is defined and limited by the treaty, which reads in conformity to the version of the German Government. Discusses the question. | 447 |
| | Freiherr von dem Bussche-Haddenhausen to Mr. Hay. | Apr. 4 | Claims against Venezuela. Arbitration of the preferential treatment of the blockading powers by The Hague Tribunal. Incloses draft of protocol of agreement. | 439 |
| | Mr. Hay to Baron von Sternburg. | Apr. 6 | Same subject. Acknowledges receipt of above .. | 439 |
| | Protocol of agreement between Venezuela and Germany, to which the United States and other powers are parties. | May 7 | Same subject. Respecting the reference of the question of the preferential treatment of claims to the tribunal at The Hague. Text. | 439 |
| 118 | Mr. Tower to Mr. Hay..... | June 5 | Military fine imposed on Jacob Roos. The German Government adhering to its position that the naturalization treaty does not apply to Alsace-Lorraine will, however, permit Roos to visit his home there upon payment of the fine. | 443 |
| 131 | Same to same | July 2 | Visit of United States war vessels to Kiel. Gives full report of the courtesies extended to the officers by the Emperor and officers of the German navy, text of an address by the ambassador at the dinner given in honor of Admiral Cotton and his officers, and the Emperor's reply. | 448 |
| 164 | Mr. Dodge to Mr. Hay..... | July 31 | Impressment of Toni Schnackenberg into the German army in spite of his American passport. Release was ordered, although it was at first claimed that the passport was not sufficient evidence of citizenship. | 444 |
| | Baron von Sternberg to Mr. Hay. | Aug. 11 | Desertion of seamen on the Pacific coast. The court commissioner at San Francisco requires that all requests for the arrest of deserters shall hereafter be presented to a court of record, which is in contradiction of the consular convention of 1871, and will cause loss of time and a large increase of cost, asks that that officer be instructed to recede from his position. | 413 |
| 37 | Mr. Hay to Baron von dem Bussche-Haddenhausen. | Nov. 10 | Same subject. Quotes from an opinion of the attorney-general, who suggests that the question be fully presented to the proper court by the German consul. | 416 |

GREAT BRITAIN.

| No. | From and to whom. | Date. | Subject. | Page. |
|------|----------------------------------|-----------------|--|-------|
| | Mr. Hay to Mr. White (telegram). | 1902. Dec. 5 | Difficulty with Venezuela. With reference to the effort of J. & W. Seligman & Co. to make an arrangement for the settlement of the Venezuelan debt, expresses the wish of the President that force may not be resorted to by Germany and Great Britain, the United States Government assumes no obligation of any nature in the way of guaranty. | 452 |
| | Same to same (telegram)... | Dec. 12 | Same subject. See telegram of same date under Germany. | 452 |
| | Same to same (telegram)... | ...do... | Same subject. See telegram of same date under Germany. | 453 |
| | Mr. White to Mr. Hay (telegram). | Dec. 15 | Same subject. Reports that no reply to Venezuelan proposal is possible to-day on account of the absence of members of the Government. | 453 |
| | Same to same (telegram)... | Dec. 16 | Same subject. Reports statement made in the House of Lords by the minister for foreign affairs touching the blockade of Venezuelan ports and denying intention to land forces or to occupy territory. | 453 |
| | Mr. Hay to Mr. White (telegram). | ...do... | Same subject. Instructs to ascertain whether Great Britain insist on a warlike blockade, and, if so, to get a definition of what is intended thereby, also to represent the desirability of arbitration. | 453 |
| | Mr. White to Mr. Hay (telegram). | Dec. 17 | Same subject. Reports that he has represented the desirability of arbitration to the minister for foreign affairs. | 454 |
| | Same to same..... | ...do... | Same subject. The blockade of Venezuelan ports will be <i>jure gentium</i> , but will not be declared for several days because Germany requires the assent of the Bundesrath. | 454 |
| 1002 | Same to same..... | ...do... | Same subject. Incloses his note to the minister for foreign affairs making reservations in relation to the "pacific" blockade. | 454 |
| | Same to same (telegram)... | Dec. 18 | Same subject. Reports the remarks of the prime minister in the House of Commons on the subject of the blockade and the state of war in Venezuela. | 455 |
| | Same to same (telegram)... | ...do... | Same subject. Reports the principle of arbitration accepted. The British Government is disposed to ask the President to act as arbitrator. Certain claims will be excluded and must be settled immediately. Coercive measures will be continued in the meanwhile. | 455 |
| | Same to same (telegram)... | ...do... | Same subject. Immediate cash payment need not be large, recognition of the principle being the question. | 456 |
| | Mr. Hay to Mr. White (telegram). | ...do... | Same subject. See telegram of same date under Germany. | 456 |
| | Mr. White to Mr. Hay (telegram). | Dec. 19 | Same subject. Proposal of Venezuela to empower Minister Bowen to negotiate settlement has been referred to the British Government, which prefers to adhere to the arbitration as already accepted in principle. | 456 |
| | Mr. Hay to Mr. White (telegram). | ...do... | Same subject. The President would not decline the office of arbitrator, but would like to have the British Government unofficially informed that reference of the matter to The Hague Tribunal seemed desirable. | 456 |
| 1005 | Mr. White to Mr. Hay..... | ...do... | Same subject. Confirms telegrams and discusses the situation. | 457 |
| | Same to same (telegram)... | Dec. 20 | Same subject. Department's telegram of December 19 has been communicated in the manner therein indicated to the under secretary of state for foreign affairs. | 457 |
| | Mr. Hay to Mr. White (telegram). | ...do... | Same subject. See telegram of same date under Germany. | 457 |
| | Mr. White to Mr. Hay..... | ...do... | Same subject. Notice of blockade of Venezuelan ports as published in the supplement to the London Gazette. | 458 |
| 1007 | Same to same..... | ...do... | Same subject. Confirms telegrams and incloses correspondence with the foreign office. | 458 |
| 1008 | Same to same..... | ...do... | Same subject. Incloses note from the minister of foreign affairs acknowledging his note referring to the "pacific" blockade. | 459 |

GREAT BRITAIN—Continued.

| No. | From and to whom. | Date. | Subject. | Page. |
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| | | 1902. | | |
| | Mr. White to Mr. Hay (telegram). | Dec. 22 | Difficulty with Venezuela. The British Government is very desirous that the President should act as arbitrator, but will consent to The Hague Tribunal if the President can not act. Conditions and reservations are awaiting Germany's communications. | 459 |
| | Same to same (telegram)... | Dec. 23 | Same subject. Gives substance of the British memorandum of conditions and reservations of the arbitration. | 460 |
| | Same to same (telegram)... | Dec. 24 | Same subject. If the United States Government should desire alterations or modifications in the arbitration proposals the British Government will consider them, provided they do not involve any question of principle. | 460 |
| 1012 | Same to same..... | do | Same subject. Incloses text of the British memorandum relating to the arbitration proposals of Venezuela. | 461 |
| | Mr. Hay to Mr. White (telegram). | Dec. 26 | Same subject. Instructs to inquire whether the propositions of Great Britain may be communicated to Venezuela. | 462 |
| | Same to same (telegram)... | do | Same subject. See telegram of same date under Germany. | 463 |
| | Mr. White to Mr. Hay (telegram). | Dec. 27 | Same subject. The minister for foreign affairs expressed regret at the President's decision and assented to the British propositions being communicated to Venezuela. | 463 |
| 1017 | Same to same..... | Dec. 31 | Same subject. Text of note to minister for foreign affairs relating to the President's decision not to act as arbitrator. | 463 |
| | Same to same (telegram)... | do | Same subject. The British Government is anxiously awaiting the reply of the Venezuelan Government. | 464 |
| | Mr. Hay to Mr. White (telegram). | do | Same subject. Instructs to communicate to the British Government the reply of President Castro to the British propositions. | 465 |
| | Sir Michael Herbert to Mr. Hay. | do | Claims of British subjects for losses in Cuba and the Philippines. Incloses statement of, with hope that adverse decision will be reconsidered. | 479 |
| 1016 | Mr. White to Mr. Hay..... | do | Effects of American citizens deceased on British territory or vessels. Consuls' right to take charge of, not recognized. Incloses correspondence in the case of Capt. Charles E. Schonberg, deceased, on board the British steamship <i>Manora</i> . | 483 |
| | | 1903. | | |
| | Same to same (telegram)... | Jan. 1 | Difficulty with Venezuela. The reply of the Government of Venezuela has been communicated to the British Government. | 465 |
| | Same to same (telegram)... | Jan. 3 | Same subject. Inquiry of the minister for foreign affairs whether the United States Government would object to Minister Bowen acting for Venezuela has been answered in the negative. | 465 |
| 1020 | Same to same..... | do | Same subject. Reports interviews with the minister for foreign affairs touching the arbitration proposals and the designation of Mr. Bowen to act for Venezuela. | 466 |
| | Same to same (telegram)... | Jan. 5 | Same subject. Appointment of Mr. Bowen as Venezuela's plenipotentiary is agreed to by Great Britain, provided that the terms in the British memorandum are unreservedly accepted. | 466 |
| 1021 | Same to same..... | Jan. 6 | Same subject. Incloses note from the minister for foreign affairs agreeing to the appointment of Mr. Bowen as Venezuela's plenipotentiary. | 466 |
| | Mr. Hay to Mr. White (telegram). | Jan. 8 | Same subject. See telegram of same date under Germany. | 468 |
| | Mr. White to Mr. Hay (telegram). | Jan. 9 | Same subject. Instructions contained in above telegram have been complied with. | 468 |
| 1024 | Same to same..... | do | Same subject. Incloses copies of telegrams and notes. | 468 |
| | Mr. Hay to Mr. White (telegram). | Jan. 10 | Same subject. See telegram of same date under Germany. | 469 |
| | Mr. White to Mr. Hay (telegram). | Jan. 12 | Same subject. Raising of the blockade is considered inexpedient until satisfactory assurance is given that preliminary conditions of the memorandum shall be complied with. Question of guarantees will also have to be considered. | 469 |
| 1026 | Same to same..... | Jan. 14 | Same subject. Report of interviews with the minister for foreign affairs on the subject of raising the blockade. | 470 |

GREAT BRITAIN—Continued.

| No. | From and to whom. | Date. | Subject. | Page. |
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| | | 1903. | | |
| 1109 | Mr. Hay to Mr. White..... | Jan. 15 | Effects of United States citizens deceased on British territory or vessels. Discusses consuls' right as regards the custody and disposal of, in the light of the consular regulations and an opinion of the Attorney-General. In the absence of a treaty the position of the British Government, as reported in his 1016, is not open to dispute. | 487 |
| | Convention between the United States and Great Britain. | Jan. 24 | Providing for the settlement of questions between the two countries with respect to the boundary line between the Territory of Alaska and the British possessions in North America. Text. | 488 |
| | Mr. White to Mr. Hay (telegram). | Jan. 26 | Difficulty with Venezuela. The only obstacle, apparently, to an early settlement is the desire of the blockading powers to secure priority for their claims against Venezuela. | 471 |
| | Mr. Hay to Sir Michael Herbert. | Jan. 27 | Claims of British subjects for losses suffered in Cuba and the Philippines. Gives reasons why the Department is unable to recommend these claims to Congress. | 482 |
| | Mr. White to Mr. Hay (telegram). | Jan. 30 | Difficulty with Venezuela. Reports interview with the minister for foreign affairs about Mr. Bowen's demand that all claims be placed on an equal footing in regard to the customs. The British Government has instructed its ambassador to refer the whole case to The Hague Tribunal, unless the President should be willing to decide the point. | 471 |
| | Same to same (telegram)... | Feb. 3 | Same subject. Reports the intention of the British Government to refer to The Hague Tribunal the question of preferential treatment, unless the President should accept to decide it himself, and Mr. Bowen accede to the latest proposal to increase percentage of customs receipts, all other powers receiving one-half of the proceeds. | 472 |
| 29 | Sir Michael Herbert to Mr. Hay. | Feb. 6 | Same subject. Preferential settlement of claims of the blockading powers is denied by Mr. Bowen; insists that the question should be determined by arbitration, and asks that it be referred to The Hague Tribunal, unless the President is prepared to decide the point. | 473 |
| 66 | Mr. Hay to Sir Michael Herbert. |do ... | Same subject. The President declines again to accept the office of arbitrator. | 474 |
| 1052 | Mr. White to Mr. Hay..... | Feb. 10 | Same subject. Reports interviews with members of the Government on the subject of arbitration of preferential treatment. | 475 |
| 73 | Mr. Hay to Sir Michael Herbert. | Feb. 13 | Alaska boundary convention of January 24 has received the consent of the United States Senate. | 493 |
| | Mr. White to Mr. Hay (telegram). | Feb. 14 | Difficulty with Venezuela. Orders have been issued to raise the blockade of Venezuelan ports. | 475 |
| 1058 | Same to same..... |do ... | Same subject. Comments upon the friendly attitude of the foreign office toward him, always affording the fullest information on the negotiations. | 475 |
| 1066 | Mr. Choate to Mr. Hay | Feb. 19 | Same subject. Incloses official notice of raising of the blockade. | 476 |
| | Mr. Hay to Sir Michael Herbert. | Mar. 5 | Alaskan Boundary Tribunal. Gives names of the American members of the. | 494 |
| 1149 | Mr. Loomis to Mr. Choate .. | Mar. 10 | Same subject and tenor..... | 494 |
| | Sir Michael Herbert to Mr. Loomis. | Mar. 13 | Same subject. Proposes extension of time for the presentation of the cases and evidence until May 31 or June 30 through exchange of notes or a supplementary convention. | 495 |
| | Mr. Loomis to Sir Michael Herbert. | Mar. 14 | Same subject. Above proposal is receiving consideration. | 496 |
| 59 | Sir Michael Herbert to Mr. Loomis. | Mar. 19 | Same subject. Gives names of the British members of the tribunal. | 496 |
| | Sir Michael Herbert to Mr. Hay. | Mar. 23 | Same subject. The proposal for an extension of time will not be pressed by the British Government. The British case will be ready May 3. | 496 |
| | Mr. Hay to Sir Michael Herbert. | Mar. 24 | Same subject. The presentation of the United States case to the American members and to the British embassy on the same day is considered a compliance with the stipulations of the convention. | 497 |
| | Sir Michael Herbert to Mr. Hay. | Mar. 25 | Same subject. While believing the assumption in note of March 24, in regard to the delivery of the United States case in Washington to be correct, he has referred the question to his Government. | 497 |

GREAT BRITAIN—Continued.

| No. | From and to whom. | Date. | Subject. | Page. |
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| | | 1903. | | |
| 1094 | Mr. Choate to Mr. Hay | Apr. 1 | Alaskan Boundary Tribunal. Incloses notes giving the names of the American members. | 494 |
| | Sir Michael Herbert to Mr. Hay. | Apr. 16 | Same subject. Formal acceptance of the arrangement verbally proposed for the delivery of the cases as in full compliance with the protocol. | 497 |
| 110 | Mr. Hay to Sir Michael Herbert. | Apr. 17 | Same subject. Formal acceptance of above arrangement. | 498 |
| | Mr. Hay to Mr. Choate | Apr. 21 | Same subject. Incloses copies of above two notes. | 499 |
| | Same to same (telegram)... | Apr. 30 | Same subject. By agreement the cases are to be delivered here and in London on May 1. | 499 |
| 117 | Mr. Hay to Sir Michael Herbert. | May 1 | Same subject. Incloses letter of the United States agent, Mr. John W. Foster, to the British agent, Hon. Clifford Liffon, with 20 copies of the United States case. | 499 |
| 1113 | Mr. Choate to Mr. Hay |do ... | Same subject. Transmits 8 copies of the British case, with the correspondence with the British agent. | 500 |
| | Protocol of agreement between Venezuela and Great Britain, to which the United States and other powers are parties. Mr. Choate to Mr. Hay (telegram). | May 7 | Respecting the reference of the question of the preferential treatment of claims to the tribunal at The Hague. Text. | 477 |
| | Mr. Hay to Mr. Choate (telegram). | May 20 | Alaskan Boundary Tribunal. Reports that he is urging that the Commission meet on September 3, to hear or arrange for oral argument. | 500 |
| | Mr. Hay to Mr. Choate (telegram). | May 21 | Same subject. The United States will waive formalities of the treaty in reference to production of papers. | 500 |
| 1203 | Same to same..... | May 25 | Same subject. Incloses request of the agent of the United States to the agent of Great Britain for certain documents referred to in the British case. | 501 |
| | Mr. Hay to Sir Michael Herbert. | May 27 | Restrictions on the admission of aliens into South Africa. Suggests that consular officers of Great Britain in the United States be instructed to acquaint applicants for permits with the. | 545 |
| | Sir Michael Herbert to Mr. Hay. | May 29 | Alaskan Boundary Tribunal. Incloses list of documents referred to in the United States case which the British agent desires to examine in original or photograph. | 502 |
| | Same to same..... |do ... | Same subject. Same request for additional documents. | 503 |
| | Same to same..... | May 30 | Restrictions on the admission of aliens to South Africa. Quotes letter from the British consul-general at New York relating to the warning there given to all persons intending to proceed to the former South African republics. Incloses printed notice and press notice which have been sent to other consular officers in the United States. | 547 |
| | Mr. Hay to Sir Michael Herbert. | June 3 | Same subject. Expresses thanks for prompt action. | 549 |
| | Same to same..... | June 4 | Alaskan Boundary Tribunal. Agrees to the request of the British agent to examine documents referred to in the United States case, provided that no delay will be caused thereby in the delivery of the counter case. The United States agent proposes to take all original papers to London. | 503 |
| | Treaty between the United States and Great Britain, acting in the name of the Sultan of Zanzibar. | June 5 | Amending the treaty of amity and commerce concluded September 21, 1833, between the United States and the Sultan of Muskat, so as to permit the imposition of light and harbor dues on vessels of the United States entering the ports of Zanzibar and Pemba. Text. | 562 |
| 138 | Mr. Hay to Sir Michael Herbert. | June 8 | Alaskan Boundary Tribunal. The United States agent will deliver the counter case of the United States on July 3. | 504 |
| | Sir Michael Herbert to Mr. Foster. |do ... | Same subject. Incloses list of documents desired by the British agent. | 505 |
| | Mr. Sifton to Mr. Foster.... | June 11 | Same subject. Requests certified copies of documents referred to in the United States case. | 510 |
| | Sir Michael Herbert to Mr. Hay (telegram). | June 12 | Same subject. The British Government take exception to conditions in Mr. Hay's note of June 4, and strongly urge an extension of time. | 511 |
| | Same to same..... |do ... | Same subject. Full statement of reasons and argument why an extension of time should be agreed to. | 511 |
| | Mr. Sifton to Mr. Foster.... | June 15 | Same subject. Incloses memorandum dealing with the requests made on May 23. | 516 |

GREAT BRITAIN—Continued.

| No. | From and to whom. | Date. | Subject. | Page. |
|------|---------------------------------|------------------|---|-------|
| | Mr. Hay to Sir Michael Herbert. | 1903. June 16 | Alaskan Boundary Tribunal. Points out that the apparent purpose of the request to examine and photograph original documents was to obtain an extension of time for the presentation of the counter case, reviews the clause of the treaty bearing on this point, repeats the reasons why the President can not accede to such extension, and gives notice that the counter case of the United States will be delivered on July 3. | 512 |
| | Sir Michael Herbert to Mr. Hay. | June 18 | Same subject. Denies that the request for an extension of time is for the preparation of the counter case alone as alleged in above note. | 522 |
| | Mr. Hay to Sir Michael Herbert. | June 22 | Same subject. Acknowledges receipt of the above note, takes note of corrections, which do not seem to essentially affect the action of the two Governments. | 522 |
| 1141 | Mr. Choate to Mr. Hay | June 23 | Same subject. Reports interview and incloses correspondence had with the Attorney-General and confirms telegrams to the Department on the subject of extension of time for the delivery of the counter case of Great Britain. | 523 |
| | Sir Michael Herbert to Mr. Hay. |do ... | Same subject. Sets forth reasons why an extension of time should be arranged without recourse to the tribunal. | 525 |
| | Mr. Hay to Mr. Raikes..... | June 24 | Same subject. Suggests that the British agent put himself into communication with the United States agent about the request for an extension of time. | 526 |
| | Same to same..... | June 26 | Same subject. Incloses memorandum showing why an extension of time should not be granted. | 526 |
| | Mr. Raikes to Mr. Hay | June 28 | Same subject. Acknowledges receipt of above .. | 529 |
| | Mr. Lansing to Mr. Sifton .. | July 1 | Same subject. Incloses certified copies of documents and a memorandum of documents of which the Government is unable to furnish copies. | 530 |
| 153 | Mr. Loomis to Mr. Raikes |do ... | Same subject. Delivery of the United States counter case in accordance with agreement. | 531 |
| | Mr. Raikes to Mr. Hay |do ... | Same subject. Extension of time for the delivery of the counter case. Presents argument and expresses hope that the decision of the United States Government will be reconsidered; otherwise the British Government reserves the right to protest to the tribunal against the reception of evidence, and to claim permission to present evidence in rebuttal. | 531 |
| | Mr. Foster to Mr. Sifton..... | July 2 | Same subject. Transmits copies of the counter case of the United States. | 533 |
| | Mr. Loomis to Mr. Raikes |do ... | Same subject. Certified copies of original documents mentioned in the United States case will be forwarded to-morrow. | 534 |
| 1225 | Mr. Loomis to Mr. Choate..... |do ... | Same subject. Forwards certified copies of original documents mentioned in the United States case for delivery to the British agent. | 534 |
| | Mr. Raikes to Mr. Loomis .. | July 3 | Same subject. Acknowledges receipt of the United States counter case and communication of the United States agent to the British agent. | 534 |
| 1151 | Mr. Choate to Mr. Hay |do ... | Same subject. Forwards British counter case and appendices. | 535 |
| | Mr. Raikes to Mr. Loomis .. | July 5 | Same subject. Acknowledges receipt of note of July 2. | 536 |
| | Mr. Loomis to Mr. Raikes .. | July 6 | Same subject. Extension of time for the delivery of the counter cases. Discusses two points involving the honor and good faith of the Government of the United States, dissenting from the contention that Article II of the convention was not complied with, and that evidence upon which the United States Government relies is announced as not open for examination until after the delivery of the counter case, showing in regard to both points the scrupulous good faith of the United States. | 536 |
| | Mr. Raikes to Mr. Loomis |do ... | Same subject. Announces that Mr. Pope will arrive in Washington July 7 to inspect documents. | 537 |
| | Same to same | July 9 | Same subject. Acknowledges receipt of note of July 6. | 538 |
| 1157 | Mr. Choate to Mr. Hay | July 20 | Same subject. Incloses note acknowledging receipt of documents sent with Department's No. 1225. | 538 |

GREAT BRITAIN—Continued.

| No. | From and to whom. | Date. | Subject. | Page. |
|------|--|------------------|--|-------|
| | Mr. Raikes to Mr. Loomis . . . | 1903. July 28 | Alaskan Boundary Tribunal. Announces the death of Hon. John Douglass Armour, one of the members of the tribunal, and the appointment of Mr. Aylesworth, K. C., to take his place. | 538 |
| | Mr. Sifton to Mr. Foster | July 29 | Same subject. Suggests that about October 15 would be a suitable time for the preliminary meeting of the tribunal. | 539 |
| | Mr. Foster to Mr. Sifton | Aug. 4 | Same subject. Sets forth in detail the reasons why the meeting of the tribunal will take place on September 3. | 539 |
| | Mr. Loomis to Mr. Choate (telegram). | . . . do . . . | Same subject. Quotes a telegram from the United States agent relating to his declining to concur in the suggestion of the British agent that the tribunal meet about October 15, and instructs to advise the foreign office that the United States Government expects the tribunal to meet September 3, as agreed. | 541 |
| | Mr. Choate to Mr. Hay (telegram). | Aug. 7 | Same subject. Announces agreement that the tribunal shall meet September 3. | 541 |
| | Mr. Raikes to Mr. Loomis . . . | Aug. 10 | Same subject. Request of the British agent for permission to inspect photographs or make certified copies of original Russian documents mentioned in the counter case of the United States, and inquiry whether it will be possible to examine original depositions in London. | 542 |
| | Mr. Loomis to Mr. Raikes . . . | Aug. 14 | Same subject. All the documents are now being packed for shipment to London, where every facility will be given for examination as requested. | 542 |
| | Mr. Choate to Mr. Hay (telegram). | . . . do . . . | Same subject. First meeting of the tribunal will be at the foreign office at 11 o'clock, September 3. | 543 |
| | Lord Alverstone, Mr. Root, Mr. Lodge, and Mr. Turner | Oct. 20 | Same subject. Text of the decision | 543 |
| 1307 | Mr. Hay to Mr. Choate | Nov. 9 | Graves of British seamen discovered within the limits of the United States naval station at Guantanamo, Cuba. Incloses letter from Navy Department relating to, and instructs to bring matter to the attention of the British Government. | 550 |
| 1239 | Mr. Choate to Mr. Hay | Nov. 14 | Treaty between Great Britain and China respecting commercial relations, etc. Incloses text. | 551 |
| 1265 | Same to same | Dec. 18 | Graves of British seamen at Guantanamo. The British Government thankfully accepts the offer of the Navy Department to take care of them. | 551 |

GREECE.

| | | | | |
|--|--|----------------------------|--|-----|
| | Convention between the United States and Greece. | 1902. Nov. 19 Dec. 2 | Defining the rights, privileges, and immunities of consular officers in the two countries. Text. | 565 |
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GUATEMALA AND HONDURAS.

| | | | | |
|----|---|------------------|--|-----|
| 22 | Mr. Combs to Mr. Hay | 1903. Feb. 26 | Protection of Chinese in Guatemala. Submits the case of a Chinaman who was arrested for refusing a Government official small change for a large amount of money, and asks how far he can act in affording. | 572 |
| | Treaty between the United States and the Republic of Guatemala. | Feb. 27 | For the mutual extradition of fugitives from justice. Text. | 588 |
| 16 | Mr. Loomis to Mr. Combs . . . | Mar. 16 | Protection of Chinese in Guatemala. Defines extent of, and approves his action in the case reported in No. 22. | 573 |
| 36 | Mr. Combs to Mr. Hay | Mar. 18 | Political condition in Honduras. Incloses report of the consular agent at Amapala on the. | 578 |
| | Same to same (telegram) . . . | Mar. 23 | Refusal of the Guatemalan Government to recognize the United States citizenship of Alberto Posadas reported and instruction requested. | 581 |
| | Mr. Loomis to Mr. Combs (telegram). | Mar. 24 | Same subject. Instructs to protest and ask the release of Posadas. | 581 |

LIST OF PAPERS.

LXIX

GUATEMALA AND HONDURAS—Continued.

| No. | From and to whom. | Date. | Subject. | Page. |
|-----|--|------------------|--|-------|
| 40 | Mr. Combs to Mr. Hay..... | 1903, Mar. 25 | Refusal of the Guatemalan Government to recognize the United States citizenship of Alberto Posadas. Incloses correspondence and reports interviews with the minister for foreign affairs and the President, who has ordered that no further action be taken against Posadas until the question of principle involved is settled in Washington. | 581 |
| | Same to same (telegram).... | Apr. 15 | Revolution in Honduras. Reports that General Bonilla announces the surrender of Tegucigalpa and restoration of normal conditions. | 579 |
| | Same to same..... | Apr. 17 | Banquet given to the diplomatic corps by the President. Incloses his address made on the occasion. | 588 |
| 30 | Mr. Hay to Mr. Combs..... | Apr. 18 | Right of expatriation. If the constitution of Guatemala denies the, the Department is ready to negotiate a naturalization treaty. Asks for a copy of the constitution. | 584 |
| 52 | Mr. Combs to Mr. Hay..... | Apr. 24 | Protection of Chinese in Guatemala. Reports two cases of robbery by police officers and action taken by the legation. | 573 |
| | Same to same (telegram).... | Apr. 24 | Revolution in Honduras. Has been requested by the minister for foreign affairs to inform the Government of the United States that peace is thoroughly reestablished. Requests instruction as to recognition of General Bonilla as President. | 579 |
| | Mr. Loomis to Mr. Combs (telegram). |do.... | Same subject. Authorizes to recognize General Bonilla as President. | 579 |
| 38 | Mr. Hay to Mr. Combs..... | May 20 | Protection of Chinese in Guatemala. Incloses note from the Chinese minister expressing appreciation of his actions. | 574 |
| 69 | Mr. Combs to Mr. Hay..... | June 5 | Right of expatriation. The minister for foreign affairs persists in his attitude, but agrees to take proposal of naturalization treaty into consideration. Incloses correspondence. | 584 |
| 74 | Same to same | June 19 | Protection of Chinese in Guatemala. Reports action taken in the case of Juan Tou, imprisoned and fined at Amatitlan. Secured release. | 575 |
| 52 | Mr. Loomis to Mr. Combs... | July 1 | Protection of Alberto Posadas. Incloses letter of thanks from J. Z. Posadas for protection extended to his son. | 587 |
| 54 | Same to same | July 3 | Protection of Chinese. Approves his course as reported in No. 74. All meritorious cases should be pressed. | 577 |
| 82 | Mr. Combs to Mr. Hay..... | July 10 | Recall of his predecessor and his appointment as envoy extraordinary and minister plenipotentiary. Incloses official correspondence. | 580 |
| 57 | Mr. Hay to Mr. Combs..... | July 14 | Protection of Chinese. Incloses note of thanks from the Chinese legation. | 577 |
| 96 | Mr. Combs to Mr. Hay..... | Aug. 18 | Passport refused to Lazarus Marks. Reports grounds of his action in regard to the father and his sons. | 594 |
| 71 | Mr. Adee to Mr. Combs..... | Sept. 15 | Same subject. The right of Lazarus Marks and his adult son seems to have been forfeited, but his minor sons are citizens of the United States until they elect another nationality on becoming of age. | 595 |

HAITI.

| | | | | |
|------|-----------------------------|-----------------|---|-----|
| 1210 | Mr. Terres to Mr. Hay..... | 1903, Feb. 6 | Display of foreign flags over private residences and stores. Incloses note from the Haitian Government representing its abuse, and his reply defending the practice as a means of protection against mob violence, but disclaiming any intention to uphold its abuse. | 596 |
| 554 | Mr. Adee to Mr. Powell.... | Mar. 6 | Same subject. Approves his reply | 597 |
| 1298 | Mr. Powell to Mr. Hay..... | June 10 | Restriction on Syrian immigration. A petition has been presented to the corps legislative requesting enactment of a law of. | 598 |
| 1310 | Same to same..... | June 25 | Protection of Syrians. No action has been taken by either House on the petition referred to above. Incloses a poster demanding their expulsion, and reports that the American Syrians have called upon him for protection and have been advised to hoist the United States flag and to take shelter in the legation in case of actual danger. | 599 |
| 575 | Mr. Loomis to Mr. Terres .. | July 20 | Same subject. Approves course reported in No. 1310. | 600 |

ITALY.

| No. | From and to whom. | Date. | Subject. | Page. |
|-----|---|------------------|--|-------|
| | Mr. Hay to Mr. Meyer (telegram). | 1902. Dec. 16 | Difficulty with Venezuela. Instructs to represent the desirability of settlement by arbitration. | 601 |
| 214 | Mr. Meyer to Mr. Hay..... | Dec. 17 | Same subject. Incloses the reply of the minister for foreign affairs to inquiry in the Chamber of Deputies concerning the steps taken to protect Italian interests and the attitude of the United States. | 601 |
| | Same to same (telegram)... | Dec. 18 | Same subject. Italy will be governed in her action by the attitude of Germany and Great Britain. | 602 |
| | Mr. Hay to Mr. Meyer (telegram). | Dec. 18 | Same subject. See telegram of same date under Germany. | 602 |
| 216 | Mr. Meyer to Mr. Hay..... | Dec. 20 | Same subject. Incloses note from the minister for foreign affairs, acknowledging receipt of preceding telegram. | 602 |
| | Same to same (telegram)... | Dec. 21 | Same subject. Reports that Italy has decided to participate in the blockade of Venezuelan ports. | 603 |
| 217 | Same to same..... | Dec. 23 | Same subject. Incloses note from the foreign office on which preceding telegram was based. | 603 |
| | Same to same (telegram)... | Dec. 24 | Same subject. Arbitration by The Hague Tribunal accepted by Italy, on condition that all Italian claims will be included and receive equal treatment with those of other nations. | 604 |
| 218 | Same to same..... | Dec. 25 | Same subject. Incloses official note on which the preceding telegram was based. | 604 |
| | Mr. Hay to Mr. Meyer (telegram). | Dec. 26 | Same subject. See telegram of same date under Germany. | 605 |
| | Same to same (telegram)... | Dec. 31 | Same subject. See telegram of same date under Germany. | 606 |
| | Mr. Meyer to Mr. Hay..... | 1903. Jan. 2 | Same subject. Italy has no objection to the arbitration by The Hague Tribunal. | 606 |
| 221 | Same to same..... | do | Same subject. Incloses an official note, the basis for the preceding telegram, and reports that the socialist party proposes to raise the question of international arbitration in the Parliament. | 606 |
| | Same to same (telegram)... | Jan. 7 | Same subject. Preliminary negotiations with Mr. Bowen and ultimate reference to The Hague Tribunal assented to by the Italian Government on condition that the Italian claims will receive equal treatment with those of other powers. | 607 |
| | Mr. Hay to Mr. Meyer (telegram). | Jan. 8 | Same subject. See telegram of same date under Germany. | 608 |
| | Same to same (telegram)... | Jan. 10 | Same subject. See telegram of same date under Germany. | 608 |
| 223 | Mr. Meyer to Mr. Hay..... | do | Same subject. Incloses an official note which was the basis of his telegram of January 7. | 608 |
| 225 | Same to same..... | Jan. 14 | Same subject. Incloses note from the minister for foreign affairs stating that the Italian Government is consulting with the blockading powers in regard to raising the blockade. | 609 |
| | Same to same (telegram)... | Jan. 19 | Same subject. The Italian ambassador at Washington has been instructed to arrange preliminaries of settlement after consulting with his British and German colleagues and the Secretary of State. | 610 |
| 227 | Same to same..... | Jan. 20 | Same subject. Incloses note from the minister for foreign affairs on which above telegram was based. | 610 |
| | Protocol of agreement between Venezuela and Italy, to which the United States and other powers are parties. | May 7 | Same subject. Respecting the reference of the question of the preferential treatment of claims to the tribunal at The Hague. | 611 |
| | Mr. Iddings to Mr. Hay (telegram). | July 20 | Announces the death of Pope Leo XIII..... | 613 |
| | Mr. Hay to Cardinal Rampolla (telegram). | do | Condolence expressed on behalf of the President, tribute to the Pope's character. | 613 |
| | Cardinal Rampolla to Mr. Hay (telegram). | July 23 | Thanks for telegram of sympathy..... | 613 |
| | Mr. Iddings to Mr. Hay (telegram). | Aug. 4 | Election of the Pope. Cardinal Sarto elected.... | 614 |
| | Same to same (telegram)... | do | Pope takes title Pius X..... | 614 |

JAPAN.

| No. | From and to whom. | Date. | Subject. | Page. |
|-----|--|------------------|--|-------|
| | Mr. Griscom to Mr. Hay (telegram). | 1903. July 14 | Manchuria. Reports that he is informed that the Japanese Government proposes soon to address the Russian Government at St. Petersburg regarding. | 615 |
| 6 | Same to same.....do... |do... | Same subject. The Japanese Government apparently considers that there is little prospect of arriving at a definite settlement at Peking, and it has been concluded to take the matter to St. Petersburg. Discusses the Japanese political situation. | 615 |
| | Same to same (telegram)... | July 20 | Same subject. Gives substance of four of the Japanese proposals, involving respective interests of both countries in China and Korea. | 616 |
| 9 | Same to same..... | July 22 | Same subject. Confirms above telegram, and adds that the Japanese Government proposes to conduct the negotiations in a friendly spirit and on broad and general lines. | 616 |
| 14 | Mr. Hay to Mr. Griscom.... | Sept. 2 | Trade-mark of the G. & J. Tire Company, copyrighted in Japan by one Rikicki Sumi. Incloses protest of the company for investigation and report. | 622 |
| | Memorandum from the Japanese legation. | Sept. 12 | Manchuria. Substance of conditions imposed by Russia for the evacuation of. | 617 |
| 13 | Mr. Griscom to Mr. Hay.... | Sept. 21 | Same subject. Reports interview with the minister for foreign affairs reflecting the gravity of the situation. | 618 |
| 17 | Same to same..... | Oct. 17 | Trade-mark of the G. & J. Tire Company. Sets forth facts and law in the case and suggests the proper mode of procedure. | 624 |
| | Same to same (telegram)... | Dec. 18 | Difficulty with Russia. Reports that the Russian reply has been received, which is very unsatisfactory, as it treats solely of Korea and ignores Manchuria. | 619 |
| | Memorandum from the Japanese legation. | Dec. 21 | Same subject. Status of negotiations between Russia and Japan in regard to respective interests in Manchuria and Korea. | 619 |
| | Memorandum from the Japanese legation. | Dec. 23 | Same subject. Gives additional information as to Japan's position in regard to Manchuria and Korea. | 620 |
| 31 | Mr. Griscom to Mr. Hay.... | Dec. 24 | Same subject. Reports interview with the minister for foreign affairs, who, however, did not disclose the stand taken by Russia, merely stating the position of Japan. Gives substance of the Russian reply as stated by the British minister. | 621 |
| | Same to same (telegram)... | Dec. 31 | Same subject. Interview with the minister for foreign affairs makes it apparent that Japan is bent on resorting to war if Russia's reply to Japan's memorandum is not both satisfactory and prompt. | 622 |

KOREA.

| | | | | |
|-----|---------------------------|------------------|---|-----|
| 531 | Mr. Allen to Mr. Hay..... | 1902. Nov. 19 | Indignities to American residents at Pengyang by the local authorities, and ineffectual efforts of the legation to obtain redress reported. | 626 |
| 561 | Same to same..... | 1903. Jan. 2 | New Year's audience of the Emperor. Refusal of the diplomatic corps to attend the, until pending questions shall have been considered in a joint discussion, brings about the desired result. Incloses notes to the Minister for Foreign Affairs. | 633 |
| 218 | Mr. Hay to Mr. Allen..... | Jan. 13 | Indignities to American residents. Directs vigorous representations. | 632 |
| 568 | Mr. Allen to Mr. Hay..... | Jan. 28 | Foreign settlement at Chemulpo. Reports adjustment of a controversy over the ownership of certain lands in the, and payment of taxes on the northwest foreshore now occupied by Japanese Railway. Incloses correspondence. | 637 |
| 579 | Same to same..... | Feb. 12 | Same subject. Incloses note from the Minister for Foreign Affairs confirming arrangement reported in No. 568. | 641 |
| 598 | Same to same..... | Apr. 8 | Indignities to American residents. Reports action taken, restitution made by the Government, and stoppage of further extortions. | 633 |
| 233 | Mr. Hay to Mr. Allen..... | May 18 | Same subject. Approves course reported in No. 598. | 633 |

LUXEMBOURG.

| No. | From and to whom. | Date. | Subject. | Page. |
|-----|---------------------------|------------------|---|-------|
| 1 | Mr. Hay to Mr. Newel..... | 1903. June 10 | Credentials as envoy extraordinary and minister plenipotentiary and personal instructions inclosed. | 643 |
| 3 | Mr. Newel to Mr. Hay..... | July 29 | Credentials. Reports presentation of, and his reception by the Government of Luxembourg. | 643 |

MEXICO.

| | | | | |
|------|--|------------------|--|-----|
| | Supplementary convention between the United States and Mexico. | 1902. June 25 | For the mutual extradition of fugitives from justice. Text. | 672 |
| 839 | Mr. Hay to Mr. Clayton.... | 1903. Feb. 9 | Imprisonment of railway employees in Mexico. Incloses letter from the governor of Michigan and calls for report of additional cases. | 645 |
| 1725 | Mr. Clayton to Mr. Hay.... | Feb. 28 | Same subject. Full report of cases not heretofore referred to the Department; present status of other cases. Incloses correspondence. | 646 |
| 1763 | Same to same..... | Apr. 6 | Message of President Diaz to the Mexican congress. Incloses extracts. | 652 |
| 1890 | Mr. McCreery to Mr. Hay.. | Aug. 3 | Diplomatic immunities. Transmits complaint of the Japanese chargé d'affaires to Mexico, who was compelled to pay the alien tax at El Paso. | 661 |
| 936 | Mr. Loomis to Mr. Clayton. | Aug. 25 | Same subject. The law imposing a head tax on all aliens coming into the United States makes no exceptions, but the Department of Commerce and Labor will ascertain whether the amount can be refunded to the Japanese chargé. | 662 |
| 942 | Mr. Hay to Mr. Clayton.... | Sept. 4 | Same subject. Incloses a letter from the Department of Commerce and Labor explaining that the alien tax was collected from the Japanese chargé because no representation was made. | 663 |
| 1942 | Mr. Clayton to Mr. Hay.... | Sept. 5 | Same subject. Acknowledges No. 936 and remarks that international usage secures free passage to diplomatic officers. | 664 |
| 1945 | Same to same..... | Sept. 9 | Murder of American citizens in Mexico. Reports the case of John E. Week, and that apparently no efforts are made to apprehend the murderer. Calls attention to the number of similar cases and suggests that the matter be laid before the President. Incloses correspondence. | 665 |
| 951 | Mr. Adee to Mr. Clayton ... | Sept. 19 | Same subject. Instructs to ask that efficient measures be taken to prosecute the murderers. | 666 |
| 1955 | Mr. Clayton to Mr. Hay.... | Sept. 21 | Message of President Diaz to the Mexican Congress. Incloses extracts. | 657 |
| 953 | Mr. Adee to Mr. Clayton ... |do.... | Diplomatic immunities. Collection of head tax from foreign diplomatic and consular officers is deemed an error by the Secretary of Commerce and Labor, who has requested the Treasury Department to issue instructions to collectors of customs accordingly. | 664 |
| | Mr. Hay to Mr. Clayton (telegram). | Oct. 10 | Extradition by comity of Charles Kratz, charged with bribery in Missouri, requested. Reciprocity can be promised under the decision of a Federal court that an extradition treaty has retroactive effect. | 674 |
| | Mr. Clayton to Mr. Hay (telegram). | Oct. 13 | Same subject. Will be granted by Mexico on full compliance with the requirements of the extradition law and promise of strict reciprocity. | 674 |
| 1986 | Same to same | Oct. 14 | Same subject. Reports interview with the minister for foreign affairs, and gives his reasons for advising immediate action. | 675 |
| | Mr. Hay to Mr. Clayton (telegram). | Oct. 15 | Same subject. Instructs to request the. The Mexican law will be observed and strict reciprocity is promised. | 675 |
| | Mr. Clayton to Mr. Hay (telegram). | Oct. 21 | Same subject. Reports that he has requested provisional detention of Kratz. | 675 |
| | Same to same (telegram).... | Oct. 22 | Same subject. Kratz was arrested October 20, and requisition must be made within thirty days. | 676 |
| 1996 | Same to same | Oct. 24 | Same subject. Reports action, explains cause of delay, and incloses correspondence with the foreign office. | 676 |

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LXXIII

MEXICO—Continued.

| No. | From and to whom. | Date. | Subject. | Page. |
|------|-------------------------------------|-----------------|---|-------|
| 985 | Mr. Hay to Mr. Clayton | 1903. Nov. 3 | Extradition of Charles Kratz. •Incloses extradition papers, and instructs to make formal request for the extradition, and give at the same time the required promise of reciprocity in any case of bribery prior to the supplemental convention of extradition. | 679 |
| 988 | Same to same..... | Nov. 6 | Same subject. Incloses opinion of the district court of New York establishing the retroactive effect of extradition treaties. | 679 |
| 2014 | Mr. Clayton to Mr. Hay | Nov. 9 | Same subject. Reports interview with the President, and expresses confidence that the extradition will be granted. | 680 |
| | Same to same (telegram)... | Nov. 16 | Same subject. Reports that the requisition for the, has been made, and that the promises given are satisfactory to the Mexican Government. | 680 |
| 2034 | Same to same..... | Nov. 17 | Murder of American citizens in Mexico, and failure of the Mexican authorities to arrest and punish the murderers. Incloses correspondence on the subject with the Mexican Government. | 667 |
| 2037 | Same to same..... | Nov. 18 | Extradition of Kratz. Reports action taken in the case, complaint against the indiscretion of the United States agent, and incloses correspondence. | 681 |
| 2061 | Same to same..... | Dec. 4 | Imprisonment of American railway employees. Reports status of pending cases. | 651 |
| | Mr. McCreery to Mr. Hay (telegram). | Dec. 26 | Extradition of Kratz granted..... | 682 |
| 2092 | Same to same..... | 1904. Jan. 2 | Same subject. Incloses correspondence and order granting the. | 682 |

NETHERLANDS.

| | | | | |
|-----|-----------------------------|------------------|--|-----|
| 679 | Mr. Garrett to Mr. Hay..... | 1903. Nov. 24 | Building and library for the Permanent Court of Arbitration at The Hague. Incloses text of deed signed by Andrew Carnegie for a. | 686 |
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NICARAGUA, COSTA RICA, AND SALVADOR.

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|-----|---------------------------|-----------------|--|-----|
| 850 | Mr. Merry to Mr. Hay..... | 1903. July 7 | Jury trials abolished in Costa Rica by the Congress. States reasons why the measure must be considered a wise and necessary one. | 688 |
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PANAMA.

| | | | | |
|---|---|-----------------|---|-----|
| | Messrs. Arango, Boyd, and Arias to the Secretary of State (telegram). | 1903. Nov. 4 | Independence of the Isthmus. See telegram of same date under Colombia. | 689 |
| | Same to same (telegram)... | Nov. 6 | Same subject. See telegram of same date under Colombia. | 689 |
| 1 | Mr. Loomis to Mr. Buchanan | Dec. 12 | Special mission to the Republic of Panama. Incloses commission and personal instructions. | 689 |
| 4 | Mr. Buchanan to Mr. Hay.. | Dec. 25 | Same subject. See same date under Colombia... | 690 |

PERSIA

| | | | | |
|----|---------------------------|------------------|--|-----|
| 28 | Mr. Tyler to Mr. Hay..... | 1903. Jan. 21 | Protection of American interests by the British consul-general at Tabriz. Incloses resolution of thanks by members of the American West Persian Mission. | 692 |
| 17 | Mr. Hay to Mr. Tyler..... | Feb. 18 | Same subject. Services of the British consul-general at Tabriz appreciated. | 692 |
| 29 | Mr. Tyler to Mr. Hay..... | Mar. 4 | Restrictions on travel in Persia. Incloses note from the foreign office asking that notice of arrival of visiting tourists be given to the minister for foreign affairs. | 693 |

PERU.

| No. | From and to whom. | Date. | Subject. | Page. |
|-----|----------------------------|------------------|--|-------|
| 822 | Mr. Neill to Mr. Hay | 1903. Nov. 26 | Marriage law permitting non-Catholics to marry on their mere declaration that they do not belong to the Catholic faith has been promulgated by the President of Congress on the failure of the Executive to do so. Gives text of the decree. | 694 |

PORTUGAL.

| | | | | |
|----|----------------------------|------------------|---|-----|
| 20 | Mr. Bryan to Mr. Hay | 1903. Aug. 12 | Visit of the United States European Squadron to Lisbon. Reports hospitality extended to, by the King, the authorities, and the people, and the excellent impression created by the. Incloses newspaper article. | 696 |
|----|----------------------------|------------------|---|-----|

ROUMANIA.

| | | | | |
|----|-----------------------------|-----------------|---|-----|
| 2 | Mr. Jackson to Mr. Hay | 1903. Feb. 9 | Diplomatic and consular representation of the United States in Roumania. Sensitiveness touching the failure to give previous notice of appointment of new minister, and especially the fact that the official residence of the minister is in Greece. Reports conversation with the Roumanian minister at Athens. | 699 |
| 1 | Mr. Hay to Mr. Jackson | Mar. 5 | Conditions of oppressed Jews in Roumania. Instructs to investigate, while visiting there, and report the effect, if any, of representations by other powers. | 702 |
| 7 | Mr. Jackson to Mr. Hay | Mar. 21 | Same subject. Gives his impressions of the probable failure of the Department's circular of August 11, 1902. Describes the motives of the Roumanian Government in excluding non-Christians from naturalization, and attitude of other powers on the question. | 702 |
| | Same to same (telegram) ... | Apr. 7 | Credentials. Reports that he has presented his letters and will leave for Belgrade. | 700 |
| 8 | Same to same | Apr. 13 | Same subject. Gives substance of remarks exchanged with the King on the occasion. | 701 |
| 14 | Same to same | Apr. 18 | Jews in Roumania. No official representations have been made by any of the powers. Prejudices in Roumania are not against the race or individuals, but are born of the fear that if granted naturalization the Jews would soon gain absolute control. Their sufferings have been exaggerated. | 704 |
| 47 | Same to same | Sept. 7 | Same subject. Reports conversation with the minister for foreign affairs in regard to Secretary Hay's note of August 11 last and the impression made by it in Roumania. Statement of the historical, national, and social phase of the question. | 704 |
| 63 | Mr. Wilson to Mr. Hay | Nov. 15 | Same subject. Quotes from the report of the Royal Commission on Alien Immigration and comments on erroneous statements of Major Evans-Gordon. | 706 |

RUSSIA.

| | | | | |
|---|--------------------------------------|-----------------|--|-----|
| 6 | Mr. McCormick to Mr. Hay. | 1903. Feb. 4 | China. Consular jurisdiction in territory leased to Russia. Incloses note from the foreign office reciting conditions for the recognition of, and of foreign consuls. | 708 |
| | Mr. Hay to Mr. McCormick (telegram). | Apr. 25 | Manchuria. Conditions imposed by Russia for the evacuation of. Instructs to ascertain the meaning of the first two sections of the proposed convention. | 708 |
| | Mr. McCormick to Mr. Hay (telegram). | Apr. 29 | Same subject. Reports that the minister for foreign affairs denies any knowledge of the proposed convention, and that Russia has no intention to exclude the United States from Manchuria. | 709 |

RUSSIA—Continued.

| No. | From and to whom. | Date. | Subject. | Page. |
|-----|--------------------------------------|---------------------------|---|---|
| 37 | Mr. McCormick to Mr. Hay. | 1903. Apr. 29 | Manchuria. Gives substance of conversation on which above telegram was based. | 709 |
| | Mr. Hay to Mr. McCormick (telegram). |do.... | Relief of Jews in Kisheneff. Instructs to ascertain whether money and supplies will be permitted to be forwarded from the United States. | 712 |
| | Mr. McCormick to Mr. Hay (telegram). | May 9 | Same subject. Reports that suffering is authoritatively denied, and aid is gratefully declined. | 712 |
| | Same to same..... | May 13 | Same subject. Incloses articles from the London Standard on the subject. | 712 |
| | Mr. Hay to Mr. Riddle (telegram). | June 13 | Manchuria. Ports to be opened in, under treaty now under negotiation. Advertises to the continued refusal of China on the ground of objections from Russia, and in spite of denial of the same. Instructs to ask whether the Russian minister at Peking has been instructed to confirm this denial. | 710 |
| | Mr. Riddle to Mr. Hay (telegram). | June 15 | Same subject. Reports that the minister for foreign affairs recommends a frank interchange of views between the Russian and United States ministers at Peking and promises that the former will be authorized to state the attitude of Russia. | 710 |
| | Mr. Hay to Mr. Riddle (telegram). | June 24 | Same subject. Instructs not to bring the subject up, but to give the status of the question if asked by the foreign office. | 711 |
| | Memorandum from the Russian embassy. | July 14 | Same subject. States that the Russian Government has never opposed the opening of ports to foreign commerce excepting at Kharbin where foreign consuls will not be admitted unless the Imperial Government deems it opportune. | 711 |
| | 56 | Mr. Hay to Mr. McCormick. | Oct. 22 | Jewish divorces granted by rabbis. Inquires whether they are recognized by law, and, if so, requests text of the law. |
| 62 | Mr. McCormick to Mr. Hay. | Nov. 10 | Same subject. Incloses text of law relating to marriage, divorce, and separation of non-Christian sects in Russia. | 715 |

SERVIA.

| | | | | |
|----|-----------------------------------|------------------|--|-----|
| 4 | Mr. Jackson to Mr. Hay..... | 1903. Apr. 13 | Coup d'état of King Alexander, declaring the constitution of April 6-19, 1901, ineffective, reported. | 716 |
| 6 | Same to same..... | Apr. 16 | Same subject. Reports that the same seems to be taken with equanimity by the Servian people. | 716 |
| 7 | Same to same..... | May 12 | Same subject. Memorandum of facts and incidents connected with the. | 717 |
| 16 | Mr. Wilson to Mr. Hay (telegram). | June 11 | Assassination of the King and Queen of Roumania reported. | 718 |
| | Same to same (telegram).... |do.... | Same subject. No new Servian king officially proclaimed. | 718 |
| | Same to same (telegram).... | June 13 | Same subject. Reports Belgrade quiet and ministry formed. | 718 |
| | Same to same (telegram).... | June 15 | Same subject. Reports that Peter Karageorgevitch has been proclaimed king. | 718 |
| 26 | Mr. Jackson to Mr. Hay..... | June 29 | Recognition of King Peter's Government. Gives substance of four communications from the provisional government. The Skupshtina voted to put in force the constitution of 1888, and to require of military officers an oath of allegiance to both the constitution and the sovereign. | 718 |
| 26 | Mr. Wilson to Mr. Hay..... | Oct. 7 | Cabinet changes. Gives names of members of the new cabinet. Trial of officers charged with conspiracy against the murderers of King Alexander resulted in light sentences. | 719 |
| 27 | Same to same..... | Oct. 15 | Same subject. Reports the result of the appeal to the military court. | 720 |

SPAIN.

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|--|---|-----------------|---|-----|
| | Treaty between the United States and Spain. | 1902. July 3 | Treaty of friendship and general relations. Text. | 721 |
|--|---|-----------------|---|-----|

SWEDEN AND NORWAY.

| No. | From and to whom. | Date. | Subject. | Page. |
|-----|----------------------------|------------------|--|-------|
| 306 | Mr. Thomas to Mr. Hay..... | 1903. Mar. 20 | Famine in Sweden. Incloses letter of thanks from Governor Bergström, of the Province of Norrbotten, for assistance extended by citizens of the United States during the. | 731 |

TURKEY.

| | | | | |
|-----|--------------------------------------|------------------|---|-----|
| 341 | Mr. Eddy to Mr. Hay..... | 1903. Jan. 20 | Outrage on Dr. H. C. Shipley by a police officer at Smyrna. On vigorous representation from the legation the money stolen from Doctor Shipley has been returned, and an apology, at first declined by the commanding officer of the gendarmerie, has been made. Full statement of the case and correspondence inclosed. | 733 |
| | Mr. Hay to Mr. Leishman (telegram). | Feb. 2 | Equal treatment for American institutions. Instructs to ask an audience of the Sultan for the purpose of presenting a personal message from the President asking. Sets forth points and merits of the case. | 735 |
| | Mr. Leishman to Mr. Hay (telegram). | Feb. 3 | Same subject. Reports satisfactory interview with the minister for foreign affairs and asks whether he is to insist upon immediate audience. | 736 |
| | Mr. Adee to Mr. Leishman (telegram). |do... | Same subject. Instructs to wait until Monday before making demand for the audience. | 736 |
| 346 | Mr. Leishman to Mr. Hay.. |do... | Same subject. Discusses various matters in suspense. Reports that the Sultan received him courteously after his return, but did not mention matters of business. | 736 |
| | Same to same (telegram)... | Feb. 6 | Same subject. Reports that he declined the request of the minister for foreign affairs for a few days' grace. | 737 |
| | Mr. Hay to Mr. Leishman (telegram). | Feb. 7 | Same subject. The delivery of a friendly message from the President to the Sultan should not be delayed. Asks whether the audience can not be arranged without appearing to override the minister for foreign affairs. | 737 |
| | Mr. Leishman to Mr. Hay (telegram). | Feb. 9 | Same subject. Reports that he believes a few days' more patience may bring about the desired result. | 738 |
| 352 | Same to same..... | Feb. 10 | Same subject. Confirms the favorable impressions reported in above telegram and announces his purpose to secure recognition of the principle involved rather than of the various institutions. | 738 |
| 303 | Mr. Hay to Mr. Leishman.. | Feb. 13 | Outrage on Doctor Shipley. The incident may be regarded as closed. | 734 |
| | Mr. Leishman to Mr. Hay (telegram). |do... | Equal treatment for American institutions. Reports satisfactory progress of negotiations with the Porte, and discusses the necessity and advantages of an audience with the Sultan. | 739 |
| 356 | Same to same..... |do... | Same subject. Confirms above and adds that other missions have had to bear much longer delay in similar cases. | 740 |
| 359 | Same to same..... | Feb. 18 | Same subject. Incloses his note to the Porte requesting an audience. Mentions the personal feelings of the minister for foreign affairs in the matter, and recites the questions which will be pressed to early settlement. | 741 |
| | Same to same (telegram)... | Feb. 24 | Same subject. Reports that his request for an audience with the Sultan has not yet been answered. | 742 |
| | Mr. Hay to Mr. Leishman (telegram). | Feb. 25 | Same subject. Delay in granting the audience. States the basis upon which the right of an audience for the delivery of a personal message from the President is claimed, and instructs to demand the audience. | 743 |
| | Mr. Leishman to Mr. Hay (telegram). | Feb. 28 | Same subject. No exception has been taken to his repeated request for an audience, but an attempt to avoid granting it is apparent. Asks how long he shall wait and what measures he is to take in the case of further delay. | 743 |
| | Mr. Hay to Mr. Leishman (telegram). |do... | Same subject. Asks whether renewed formal demand for an audience with the Sultan has been made. | 743 |
| | Mr. Leishman to Mr. Hay (telegram). | Mar. 1 | Same subject. First request for an audience was made February 16, and has not yet been answered. Reports his impressions that the object is to gain time until matters are adjusted. | 744 |
| 364 | Same to same..... |do... | Same subject. Confirms above telegram and dwells upon the difficulties encountered. | 744 |

TURKEY—Continued.

| No. | From and to whom. | Date. | Subject. | Page. |
|-----|--|---------|--|-------|
| | | 1903. | | |
| | Mr. Hay to Mr. Leishman (telegram). | Mar. 3 | Equal treatment for American institutions. Instructs to hand a paraphrase of Department's telegram of February 25 to the minister for foreign affairs, and to insist upon the audience to deliver the President's message. | 745 |
| | Mr. Leishman to Mr. Hay (telegram). | Mar. 4 | Same subject. Instructions contained in above telegram have been complied with. | 745 |
| | Same to same (telegram).....do..... | do | Same subject. Reports that no reply to the demand for an audience has been received, but that he expects that the general school question may be settled in a few days. | 745 |
| 367 | Same to same.....do..... | do | Same subject. The audience has been formally demanded. | 746 |
| | Mr. Hay to Mr. Leishman (telegram). | Mar. 5 | Same subject. States that his instruction contemplates arrangement within three days. | 746 |
| | Mr. Leishman to Mr. Hay (telegram). | do | Same subject. Examinations at the medical school at Beirut will be conducted by a special jury under iradé just issued. | 746 |
| | Mr. Hay to Mr. Leishman (telegram). | do | Same subject. Directs to express gratification at the issuance of above iradé. | 747 |
| | Mr. Leishman to Mr. Hay (telegram). | Mar. 6 | Same subject. The Sultan has sent regrets at the delay in granting the audience and promises to receive him after the Coorban Bairaaj ceremonies. | 747 |
| 370 | Same to same.....do..... | Mar. 7 | Same subject. Recognition of American schools. Incloses letter from Messrs. Post and Peet urging that it extend to all schools in existence at this time, and his reply suggesting difficulties in the way of such recognition. | 747 |
| 320 | Mr. Loomis to Mr. Leishman. | Mar. 12 | Same subject. Approves action reported in No. 359. | 750 |
| | Mr. Leishman to Mr. Hay (telegram). | Mar. 21 | Same subject. Audience with the Sultan. Reports that no date has yet been fixed. Asks instructions. | 750 |
| | Same to same (telegram).....do..... | Mar. 26 | Same subject. Reports that his efforts have been neutralized by a statement of the Turkish minister at Washington that no great urgency for an audience exists. | 750 |
| 378 | Same to same.....do..... | do | Same subject. Reports fair prospects of an early audience and of full satisfaction on all pending questions. | 751 |
| | Mr. Hay to Mr. Leishman (telegram). | Mar. 27 | Same subject. The Turkish minister at Washington has been informed of the President's displeasure at the manner in which the request for an audience has been treated. | 751 |
| | Mr. Leishman to Mr. Hay (telegram). | Apr. 3 | Same subject. An audience was granted to-day and assurances were given that the President's message will receive prompt and personal consideration. | 751 |
| 387 | Mr. Hay to Mr. Leishman .. | Apr. 4 | Same subject. Expresses gratification..... | 752 |
| 389 | Mr. Leishman to Mr. Hay.. | Apr. 5 | Same subject. Gives details of the audience..... | 752 |
| | Same to same.....do..... | Apr. 9 | Same subject. Reports that immediately after the audience the Sultan gave orders to expedite settlement of all pending questions. | 752 |
| 419 | Same to same.....do..... | May 21 | Same subject. States in detail the difficulties and annoyances experienced. Gives status of negotiations. | 753 |
| 376 | Mr. Hay to Mr. Leishman.. | June 9 | Same subject. Expresses regret at the delay met in obtaining equal treatment, especially as regards the school question. | 753 |
| 444 | Mr. Leishman to Mr. Hay.. | June 16 | Same subject. Incloses notes to the Porte urging consideration and disposal of the cases brought to its attention. The Turkish Government is not showing any ill will, but is hampered by existing conditions, from which all foreign missions suffer alike in the dispatch of their business. | 754 |
| 463 | Same to same.....do..... | June 25 | Same subject. The delay in executing the promises regarding American schools is but another instance of the difficulties met by all diplomatic representatives in carrying out any business with the Turkish Government. | 757 |
| 408 | Mr. Loomis to Mr. Leishman. | July 7 | Same subject. Approves the course reported in No. 444, and instructs to press for the fulfillment of promises. | 758 |
| | Mr. Leishman to Mr. Hay (telegram). | July 31 | Same subject. The failure of the Porte to redeem promises compels him to ask for further instructions. | 758 |
| | Mr. Loomis to Mr. Leishman (telegram). | Aug. 5 | Same subject. Instructs to continue pressing for settlement of pending questions. | 759 |

TURKEY—Continued.

| No. | From and to whom. | Date. | Subject. | Page. |
|-----|--|------------------|---|-------------|
| 524 | Mr. Leishman to Mr. Hay.. | 1903. Aug. 15 | Insurrection and outrages in Macedonia. Reports condition of affairs, commends the moderation of the Turks in the presence of extreme provocation and excesses indulged in by Bulgarian bands, incloses report from the consular agent at Salonica and letter of warning to missionaries. | 762 |
| | Same to same (telegram)... | Aug. 27 | Murder, alleged, of the United States vice-consul at Beirut reported. | 769 |
| | Same to same (telegram)... |do... | Same subject. Reports that he has made representation to the Porte, and has asked for an investigation. | 770 |
| | Mr. Loomis to Mr. Leishman (telegram). |do... | Same subject. Instructs to press representations vigorously. | 770 |
| | Mr. Leishman to Mr. Hay (telegram). |do... | Same subject. The minister for foreign affairs states that the reported assassination is entirely false. | 770 |
| | Mr. Loomis to Mr. Leishman (telegram). | Aug. 28 | Same subject. The United States European Squadron has been ordered to Beirut. | 770 |
| | Mr. Leishman to Mr. Hay (telegram). |do... | Same subject. Vice-Consul Magelssen was not shot, but shot at. Governor called and offered regrets. | 771 |
| | Same to same (telegram)... | Aug. 30 | Same subject. Reports that the governor at Beirut and the Turkish Government continue to treat the affair lightly. | 771 |
| | Same to same (telegram)... | Aug. 31 | Same subject. Transmits telegram from Admiral Cotton reporting the departure of United States squadron for Beirut. | 771 |
| | Mr. Hay to Mr. Leishman (telegram). | Sept. 1 | United States squadron in Turkish waters. If pending questions are settled before the arrival of, a brief visit only will be made. | 771 |
| | Mr. Leishman to Mr. Hay (telegram). | Sept. 4 | Same subject. Describes effect of the visit of the, and expresses opinion that it will expedite the settlement of many, if not all, pending questions. | 772 |
| 548 | Same to same..... |do... | Attempted assassination of Vice-Consul Magelssen. Incloses full report of Consul Ravndal relating to, and reports on the general unsafe and lawless conditions at Beirut. | 772 |
| 551 | Same to same..... | Sept. 5 | Same subject. Incloses correspondence with the Turkish Government relating to. | 775 |
| | Mr. Hay to Mr. Leishman (telegram). | Sept. 8 | Equal treatment for American institutions. Failure to reply in regard to school question should not be treated as a refusal estopping further demands. | 759 |
| 554 | Mr. Leishman to Mr. Hay.. |do... | Condition of affairs in Beirut and Macedonia discussed. | 764, 778 |
| | Same to same (telegram)... |do... | Same subject. Transmits telegram from the consul at Beirut, reporting serious riot. | 777 |
| | Same to same (telegram)... |do... | Same subject. Transmits further report from the consul at Beirut on the continued grave situation. | 777 |
| | Mr. Hay to Mr. Leishman (telegram). |do... | Same subject. Instructs to act in harmony with the Italian ambassador urging change of governor at Beirut. | 777 |
| | Mr. Leishman to Mr. Hay.. | Sept. 9 | Same subject. Removal of the governor at Beirut will be demanded. Advises that the United States squadron be kept in Turkish waters until the settlement of pending questions. | 778 |
| | Same to same (telegram)... |do... | Same subject. Formal demand for the removal of the governor of Beirut has been made. | 779 |
| | Mr. Adee to Mr. Leishman (telegram) |do... | Withdrawal of the United States squadron from Turkish waters requested by the Turkish minister and denied by the Department. Gives substance of conversation with the Secretary of State on the subject. Awaiting report from the legation on the situation. | 779 |
| | Mr. Leishman to Mr. Hay (telegram). | Sept. 10 | Removal of the governor at Beirut has been demanded by the French ambassador. | 779 |
| | Same to same (telegram)... |do... | Same subject. Is of the opinion that the withdrawal of the squadron before pending questions are settled and the demand for the removal of the governor is complied with would be a mistake. | 779 |
| | Same to same (telegram)... |do... | Condition of affairs at Beirut. Consul Ravndal reports that Beirut is quiet, but the people have not entirely recovered from their fright. | 780 |
| 555 | Same to same..... |do... | Same subject. Removal of the governor at Beirut. Reports appointment of Nazim Pasha as acting governor, and makes favorable comment on the appointment. | 780 |
| | Same to same (telegram)... | Sept. 11 | Same subject. Gives text of the order dismissing Reshid Bey and appointing Nazim Pasha as governor of Beirut. Improved condition reported by the consul. | 781 |

TURKEY—Continued.

| No. | From and to whom. | Date. | Subject. | Page. |
|-----|--------------------------------------|----------|--|-------|
| | | 1903. | | |
| | Mr. Leishman to Mr. Hay (telegram). | Sept. 12 | Condition of affairs at Beirut. The consul at Beirut reports that confidence is being restored. | 781 |
| | Same to same (telegram)... | Sept. 14 | Same subject. The consul at Beirut reports that the restoration of confidence is due to the vigorous action of the new governor. | 782 |
| | Same to same (telegram)... | Sept. 15 | Equal treatment of American institutions. Reports that the grand vizier shows quite plainly a determination to resist the settlement of the pending cases. | 759 |
| | Same to same (telegram)... | Sept. 18 | Condition of affairs at Beirut. Reports that Haleb Pasha, governor of Broussa, has exchanged places with the dismissed governor of Beirut. | 782 |
| 576 | Same to same..... | Sept. 19 | Insurrection and outrages in Macedonia. Reports the situation growing steadily worse, but there is little danger to American missionaries. | 764 |
| 575 | Same to same..... | Sept. 21 | Equal treatment of American institutions. Very slow progress is being made in the settlement of the pending questions despite the apparent desire of the minister for foreign affairs to effect a settlement. | 759 |
| | Mr. Adce to Mr. Leishman (telegram). | Sept. 24 | Condition of affairs at Beirut. Approves his course in regard to the removal of the governor and his transfer to Broussa. | 782 |
| | Mr. Leishman to Mr. Hay.. | Sept. 25 | Same subject. Reports that matters remain unsettled, but that there is a possibility of a permanent appointment of the present acting governor, which would tend to establish peace and security. | 782 |
| | Same to same (telegram)... | Oct. 6 | Insurrection and outrages in Macedonia. Reports that the outlook continues gloomy, although reports of massacres are grossly exaggerated. | 765 |
| 596 | Same to same..... | ...do... | Same subject. Reports fully on the situation. The loss in property is great, but reports of massacres are exaggerated; time for affording relief has not yet come, and hasty action of the missionaries would cause trouble. | 766 |
| | Same to same (telegram)... | Oct. 21 | Equal treatment of American institutions. The school question is meeting strong opposition because a majority of the teachers are natives and who are always suspected of sedition. | 760 |
| 611 | Same to same..... | ...do... | Condition of affairs at Beirut. Matters have assumed a normal condition and advises the withdrawal of the squadron as soon as the pending questions are settled. | 783 |
| | Same to same (telegram)... | Oct. 29 | Equal treatment of American institutions. Reports that he is pressing a settlement of the pending questions more vigorously. | 760 |
| 617 | Same to same..... | ...do... | Insurrection and outrages in Macedonia. The revolutionary movement continues, but the outrages become less frequent. The European powers have presented a scheme for reforms, but unless modified it will be rejected by the Ottoman Government. | 767 |
| | Same to same (telegram)... | Nov. 6 | Equal treatment for American institutions. Notice has been given to the Porte that unless the pending questions are settled in a few days the Beirut matter will be pressed. | 760 |
| 630 | Same to same..... | Nov. 13 | Assassination of Vice-Consul Magelssen at Beirut. Incloses correspondence with the Porte on the trial and slight sentence of persons arrested and accused of. | 783 |
| | Same to same (telegram)... | Nov. 15 | Equal treatment for American institutions. The belief that the American schools are hotbeds of sedition is the cause of opposition to the school question. Suggests resort to more drastic measures to effect a settlement. | 761 |
| | Same to same (telegram)... | ...do... | Condition of affairs at Beirut. Reports that he has returned a note to the Porte, which was most unsatisfactory, and has protested against the promotion of the governor who was dismissed at Beirut. | 784 |
| 641 | Same to same..... | ...do... | Same subject. . Incloses correspondence with the Porte in regard to. | 785 |
| 642 | Same to same..... | Nov. 28 | Same subject. Incloses additional correspondence with the Porte on the subject. | 786 |
| 644 | Same to same..... | ...do... | Macedonia, condition of affairs in. Reports that further disturbances are not anticipated. The acceptance by the Sultan of the demands of the European powers for reforms is so worded as to make it practically worthless. | 767 |
| 653 | Same to same..... | Dec. 13 | Equal treatment for American institutions. Reports his inability to make any headway. | 761 |

VENEZUELA.

| No. | From and to whom. | Date. | Subject. | Page. |
|-----|-----------------------------------|------------------|--|-------|
| | Mr. Hill to Mr. Bowen (telegram). | 1902. Nov. 29 | Difficulty with Great Britain and Germany. Protection of British interests. Instructs to ask the Venezuelan Government to acquiesce in his taking temporary charge of British interests, in the event of rupture between the two countries and after being requested by the British minister to do so. | 788 |
| | Same to same (telegram)... | Dec. 1 | Same subject. Protection of German interests. Instructs to exercise the same good offices for Germany as for Great Britain. | 788 |
| | Mr. Bowen to Mr. Hay (telegram). | Dec. 2 | Same subject. Expresses opinion that rupture may be avoided, and asks permission to use good offices to that end. | 788 |
| | Same to same (telegram)... | Dec. 8 | Same subject. Reports that the President of Venezuela has publicly stated that foreign creditors will be satisfied in full after reestablishment of peace. | 789 |
| | Same to same (telegram)... |do... | Same subject. Protection of German and British interests. Assent of the Venezuelan Government to take charge of, has been asked. | 789 |
| | Same to same (telegram)... | Dec. 9 | Same subject. Reports the arrest of British and German subjects. President Castro consented to Minister Bowen taking charge of the interests of both countries, and at his personal request ordered the release of two German subjects. | 789 |
| | Same to same (telegram)... |do... | Same subject. States that, in the absence of instructions to communicate direct with Berlin and London, he will cable to the Department, and that he will deliver any notes addressed to the German and British ministers. | 790 |
| | Same to same (telegram)... |do... | Same subject. Arbitration. Reports that he has been requested by the Venezuelan Government to act as arbitrator on behalf of Venezuela. Asks instructions. | 790 |
| | Same to same (telegram)... | Dec. 10 | Same subject. Reports that he has secured the release of German consular officers and several subjects, and has requested the release of all other prisoners. | 790 |
| | Same to same (telegram)... |do... | Same subject. Reports an attack on the German legation by a mob, wholesale arrest of German and British subjects, and action taken by him. | 790 |
| | Same to same (telegram)... |do... | Same subject. Reports that President Castro informed him that all German and British subjects have been released. | 791 |
| | Mr. Hay to Mr. Bowen (telegram). |do... | Same subject. Instructs to forward communications addressed to the British and German ministers, and to cable substance of all notes to him to the Department. | 791 |
| | Same to same (telegram)... |do... | Same subject. Arbitration. If Venezuela proposes arbitration and Great Britain and Germany acquiesce Mr. Bowen may act on the part of Venezuela. | 791 |
| | Mr. Bowen to Mr. Hay (telegram). | Dec. 11 | Same subject. Arbitration. Transmits substance of Venezuelan note proposing. | 791 |
| | Mr. Hay to Mr. Bowen (telegram). |do... | Same subject. Protection of British and German interests. The President approves his course in the. | 792 |
| | Mr. Bowen to Mr. Hay (telegram). | Dec. 12 | Same subject. States the President's approval of his course will stimulate him in his efforts to protect the interests confided to his care. | 792 |
| | Same to same (telegram)... |do... | Same subject. Reports that the British legation has been put under the care of the secretary of the United States legation, that in case of trouble British subjects will go there and German subjects to the United States legation. | 792 |
| | Mr. Hay to Mr. Bowen (telegram). |do... | Same subject. Arbitration. Venezuela's proposal for, has been communicated to the British and German Governments. | 792 |
| 137 | Mr. Bowen to Mr. Hay..... | Dec. 13 | Same subject. Arbitration. Incloses correspondence with the minister for foreign affairs relating to. | 793 |
| 138 | Same to same..... |do... | Same subject. Incloses note from the minister for foreign affairs, protesting against the actions of the German and British representatives. | 794 |
| 141 | Same to same..... |do... | Same subject. Protection of British and German interests. Incloses correspondence relating to his taking charge of the British and German legations. | 795 |
| | Same to same (telegram)... |do... | Same subject. Reports that President Castro informs him that the British and German war vessels are bombarding Puerto Cabello. | 796 |

VENEZUELA—Continued.

| No. | From and to whom. | Date. | Subject. | Page. |
|-----|-----------------------------------|------------------|--|-------|
| | Mr. Bowen to Mr. Hay (telegram). | 1902. Dec. 13 | Difficulty with Great Britain and Germany. Reports that the British and German consuls have been permitted to return to La Guaira. | 797 |
| | Same to same (telegram).....do... |do... | Same subject. Reports the situation at Caracas much quieter and the excitement subsiding. | 797 |
| | Same to same (telegram).... | Dec. 14 | Same subject. Reports that the British and German war vessels bombarded the forts at Puerto Cabello on account of an alleged insult to the British flag on a merchant vessel. | 797 |
| | Same to same (telegram)....do... |do... | Protection of Dutch interests. Reports that the minister of the Netherlands, who is sick, has requested him to take charge of Dutch interests. | 797 |
| | Mr. Hay to Mr. Bowen (telegram). | Dec. 15 | Same subject. Gives permission to take charge of Dutch interests, if the Venezuelan Government consents. | 797 |
| | Mr. Bowen to Mr. Hay.....do... |do... | Difficulty with Germany and Great Britain. Arbitration. Desires to know without delay whether Great Britain and Germany will answer Venezuela's proposal for. | 798 |
| | Same to same (telegram).... | Dec. 16 | Same subject. A petition has been presented by leading citizens of Venezuela to President Castro to invest Minister Bowen with plenary powers. | 798 |
| | Same to same (telegram)....do... |do... | Protection of Italian interests. Reports that the Italian minister, who will leave on the 17th, has requested him to take charge of Italian interests. | 798 |
| | Mr. Hay to Mr. Bowen (telegram). |do... | Same subject. Instructs to take charge of Italian interests if Venezuela consents. | 798 |
| | Same to same (telegram)....do... |do... | Difficulty with Germany and Great Britain. Arbitration. No reply has yet been received from Great Britain and Germany to Venezuela's proposal for. | 798 |
| | Mr. Bowen to Mr. Hay (telegram). | Dec. 17 | Same subject. Arbitration. Gives text of full powers conferred upon him by President Castro. Makes suggestions in regard to the negotiations with the powers. | 799 |
| | Mr. Hay to Mr. Bowen (telegram). | Dec. 18 | Same subject. Venezuela's proposition for negotiations has been communicated to London, Berlin, and Rome. | 799 |
| | Same to same (telegram).... | Dec. 19 | Same subject. States that the powers seem inclined to accept the principle of arbitration, and that the selection of The Hague Tribunal would be judicious. | 799 |
| | Same to same (telegram).... | Dec. 20 | Same subject. Germany and Great Britain have invited the President of the United States to act as arbitrator; instructs to ascertain whether Venezuela's wishes accord therewith. | 800 |
| | Mr. Bowen to Mr. Hay (telegram). |do... | Same subject. Arbitration by The Hague Tribunal. Recites objection to, expresses his views as to what should be done by all the parties interested in the matter. | 800 |
| | Same to same (telegram).... | Dec. 21 | Same subject. Transmits President Castro's acceptance of the proposition that the President of the United States should act as arbitrator. | 800 |
| | Same to same (telegram).... | Dec. 22 | Same subject. The blockade of Venezuelan ports began December 20 and 24, respectively. States conditions briefly. Mails are allowed to land. | 801 |
| | Same to same (telegram).... | Dec. 23 | Same subject. Arbitration by President Roosevelt formally accepted by the minister for foreign affairs, who suggests that Italy be included. | 801 |
| | Mr. Hay to Mr. Bowen (telegram). |do... | Same subject. Formal request that the President act as arbitrator has not been received from the powers. | 801 |
| | Same to same (telegram).... | Dec. 24 | Same subject. Arbitration by The Hague Tribunal. Instructs to urge the Venezuelan Government to declare its acceptance, in principle, of Terms of Great Britain and Germany will be cabled upon such acceptance. | 801 |
| | Mr. Bowen to Mr. Hay (telegram). | Dec. 25 | Same subject. Arbitration by The Hague Tribunal accepted, in principle, by the Venezuelan Government. | 802 |
| | Mr. Hay to Mr. Bowen (telegram). | Dec. 27 | Same subject. Communicates the German and British propositions in regard to preliminary conditions of arbitration. | 802 |
| 145 | Mr. Bowen to Mr. Hay.....do... |do... | Same subject. Incloses text of a petition of leading citizens of Caracas asking that Minister Bowen be empowered to act in Venezuela's behalf. | 802 |

VENEZUELA—Continued.

| No. | From and to whom. | Date. | Subject. | Page. |
|-----|--|------------------|--|-------|
| | Mr. Bowen to Mr. Hay (telegram). | 1903. Dec. 31 | Difficulty with Germany and Great Britain. Transmits President Castro's reply to the German and British propositions in regard to preliminary conditions of arbitration, and asks that the blockade of Venezuelan ports be raised at once. | 803 |
| | Same to same (telegram).... | 1903. Jan. 7 | Same subject. Transmits President Castro's acceptance of the preliminary conditions of arbitration, states the custom-houses will be the guaranty, and again asks that the blockade be raised. | 803 |
| | Mr. Hay to Mr. Bowen (telegram). | Jan. 10 | Same subject. Preliminaries, including the raising of the blockade, can not be adjusted until Mr. Bowen's arrival at Washington. | 803 |
| | Protocol of agreement between the United States and Venezuela. | Feb. 17 | For submission to arbitration of all unsettled claims of citizens of the United States against Venezuela. Text. | 804 |
| 170 | Mr. Russell to Mr. Hay..... | Apr. 26 | Rights and duties of aliens. Incloses translation of the law defining. The diplomatic corps held a meeting to discuss its provisions, but without reaching a decision. Asks instructions in case an appointee as vice-consul or consular agent is refused an exequatur on account of being engaged in business and coming within the provision of the law. | 806 |
| 118 | Mr. Hay to Mr. Russell..... | May 15 | Same subject. Points out for communication to the Venezuelan Government the unfriendly feature of such action toward the United States. | 808 |

CIRCULAR.

| | | | |
|----------------|------------------|--|---------|
| Circular | 1903. Nov. 14 | Recognition of the Republic of Panama by the President of the United States. | lxxxiii |
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CORRESPONDENCE.

CIRCULAR.

RECOGNITION OF THE REPUBLIC OF PANAMA.

Mr. Hay to Mr. Ames.^a

[Telegram.]

DEPARTMENT OF STATE,
Washington, November 14, 1903.

The President yesterday fully recognized the Republic of Panama and formally received its minister plenipotentiary. You will promptly communicate this to the Government to which you are accredited.

JOHN HAY.

^a Same instruction, mutatis mutandis, to all United States diplomatic representatives.



Dono Tachino

ARGENTINE REPUBLIC.

"MONROE DOCTRINE" AND DIPLOMATIC CLAIMS OF EUROPEAN POWERS.^a

Señor Luis M. Drago, Minister of Foreign Relations of the Argentine Republic, to Señor Martín García Mérou, Minister of the Argentine Republic to the United States.

[Transmitted to the Department of State by the Argentine Minister.]

[Translation.]

ARGENTINE REPUBLIC,
MINISTRY OF FOREIGN RELATIONS AND WORSHIP,
Buenos Aires, December 29, 1902.

MR. MINISTER: I have received your excellency's telegram of the 20th instant concerning the events that have lately taken place between the Government of the Republic of Venezuela and the Governments of Great Britain and Germany. According to your excellency's information the origin of the disagreement is, in part, the damages suffered by subjects of the claimant nations during the revolutions and wars that have recently occurred within the borders of the Republic mentioned, and in part also the fact that certain payments on the external debt of the nation have not been met at the proper time.

Leaving out of consideration the first class of claims the adequate adjustment of which it would be necessary to consult the laws of the several countries, this Government has deemed it expedient to transmit to your excellency some considerations with reference to the forcible collection of the public debt suggested by the events that have taken place.

At the outset it is to be noted in this connection that the capitalist who lends his money to a foreign state always takes into account the resources of the country and the probability, greater or less, that the obligations contracted will be fulfilled without delay.

All governments thus enjoy different credit according to their degree of civilization and culture and their conduct in business transactions; and these conditions are measured and weighed before making any loan, the terms being made more or less onerous in accordance with the precise data concerning them which bankers always have on record.

In the first place the lender knows that he is entering into a contract with a sovereign entity, and it is an inherent qualification of all sovereignty that no proceedings for the execution of a judgment may be instituted or carried out against it, since this manner of collection would compromise its very existence and cause the independence and freedom of action of the respective government to disappear.

^aSee, also, page 788.

Among the fundamental principles of public international law which humanity has consecrated, one of the most precious is that which decrees that all states, whatever be the force at their disposal, are entities in law, perfectly equal one to another, and mutually entitled by virtue thereof to the same consideration and respect.

The acknowledgment of the debt, the payment of it in its entirety, can and must be made by the nation without diminution of its inherent rights as a sovereign entity, but the summary and immediate collection at a given moment, by means of force, would occasion nothing less than the ruin of the weakest nations, and the absorption of their governments, together with all the functions inherent in them, by the mighty of the earth. The principles proclaimed on this continent of America are otherwise. "Contracts between a nation and private individuals are obligatory according to the conscience of the sovereign, and may not be the object of compelling force," said the illustrious Hamilton. "They confer no right of action contrary to the sovereign will."

The United States has gone very far in this direction. The eleventh amendment to its Constitution provided in effect, with the unanimous assent of the people, that the judicial power of the nation should not be extended to any suit in law or equity prosecuted against one of the United States by citizens of another State, or by citizens or subjects of any foreign State. The Argentine Government has made its provinces indictable, and has even adopted the principle that the nation itself may be brought to trial before the supreme court on contracts which it enters into with individuals.

What has not been established, what could in no wise be admitted; is that, once the amount for which it may be indebted has been determined by legal judgment, it should be deprived of the right to choose the manner and the time of payment, in which it has as much interest as the creditor himself, or more, since its credit and its national honor are involved therein.

This is in no wise a defense for bad faith, disorder, and deliberate and voluntary insolvency. It is intended merely to preserve the dignity of the public international entity which may not thus be dragged into war with detriment to those high ends which determine the existence and liberty of nations.

The fact that collection can not be accomplished by means of violence does not, on the other hand, render valueless the acknowledgment of the public debt, the definite obligation of paying it.

The State continues to exist in its capacity as such, and sooner or later the gloomy situations are cleared up, resources increase, common aspirations of equity and justice prevail, and the most neglected promises are kept.

The decision, then, which declares the obligation to pay a debt, whether it be given by the tribunals of the country or by those of international arbitration, which manifest the abiding zeal for justice as the basis of the political relations of nations, constitutes an indisputable title which can not be compared to the uncertain right of one whose claims are not recognized and who sees himself driven to appeal to force in order that they may be satisfied.

As these are the sentiments of justice, loyalty, and honor which animate the Argentine people and have always inspired its policy, your excellency will understand that it has felt alarmed at the knowledge

that the failure of Venezuela to meet the payments of its public debt is given as one of the determining causes of the capture of its fleet, the bombardment of one of its ports, and the establishment of a rigorous blockade along its shores. If such proceedings were to be definitely adopted they would establish a precedent dangerous to the security and the peace of the nations of this part of America.

The collection of loans by military means implies territorial occupation to make them effective, and territorial occupation signifies the suppression or subordination of the governments of the countries on which it is imposed.

Such a situation seems obviously at variance with the principles many times proclaimed by the nations of America, and particularly with the Monroe doctrine, sustained and defended with so much zeal on all occasions by the United States, a doctrine to which the Argentine Republic has heretofore solemnly adhered.

Among the principles which the memorable message of December 2, 1823, enunciates, there are two great declarations which particularly refer to these republics, viz, "The American continents are henceforth not to be considered as subjects for colonization by any European powers," and "* * * with the governments * * * whose independence we have * * * acknowledged, we could not view any interposition for the purpose of oppressing them or controlling in any other manner their destiny by any European power in any other light than as the manifestation of an unfriendly disposition toward the United States."

The right to forbid new colonial dominions within the limits of this continent has been many times admitted by the public men of England. To her sympathy is due, it may be said, the great success which the Monroe doctrine achieved immediately on its publication. But in very recent times there has been observed a marked tendency among the publicists and in the various expressions of European opinion to call attention to these countries as a suitable field for future territorial expansion. Thinkers of the highest order have pointed out the desirability of turning in this direction the great efforts which the principal powers of Europe have exerted for the conquest of sterile regions with trying climates and in remote regions of the earth. The European writers are already many who point to the territory of South America, with its great riches, its sunny sky, and its climate propitious for all products, as, of necessity, the stage on which the great powers, who have their arms and implements of conquest already prepared, are to struggle for the supremacy in the course of this century.

The human tendency to expansion, thus inflamed by the suggestions of public opinion and the press, may, at any moment, take an aggressive direction, even against the will of the present governing classes. And it will not be denied that the simplest way to the setting aside and easy ejection of the rightful authorities by European governments is just this way of financial interventions—as might be shown by many examples. We in no wise pretend that the South American nations are, from any point of view, exempt from the responsibilities of all sorts which violations of international law impose on civilized peoples. We do not nor can we pretend that these countries occupy an exceptional position in their relations with European powers, which have the indubitable right to protect their subjects as completely as

in any other part of the world against the persecutions and injustices of which they may be the victims. The only principle which the Argentine Republic maintains and which it would, with great satisfaction, see adopted, in view of the events in Venezuela, by a nation that enjoys such great authority and prestige as does the United States, is the principle, already accepted, that there can be no territorial expansion in America on the part of Europe, nor any oppression of the peoples of this continent, because an unfortunate financial situation may compel some one of them to postpone the fulfillment of its promises. In a word, the principle which she would like to see recognized is: that the public debt can not occasion armed intervention nor even the actual occupation of the territory of American nations by a European power.

The loss of prestige and credit experienced by States which fail to satisfy the rightful claims of their lawful creditors brings with it difficulties of such magnitude as to render it unnecessary for foreign intervention to aggravate with its oppression the temporary misfortunes of insolvency.

The Argentine Government could cite its own example to demonstrate the needlessness of armed intervention in these cases.

The payment of the English debt of 1824 was spontaneously resumed by her after an interruption of thirty years, occasioned by the anarchy and the disturbances which seriously affected the country during this period, and all the back payments and all the interest payments were scrupulously made without any steps to this end having been taken by the creditors.

Later on a series of financial happenings and reverses completely beyond the control of her authorities compelled her for the moment to suspend the payment of the foreign debt. She had, however, the firm and fixed intention of resuming the payments as soon as circumstances should permit, and she did so actually some time afterwards, at the cost of great sacrifices, but of her own free will and without the interference or the threats of any foreign power. And it has been because of her perfectly scrupulous, regular, and honest proceedings, because of her high sentiment of equity and justice so fully demonstrated, that the difficulties undergone, instead of diminishing, have increased her credit in the markets of Europe. It may be affirmed with entire certainty that so flattering a result would not have been obtained had the creditors deemed it expedient to intervene with violence at the critical financial period, which was thus passed through successfully. We do not nor can we fear that such circumstances will be repeated.

At this time, then, no selfish feeling animates us, nor do we seek our own advantage in manifesting our desire that the public debt of States should not serve as a reason for an armed attack on such States. Quite as little do we harbor any sentiment of hostility with regard to the nations of Europe. On the contrary, we have maintained with all of them since our emancipation the most friendly relations, especially with England, to whom we have recently given the best proof of the confidence which her justice and equanimity inspire in us by intrusting to her decision the most important of our international questions, which she has just decided, fixing our limits with Chile after a controversy of more than seventy years.

We know that where England goes civilization accompanies her,

and the benefits of political and civil liberty are extended. Therefore we esteem her, but this does not mean that we should adhere with equal sympathy to her policy in the improbable case of her attempting to oppress the nationalities of this continent which are struggling for their own progress, which have already overcome the greatest difficulties and will surely triumph—to the honor of democratic institutions. Long, perhaps, is the road that the South American nations still have to travel. But they have faith enough and energy and worth sufficient to bring them to their final development with mutual support.

And it is because of this sentiment of continental brotherhood and because of the force which is always derived from the moral support of a whole people that I address you, in pursuance of instructions from His Excellency the President of the Republic, that you may communicate to the Government of the United States our point of view regarding the events in the further development of which that Government is to take so important a part, in order that it may have it in mind as the sincere expression of the sentiments of a nation that has faith in its destiny and in that of this whole continent, at whose head march the United States, realizing our ideals and affording us examples.

Please accept, etc.,

LUIS M. DRAGO.

Mr. Hay to Señor García Mérou.

DEPARTMENT OF STATE,
Washington, February 17, 1903.

MY DEAR MR. MINISTER: I inclose a memorandum in regard to Mr. Drago's instruction of December 29, 1902, a copy of which you left with me.

I am, etc.,

JOHN HAY.

[Inclosure.]

MEMORANDUM.

Without expressing assent to or dissent from the propositions ably set forth in the note of the Argentine minister of foreign relations dated December 29, 1902, the general position of the Government of the United States in the matter is indicated in recent messages of the President.

The President declared in his message to Congress, December 3, 1901, that by the Monroe doctrine "we do not guarantee any State against punishment if it misconducts itself, provided that punishment does not take the form of the acquisition of territory by any non-American power."

In harmony with the foregoing language, the President announced in his message of December 2, 1902:

No independent nation in America need have the slightest fear of aggression from the United States. It behooves each one to maintain order within its own borders and to discharge its just obligations to foreigners. When this is done they can rest assured that, be they strong or weak, they have nothing to dread from outside interference.

Advocating and adhering in practice in questions concerning itself to the resort of international arbitration in settlement of controversies not adjustable by the orderly treatment of diplomatic negotiation, the Government of the United States would always be glad to see the questions of the justice of claims by one State against another growing out of individual wrongs or national obligations, as well as the guarantees for the execution of whatever award may be made, left to the decision of an impartial arbitral tribunal before which the litigant nations, weak and strong alike, may stand as equals in the eye of international law and mutual duty.

Mr. Ames to Mr. Hay.

No. 255.]

LEGATION OF THE UNITED STATES,
Buenos Aires, May 5, 1903.

SIR: I have the honor to inform you that the favorable reception given by the press of the United States to Doctor Drago's note *re* the collection of public debts by force has occasioned general satisfaction here. When I last called on Doctor Drago he showed me some thirty or forty articles relative to his note clipped from leading papers of the United States and sent him by the Argentine minister in Washington. He was very much elated over their favorable tone and pointed out to me with manifest satisfaction certain of the more complimentary comments. The leading newspapers here have also expressed their gratification at the favorable reception accorded the note in question by our press and have published translations of various excerpts therefrom. *La Nación*, in its issue of Sunday, the 3d instant, published an editorial which embodied extracts from the *New York Sun*, the *New York Daily Tribune*, the *St. Louis Globe-Democrat*, the *Chicago Inter Ocean*, the *Boston Journal*, the *Atlanta Constitution*, and other leading papers, and which concluded with the following paragraph:

The previous extracts, which are far from being all we have, show in an obvious manner the echo which the Argentine note of December 29 has awakened in the American people and the support which the doctrine it expounds has found in that country for the most part. As time passes this support will become more general and it will eventually lead the American Government to declare itself definitely in favor of our doctrine. It is highly significant that among thousands of articles that have appeared in the United States there is not one that shows opposition to the propositions contained in the note referred to.

I can not but feel that this sentiment of satisfaction is reflected in a friendlier attitude toward America and Americans on the part of the general public here. Such impressions are, I know, often erroneous, but it seems to me that I notice a general increase of cordiality toward us. It may have no value commercially or otherwise, but it seems worthy of cultivation.

I have, etc.,

EDWARD WINSLOW AMES,
Chargé d'Affaires ad interim.

MESSAGE OF PRESIDENT OF ARGENTINE REPUBLIC.

Mr. Ames to Mr. Hay.

No. 257.]

LEGATION OF THE UNITED STATES,
Buenos Aires, May 6, 1903.

SIR: I have the honor to transmit under separate cover three copies of the message^a read on the 4th instant, at the opening of the Argentine Congress, by the President of the Republic. The translations, or rather *résumés*, in English, which are inclosed herewith, are from the Standard and the Herald. The Standard's *résumé* is in most respects the better, and its rendering of the paragraphs anent the Monroe doctrine and the Argentine note I can commend as a particularly accurate translation. Such portions of the Herald's *résumé* as complete or amplify the Standard's version are printed in italics. These passages and the whole Standard excerpt taken together give an adequate rendering of the entire message.

The comments of the local press on the message are generally unfavorable. It is contended that the internal questions, such as proper currency legislation, repeal of unconstitutional laws and taxes, the better administration of justice, the better ordering of provincial governments, etc.—questions of vital importance to the people—have been scarcely touched upon, while much stress has been laid on the extraordinary success and prosperity of the country externally, the establishment of peace with Chile, the tremendous crops, the greatly increased balance of trade in the country's favor, and all the other conditions, a knowledge of which is likely to improve Argentine credit abroad. On the other hand, and apparently for this very reason, the opinions of the European press, as quoted in the Buenos Aires papers, are for the most part complimentary. Unquestionably the message has strengthened Argentine credit abroad.

I have, etc.,

EDWARD WINSLOW AMES,
Chargé d'Affaires ad interim.

[Inclosure 1.—From the Standard, May 5, 1903.]

MESSAGE.

GENTLEMEN, SENATORS, AND DEPUTIES:

Congress opens this year's session with the Republic freed from fears, misunderstandings, complications, or dangers of any kind at home or abroad, other nations regarding it as in a flourishing and prosperous condition of vigorous development. The crisis has been long and severe, but we have known how to bear and surmount bad times and misfortunes by perseverance and firmness, while acquiring experience which we must utilize in the future.

An era of positive and real progress has now commenced. The country has full confidence in its own powers and is energetically devoting itself to reproductive labor. Capital is again flowing to it in large amounts, and Argentine credit, we note with intense satisfaction, is completely restored in the European markets, as it is the most powerful factor in our wealth and civilization.

The splendid harvests we have been favored with, which evoke remembrance of Biblical blessings, have stimulated enterprise in all classes, and this enterprise will be further stimulated by the prosperous year. The industrial, commercial life of the

^a Spanish text not printed.

country has recovered its former vigor. Imports have increased, exports have reached unprecedented proportions, the revenue is increasing, and business in all branches shows a notable and favorable reaction.

FOREIGN AFFAIRS.

Our relations with other foreign nations have been increasingly cordial and the representatives of the most distant countries have brought us their friendship and sympathy, giving proof of a feeling of human concord and solidarity.

You are aware that in spite of our boundary question with Chile having been submitted to the arbitration of His Britannic Majesty, rivalry and distrust still existed between the two peoples and were accentuated by incidents inevitable in so prolonged a dispute respecting an extensive frontier. At a very critical moment, however, the two Governments entered into an agreement for general arbitration, the equivalence of their fleets, and the designation of the same arbitrator for the demarcation of the boundary line.

This agreement, which received your sanction after luminous debates, and also the unanimous approval of the people (constituting a noble example and a grand lesson which was applauded all over the world), prepared the way for the respectful obedience of the two peoples to the award of His Britannic Majesty, which put an end to the arduous controversy of more than half a century.

The two nations have thus averted, without loss of dignity, the great dangers to which their long-standing litigation had exposed them, and they understood that they had to avoid any criticism which might weaken the authority of a decree giving evidence of the spirit of the equity and justice which had guided the arbitrator.

I must now acknowledge the debt of gratitude due to His Britannic Majesty who, with such good will, accepted the opportunity to render this eminent service to the two peoples, who, thanks to him, will henceforth recognize the same line of demarcation.

The arbitrator proceeded with exceptional celerity, as if to compensate for the delays and prolonged expectations of the past, to make effective the power with which he had been invested, and the commissions appointed by him to mark out the boundary line have already completed their task. The boundary marks fixed in the Cordillera will not only point out the line of territorial division but will also be an indestructible record of the realization of the most noble aspirations and ideals of the rights of nations.

The results of this policy begin to be felt. The two peoples are establishing a sure basis for their future relations upon reciprocal esteem and respect. Commerce is returning to its accustomed channels and the arts of civilization and peace are reviving.

The Argentine Republic has once more demonstrated the traditional elevation and disinterestedness of its international policy.

Much emotion was felt in America in consequence of the intervention of some European nations in Venezuela, one cause alleged for it being the omission to meet the service of the debt contracted by that nation in order to carry out some public works. This led to the supposition that when foreign citizens or subjects contracted for loans of a public character the State to which they belong is also a party to the operations, although the lenders might not have relied upon that intervention and might have calculated the circumstances of the borrowing country in order to fix the conditions of the loan. A private contract would thus be converted into an international obligation. This appeared to me to be the enunciation of a dangerous doctrine, to which I ought not to remain indifferent. The note, in which this Government made known to the United States its opinions upon the matter has already been made public, merely pointed out the dangers to the nations of this continent involved in the doctrine by virtue of which loans of a public character contracted for by foreigners, after taking into account the conditions of the borrowing country and imposing upon it more or less onerous stipulations and interest, can be converted at a given moment, without any exhibition of bad faith on the part of the debtor, into a cause of international complaint authorizing the employment of force and the subordination and tutelage of the local governments, if not their total disappearance, as the result of financial interventions.

At first the comments made upon this communication, before its exact terms were known, were not generally favorable to it, but afterwards there was a reaction of public opinion, as well in Europe as in America, and it was recognized as being justified and it was admitted that in the circumstances of the case we could assume no other attitude. The Argentine note was, in reality, confined to the enunciation of elementary principles including the indisputable rights of these nationalities to grow and be developed under the shelter of international law. Its doctrine does not exclude any

of the obligations which that law imposes upon civilized peoples; it does not recognize supremacies or lessen responsibilities. Limiting itself to assert the sovereignty of nations, it expresses at the same time the commotions and alarm which would be produced by any act of colonization or conquest in any region of the continent.

The reply of the United States coincides, in substance, with these declarations and recommends international arbitration for settling questions which may arise in reference to national obligations. Though it has not stated its policy with regard to the compulsory recovery of public debts (which it was not in any way asked to do), it is satisfactory to state that the Argentine note has not fallen into a vacuum, but that authoritative and eloquent speeches have been delivered, even in the British Parliament, in support of our doctrine.

It is understood, in fact, that the Republic has not gone in search of protectors or alliances, but has merely stated its views respecting European intervention in a section of this continent which has been convoked more than once to hear the opinion of its States and to establish the consequent bases of a common right.

FINANCE.

The apprehensions of war and loss of crops in some provinces in the period 1901-2 determined a marked commercial paralysis and brought in their train an inevitable and severe shrinkage in the public revenue.

The ordinary and extraordinary expenditure of 1902 was fixed at \$33,027,223 gold and \$102,946,092 currency, as against an estimated revenue of \$47,413,347 gold and \$72,890,000 currency. Meantime the revenue from all sources only amounted to \$40,240,264 gold and \$69,129,483 currency, showing a deficit on the estimates of \$7,173,082 gold and \$3,760,516 currency, or say a total in currency of \$20,108,432 c/l.

This would naturally have produced a very considerable difference but for the fact of the Executive, noting the decline in the revenue, having curtailed the expenditure to the greatest possible limit conformable with the regular march of government. Due to this system of economy and to the assistance lent to the treasury by the Banco Nacional provided by the budget law the deficit was reduced to its lowest expression, and has been cleared off since by application of surplus revenue over estimates during first months of this year.

The severe shrinkage in imports and revenue experienced last year was compensated by increase of exports which ran to \$179,486,727 gold, being \$11,760,625 gold in excess of the 1901 figure, and the balance of trade in favor of the country was represented by \$76,447,471 gold, the effect of which has been felt in various ways, especially in the exchange market, which has constantly shown rates favorable to the country thus offering facility for payment of imports and official obligations.

The exchange rate is constantly improving. Our internal and external bonds are attaining the highest quotations.

Having resumed from July 1, 1901, the amortization of our foreign consolidated debt, suspended as from 1893, the service has been made punctually. In 1902 there was disbursed on this head \$5,368,466 gold. This same year the nation amortized \$8,028,993 currency and \$459,600 gold of its internal debt; as, however, in respect of special laws there was an emission of \$2,892,600 currency, the net decrease in our internal debt in 1902 was \$5,136,393 currency and \$459,600 gold.

The exactitude and correctness of our proceedings has undoubtedly tended to strengthen our credit and to afford greater facilities for financial operations. The quotation of some of our 5 and 6 per cent stocks over par allows us to foresee the possibility of reducing the interest at some future time by means habitually employed in other countries. This same improvement in credit has allowed the Executive to place on advantageous terms the bonds of the 1891 issue and those of the Banco Nacional, operations authorized by your honors, so that the promise to negotiate these securities only on honorable terms for the nation has been strictly fulfilled.

It must also be considered as a revelation of the wealth of the Republic and the confidence it inspires that an enormous stock of gold has flowed into the country, unequivocal proof of the reality and solidity of the economic reaction. In the caja de conversion alone there are over \$23,000,000 gold issued against paper at the rate fixed by law. I am decidedly of opinion that this law should be maintained and that we should replace, when possible by the treasury, the funds distrained and applied to other objects for reasons already known. In this way the promise to convert the currency at the rate already fixed, which can not be modified without causing great economic and commercial perturbation, can be made effective within a period more or less measurable.

Among the measures to be recommended for legislative attention perhaps there is none more efficacious than that having for its object the revision of our taxation

system. The honorable Chamber of Deputies must have realized this as regards custom dues when it named a special commission of its own house to study the system and outline necessary reforms. The Executive looks upon this move as matter for congratulation, and, while ready to assist it forward in every way, thinks it might be made extensive to the internal taxes.

The prosperous march noted in every branch of production and commerce, and which must find a reflection in the revenue, will allow us to suppress the 5 per cent additional on imports created to cover the exigencies of an abnormal situation. I think the framing of the budget for next year will be an opportune moment for relieving imports of this burden.

The law, No. 4064, of January 24, 1902, authorizes the Executive to construct public works to a sum of \$15,000,000 gold, and at the same time to issue obligations on the railways owned by the nation.

In consideration that it might be prejudicial to the national credit to take advantage of the latter for the object in view, I thought it would be advisable to limit action to applying the securities given in guarantee of loans when released, deducting the sum to be handed to the Banco de la Nacion Argentina in accordance with the law, No. 4053, of January 13, 1902.

In these circumstances Messrs. Greenwood & Co. declared their option on the totality of the port obligations, which they held as guarantee, to a sum of £1,459,400, at the rate stipulated of 85 per cent. The sale of these bonds leaves the Government with a balance of \$3,613,654 gold.

The reasons which forced the Government to contract this debt at short date are already known, the principal one being to avert the sale of the same bonds at a figure which it was calculated could not pass 70 per cent and which the construction company had the right to sell. In view of these antecedents, it must be admitted that the negotiation has been most satisfactory.

AGRICULTURE.

To all the branches dependent on the ministry of agriculture, which are closely united with the development of the public riches, a vigorous impulse has been given. The administration is being developed on secure bases, and attends to immigration, colonization, agricultural and pastoral education, exploration of territories, mines, and sources of water, questions of sanitary police of animals, and to the problems of national and international commerce.

Immigration has diminished owing to the crisis and to bad harvests in recent years, and last year the arrivals exceeded the departures by only 13,560 persons. However, those who leave are less adapted to the necessities of the country than those who are now arriving, who are mostly agricultural laborers and easily find well-remunerated employment, and I am convinced that, when our economic conditions improve, better guarantees of peace and justice are given, suitable regulations are made for labor, and our great natural industries are perfected, the immigratory current will again increase.

As regards the public lands, the law of last year will permit them to be devoted to different uses according to their quality and will facilitate the disposal of them to real settlers. Already several lots of a league each in Chubut have been sold for pastoral colonies to immigrants from South Africa and elsewhere upon condition of their becoming naturalized. This will be the most rapid and convenient form of colonization for Patagonia, which can support many millions of cattle and sheep. Meanwhile various commissions are exploring regions hitherto almost unknown.

The administration has recovered for the nation 325,264 hectares comprised in concessions of which the conditions were not fulfilled; 9,947,000 hectares have been measured by the commissions appointed in 1901 and 40,732,000 are being explored, so that by the end of this year we shall have all necessary information respecting 50,000,000 hectares, or 20,000 square leagues, being more than one-half of the area of the State lands.

The national colonies are making rapid progress, as also are the towns on the Atlantic coast, and 60 leagues have been reserved for colonists from South Africa. The ministry is also endeavoring to attract to these territories immigrants from the north of Europe.

Agriculture is constantly progressing, and 8,000,000 hectares are now devoted to the cultivation of wheat, linseed, maize, and other cereals, against the 3,000,000 of ten years ago.

Preferential attention has been given to agricultural and pastoral education, and practical schools have been established at Villa Casilda and Cordoba, and others are being installed at Tucuman, San Juan, Las Delicias, Bella Vista, and Posadas. The

diffusion of technical knowledge and the complete teaching of agriculture and stock raising, from simple elementary notions to the superior agronomic and veterinary schools, are indispensable for making the best use of the favorable conditions of our climate and soil.

LIVE STOCK ABROAD.

The alterations made at the end of last year, of the law of sanitary police for animals and the regulations made by the Executive, perfected the service which guarantees us against the introduction of exotic contagious diseases, insures the scrupulous inspection of animals intended for exportation, and establishes energetic measures against the diseases existing in the country. A convention was also entered into with the Government of the Republic of Uruguay for the adoption of identical sanitary precautions simultaneously by the two Republics, thus facilitating their exchange of live stock. The result of these operations was the reopening of the British ports, and in the first quarter of this year 25,000 head of cattle and 95,000 sheep have been exported. To insure and increase these benefits, it is only necessary to extend and perfect the technical personnel of our sanitary inspection in the proportion required for the security, importance, and reputation of our live-stock industry.

The exportation of frozen meat during 1902 represented a value of \$13,572,000 gold, against \$7,000,000 in 1900. The exportation of butter also increased from \$264,000 gold in 1900 to \$1,280,000 gold in 1902. This is a new source of wealth which is destined to attain an extraordinary development.

RAILWAYS.

The importance which certain railway companies have acquired and the increased number of lines authorized by national and provincial laws at different epochs, have given rise to problems which have also been witnessed in other countries in similar conditions, and which will have to be resolved in the same way, harmonizing private and public interests.

This is what is happening with the fusion of some companies. Monopoly has in many instances been the last grade arrived at after a disastrous competition, and in the impossibility of averting these phenomena which are beyond the action of the authorities the intervention of the latter must be directed to supervision of those points in which the private interest of the companies can come into conflict with the general interest of the population. This difficulty overcome, the fusion of the companies may really become an advantage and benefit because it will allow them to reduce capital, economize in working expenses and thus lower tariff rate, which is the desideratum.

To this same end will tend the development of the lines owned by the nation, the tariffs of which, based on principles of equity and having for principal object the public interest, may mark a level which the private lines can approach. This is all the more practicable, taking into consideration the fact that it is to the interest of the companies themselves to reduce their rates to a minimum in order to expand their traffic.

In pursuit of these ideals, a commencement had to be made with the national lines, normalizing administration and exploitation in order to make receipts and expenses balance, which has been effected, and the plan will be further developed under the laws recently sanctioned for the railway to Bolivia, to Ledesma, Chaco, San Juan, Santa Fe, and Famatina (cable), laws which are in actual execution, while the valleys of Salta and Catamarca are being studied and surveyed with a view to extending the lines to centers of production and thus provide cheap transport.

The Central Argentine and Buenos Aires and Rosario railways have presented themselves to the Government, requesting permission to amalgamate. The Executive is studying the matter attentively, and will lay it before you for your consideration.

PERORATION.

Gentlemen, we are on the threshold of a historical period when all the elements of life and prosperity of the country appear to combine to augur happy times for it; and it is beginning to excite the interest and curiosity of the world through its culture, its extraordinary powers of production, and its rapid development.

In our short and eventful existence as a nation we have traveled over a long road strewn with civil wars, crises, tyranny, and disorder, and we can now look to the future free from the uncertainty and anxiety of former times, which more than once made the most sincere and strong-minded patriots despair of our lot.

We have still much to achieve and many self-conquests to make which even countries of centuries' growth have not yet achieved in the science of government.

Republican government is based more on habits and customs than on written law, and requires a constant exercise by the citizens of their political liberty of action in the multiple economic and social interests of the community.

The electoral law you voted last year will not be sterile in promoting political progress. The defects of the old electoral system will disappear with it if the political parties honorably comply with the new law, and the judges apply it with the same impartiality as they now do the common law.

Senators and deputies, when next year for the last time I open Congress, the electors of the new President of the Republic will have been elected. My most sincere wish is to see the highest aspirations of Argentine patriotism fulfilled in this election, so that the laws and head of the nation may be worthy of respect at home and abroad and a guaranty of peace and progress.

In opening your session I implore the guidance of Divine Providence for your deliberations.

[Inclosure 2.—From the Buenos Aires Herald, May 5, 1903.]

INTERNAL AFFAIRS.

The internal affairs of the country are prosperous, and there has been no conflict between provinces or between the nation and the provinces. The intervention in Buenos Aires in February and March, and the abstention from intervention in Rioja, where the legislature had deposed the governor, were in accordance with the constitutional powers of the Government. The national territories are developing at a great pace, on account of their great natural wealth and the greater increase of the ways of communication with them. The Executive thinks that the law of 1884 concerning the territories needs revision. This reform was proposed in the message of 1900, and in a bill presented in August, 1900, to which the Executive had made certain amendments.

During the last month of last session strikes which threatened the public wealth during the nation's greatest development broke out. A state of siege was ordered in Buenos Aires and Santa Fe, where the chief ports threatened by the strike are. This enabled the Executive to adopt extreme measures for the protection of commerce. Congress had at that moment thought it convenient to sanction the law of residence. This law had long been lacking in our statute book. It was capable of modification, and could now be discussed in a calm manner. The law of residence could not be considered a limitation of the right to inhabit our soil, but gave confidence to immigration. In last year's strike twenty-six trades took part, and the strikers soon adopted an aggressive attitude against those who would not stand by their fellows. The workmen's societies were dominated by the anarchistic element. The result of the state of siege and law of residence had justified their passage.

Crimes in the capital had increased greatly of late years, and perhaps the reform of the criminal code submitted to Congress would remedy this.

The postal and telegraphic service had been extended, and it was calculated that it would have a revenue of \$6,000,000. The telegraphic system has already reached the most distant point in Patagonia, Cabo Virgenes. During the present year the line to the Cordilleras, already made as far as October 16, should be united to that of the Atlantic.

The sanitary condition of the country is satisfactory, and no exotic diseases have been reported. He recommends the sanitary bill submitted last year.

JUDICIAL.

The creation of Federal courts of appeal in the capital, La Plata, Cordoba, and Parana has completed the judicial system of the country. The supreme court has been relieved of some of its most arduous duties. It is also proposed to establish Federal courts at Bahia Blanca and Santa Fe.

It would be proposed to establish a correctional colony for minors, and to turn the present reformatory into an adult prison. The construction of Ushuaia prison is well advanced. In the territories only lesser criminals could be imprisoned. It was necessary to re-form the law for the construction of a Federal court-house.

EDUCATION.

Higher education would receive encouragement with the economic independence of the universities. The construction of a morgue and museum of natural history would complete the scheme of higher education.

Shortly a new scheme of secondary education will be presented to Congress.

The construction of normal and secondary schools will shortly be undertaken, relieving the country of the burden of rents for such schools. The recent reforms in the national colleges have increased the number of children attending them.

Primary education has greatly increased. Eleven thousand more children have entered the official schools. The financial aspect of education has also improved. At Concordia and Bahia Blanca commercial schools have been founded. The industrial school will shortly have its own building.

The frozen meat exports in 1902 amounted to \$13,752,000 gold. The butter export trade increased from \$264,000 gold in 1900 to \$1,280,000 gold in 1902. Mining operations were beginning. Coal Measures in Misiones, Neuquen, and Santa Cruz were explored and borax deposits in the Andes.

Commerce is increasing rapidly, especially that with South Africa. During the first three months of the present year imports had amounted to \$33,539,498, an increase of \$5,955,223 over those of the same quarter of the last year, and it is calculated they may be \$123,000,000 gold during the year, an increase of \$20,000,000. Exports during the first three months have been \$69,351,199, an increase of \$12,639,251 gold over those of the first quarter of 1901-2. It was calculated that they will amount to \$250,000,000 in the year, an increase of \$76,000,000.

Maritime trade is increasing, and the tonnage entered and cleared this year is calculated at 11,000,000 gross register. The coasting trade by both the Government vessels and the Hamburg-Sud Americaner Line has been prosperous.

RAILWAYS AND WORKS.

Financial difficulties in recent times have delayed the making of various public works. The rapid rise of several railways has given birth to new problems of harmonizing public with private interests. After great competition some companies have been fused. Intervention in this matter should be limited to regulating the points where public interest is at war with private. This done, the fusion of railways might even be of great benefit. The development of the national railways would tend to the cheapening of transportation. The national railways have been reformed so that their expenses are covered by their revenue without aid from the taxpayer. The line to Bolivia would make the working of the lines cheaper, as also those to Ledesma, the Chaco, San Juan, Santa Fe, and the Telfer Line to Famatina.

The Central Argentine and Rosario railways had asked the Government to recognize their fusion, and the petition would be sent to Congress for consideration. During the year 388 kilometers of new railways had been opened. The Republic had now 18,000 kilometers. Nearly 20,000,000 passengers had been carried and over 14,000,000 tons of merchandise. The gross earnings had been \$42,489,000 and the net \$20,000,000 gold.

Improvements had been made in the navigation of the rivers. In October last a contract was signed for the construction of a port at Rosario. It is hoped that at the end of next year the first section of that port would be opened to public use. The tenders for the extension of the port of the capital have not been accepted, as they were not within the terms prescribed by the law. A new plan is being discussed.

The military port has its essential works completed, and there is no hurry over the rest of them.

The San Juan dam had been completed, and a similar one was being made on the Rio V at Villa Mercedes. Works are being made to supply several provincial capitals with water. The sanitary works of the capital are being extended and will increase the revenue of the works, which amounted the last year to \$5,460,000 gross and \$3,450,000 net.

The Congress Hall works are being pushed forward, and next year Congress will be opened in a hall worthy of Argentina. The works of the open-door lunatics' colony are well under way.

ARMY AND NAVY.

The army has made great progress. The conscription law has been carried out scrupulously. A new enrollment has taken place, and 260,451 citizens have enrolled in the line and 210,643 in the national and territorial guards. It is necessary to modify the recruiting, retirement, and other military laws.

The pact with Chile concerning naval disarmament has been religiously carried out, and great economy has resulted. The staff whose services were thus no longer needed were employed in other duties, such as the survey of the river and its lighting.

It is to be hoped that the change of electoral system may abolish many political vices of the past.

When Congress next opens the legislature will have been renewed and the electoral college appointed which will choose a new President.

AUSTRIA-HUNGARY.

STATUS AND POWERS OF COMMERCIAL AGENTS OF THE UNITED STATES.

Mr. Storer to Mr. Hay.

No. 7.]

EMBASSY OF THE UNITED STATES,
Vienna, January 23, 1903.

SIR: The matter of the appointment of John Steel Twells, of Pennsylvania, as consular agent at Carlsbad, has experienced some delay, the reasons of which I beg to report.

Notwithstanding the instruction No. 60 of the Department, which transmitted Mr. Twells's commission, directed Mr. Hale, as chargé, to apply to the foreign office for his formal recognition as consular agent, it was presumed the commission, which was inclosed, naming him commercial agent, contained the correct designation of his office, and the application to the foreign office was made to recognize him in the latter capacity. The uncertainty as to which office Mr. Twells had been appointed would have demanded inquiry from the Department had not an inspection of the official list of United States consular officers, contained in the last Congressional Directory, described him as commercial agent. Before I took over the affairs of the embassy the foreign office had requested Mr. Hale's presence in order to point out to him that under the consular treaty of 1870, between the United States and Austria, no such officer was recognized as commercial agent. Mr. Hale was informed that the Imperial Government, while desirous in any way of showing amity toward the United States, could not issue an exequatur, according to a treaty, to an official who was not designated in that treaty, and he was asked to advise the Department of the condition of affairs and ask what were the intentions or wishes of the United States. On my arrival I suggested that the embassy would prefer to have a written note of the objection of the Austrian Government before reporting the matter to the Department, and such a note was promised on the part of the foreign office.

Yesterday the foreign office sent back the commission of Mr. Twells with a note, of which I inclose a copy as well as a translation.

It will be seen that, to all appearances, the foreign office has retired from its former attitude and has summarily taken the words "commercial" and "consular" to have the same meaning and force. Provisional recognition, therefore, with privilege of entering on his duties seems to be granted to Mr. Twells as commercial (consular) agent, and his exequatur under the same official designation is promised in due course of time.

This commission as commercial agent will remain in the embassy until notice of the issue of the exequatur is received, and then it will be transmitted to Mr. Twells.

Should the Department desire any further discussion of the terms of the consular treaty of 1870, or the proper designation thereunder of consular officers, I ask that its instructions may be given.

I have, etc.,

BELLAMY STORER.

[Inclosure.]

Translation of the note from the Imperial and Royal ministry for foreign affairs of January 19, 1903, No. 2852/10.

Referring to the esteemed note of 27th October, 1902, F. O. No. 26, the Imperial and Royal ministry for foreign affairs begs to inform the embassy of the United States of America, at the same time returning the commission transmitted with the above note, of the American citizen Mr. John Steel Twells, who has been appointed as commercial (consular) agent of the United States of America at Carlsbad, that according to a note from the Imperial and Royal minister-presidency of 13th January, 1903, z. 29 M. P., there is no objection to the appointment of the above-named gentleman as American commercial (consular) agent at Carlsbad, and that the necessary steps have been taken to provisionally recognize the above-named gentleman in that capacity, and to enable him to provisionally enter upon the discharge of his duties.

At the same time I will make request to the minister-presidency that the necessary steps in regard to the final recognition of Mr. Twells be taken, thereby enabling him to enter upon the discharge of his duties, and will inform the embassy of the United States of America thereof as soon as that final recognition took place.

Vienna, 19th January, 1903.

For the minister:

SUZZARA.

Mr. Hay to Mr. Storer.

No. 8.]

DEPARTMENT OF STATE,
Washington, February 19, 1903.

SIR: Your No. 7, of the 23d ultimo, with inclosures, relating to the appointment of John S. Twells, as commercial agent of the United States at Carlsbad, has been received.

Your assumption that Mr. Twells was to be made commercial agent and not consular agent was correct.

With reference to the attitude taken by the foreign office, in a conversation with Mr. Hale, namely, that the consular convention with Austria-Hungary of 1870 recognized no such officer as a commercial agent, I have to say that commercial agents of the United States are, by our laws, full, principal, and permanent consular officers. So far as their powers and duties in our consular service are concerned, no distinction is made by law between them and a consul, and they differ from the latter only in rank or grade. They derive their functions from the same statutes as consuls-general and consuls, and are entitled to enjoy all the powers, immunities, and privileges that under public law or otherwise are accorded to the consular office. The title of commercial agents, as representing a distinct grade in the consular service, is peculiar to our service, and such appointments are made directly by the President. It is customary to ask formal recognition and an exequatur for a commercial agent from the government to which he is accredited, as in the case of other principal consular officers.

Commercial agents, as above described, are to be distinguished from certain officers described in international law by the same title, the latter having restricted functions and privileges and being usually

appointed to countries the governments of which have not been recognized by the United States or into which it was desired to send a confidential agent whose recognition need not be asked from the local government.

You may address the foreign office in the above sense.

I am, etc.,

JOHN HAY.

Mr. Rives to Mr. Hay.

No. 19]

EMBASSY OF THE UNITED STATES,
Vienna, March 18, 1903.

SIR: Referring to the Department's dispatch No. 8, of February 19, relative to the appointment of John Steel Twells as commercial agent of the United States at Carlsbad, and containing instructions to be communicated to the Austro-Hungarian Government in reference to the functions and status of commercial agents in the United States consular service, I have the honor to inform you that I am in receipt of a note No. 13511/10 from the ministry for foreign affairs stating that Mr. John Steel Twells would be recognized as commercial (consular) agent of the United States of America at Carlsbad and allowed to enter immediately upon the official discharge of his duties.

I am further in receipt of a note No. 14549/10 from the ministry for foreign affairs acknowledging the receipt of the Department's views transmitted through this embassy relative to the functions and status of commercial agents in the United States consular service. I beg to quote from this note as follows:

While as in the esteemed note mention is made that the Government of the United States is accustomed to apply for the exequatur for commercial agents from the Government to which they are accredited; therefore, in order to avoid future misunderstandings the imperial and royal ministry for foreign affairs most respectfully informs the embassy of the United States that according to usages prevailing here (in Austria) the exequatur is not issued for consular or commercial agents, but the recognition and permission for the carrying out their consular functions will be ordered through the imperial and royal or the royal Hungarian ministry.

In other words while the Austro-Hungarian Government formally recognizes commercial agents, they will not grant them the exequatur as in the case of other principal consular officers accredited to their Government.

I respectfully submit the above for the information of the Department.

I have, etc.,

GEORGE BARCLAY RIVES,
Chargé d'Affaires ad Interim.

Mr. Hay to Mr. Storer.

No. 26.]

DEPARTMENT OF STATE,
Washington, April 9, 1903.

SIR: Mr. Rives's No. 19, of the 18th ultimo, has been received.

The recognition accorded by the Austro-Hungarian Government to John Steel Twells as "commercial (consular) agent" of the United States at Carlsbad is regarded by the Department as sufficient.

I am, etc.,

JOHN HAY.

ADMISSION OF UNITED STATES CORPORATIONS TO ENGAGE IN
BUSINESS IN AUSTRIA-HUNGARY.

Mr. Hay to Mr. Storer.

No. 53.]

DEPARTMENT OF STATE,
Washington, November 14, 1903.

SIR: I inclose a copy of a letter of the 7th instant from Charles Strauss, stating that before he is allowed to open a branch office for John Underwood & Co., manufacturers of typewriting machines, at Vienna, he will be obliged to register the firm at the "commercial court" in Vienna, and that he will be obliged to lay before the "trade authorities" there a formal attestation of the Secretary of State of the United States that Austrian subjects "are admitted to trade" in the United States.

As a matter of fact no discrimination against aliens engaging in commerce in the United States exists under Federal laws.

The Department would be glad if you would ascertain whether this requirement of the Government of Austria-Hungary is a recent one, and also what the exact form of the required certificate should be.

I am, etc.,

JOHN HAY.

[Inclosure.]

Mr. Strauss to Mr. Hay.

NEW YORK, *November 7, 1903.*

DEAR SIR: I am endeavoring to open at Vienna, Austria, a branch office for the firm of John Underwood & Co., manufacturers of and dealers in typewriting machines and typewriter supplies, having their head office at 241 Broadway, New York City. I am informed that I shall be compelled to register the firm at the commercial court in Vienna, and that I must lay before the trade authorities there, as an essential prerequisite, a formal attestation of the Secretary of State that Austrian citizens are admitted to trade here—a so-called reciprocity note. May I ask you kindly to oblige me by sending me a certificate expressing the material contents as above, and formally attested for the purpose stated. If any charges are incurred by compliance with this request, I shall remit at once upon request.

Requesting your immediate attention to the matter, I am, etc.,

CHAS. STRAUSS.

Mr. Hay to Mr. Storer.

No. 56.]

DEPARTMENT OF STATE,
Washington, November 23, 1903.

SIR: Referring to my instruction of the 14th instant, I inclose a copy of a further letter from Charles Strauss, relating to the certificate stated to be required from this Department that Austro-Hungarian subjects are free to engage in commerce in this country.

I am, etc.,

JOHN HAY.

[Inclosure.]

*Mr. Strauss to Mr. Hay.*NEW YORK, *November 19, 1903.*

DEAR SIR: I have received your favor informing me that you would communicate with the American representative at Vienna in regard to the form of certificate required to show that Austrian subjects are admitted to trade in the United States.

I am informed by my correspondent at Vienna that a mere statement to the effect that Austrian subjects are admitted to trade in the United States will be sufficient, the purpose being merely to assure and preserve relations of reciprocity between the citizens of the two countries. I desire to make clear that the only purpose of the certificate is in connection with the application of John Underwood & Co., dealers in typewriter supplies, to be permitted to open a branch of their business at Vienna.

If, in view of this statement of facts, the delay of awaiting communication from abroad can be avoided we should be very glad, as otherwise we are subjected to much inconvenience and possible loss.

I have, etc.,

CHAS. STRAUSS.

Mr. Storer to Mr. Hay.

No. 84.]

EMBASSY OF THE UNITED STATES,
Vienna, December 14, 1903.

SIR: Pursuant to instruction No. 53, bearing date November 14, 1903, I have had careful inquiries made at the commercial court in Vienna as to regulations to be complied with in case of Mr. Charles Strauss before he can open in this city a branch office for John Underwood & Co., a firm presumably organized in the United States under the laws of the State of New York.

I have the honor thereon to report as follows, on the authority of the imperial commercial court and the imperial ministry of justice at Vienna:

1. In view of the existing commercial treaty between the United States and Austria-Hungary, no formal attestation of the Secretary of State that Austrian citizens are admitted to trade in the United States (a so-called reciprocity note) is necessary.

2. But Mr. Strauss must produce, signed and executed by the firm for which he wishes to act, an official certificate, or a certificate issued by a notary public, certifying the existence of the company's firm; stating the full name of the firm; the date of opening of the company's business in the United States; the names of the partners, and also containing an exact statement as to the person entitled to represent the firm (whether everyone of the partners, or one partner alone, or only the company as such is entitled).

The signature of the firm thus duly authenticated by the competent American authorities must also be authenticated by the Austro-Hungarian embassy or the consulate.

3. The application to do business must accompany this certificate, and must be made by and in the name of the firm, and the signature to this application must be authenticated in the same manner as the certificate above described.

4. Mr. Strauss, after laying the certificate and application aforesaid before the commercial authorities, must give notice of his opening the business in Vienna in the method pointed out in the general regulations of trade.

5. The documents above referred to are only necessary because Mr. Strauss wishes to open a branch office of the American firm John Underwood & Co. In case an American citizen intends to open a separate individual business in Austria-Hungary, not a branch office of an American firm, he has only to conform to the regulations of this country, as if he were an Austrian citizen. In this case none of the above documents are required.

I have, etc.,

BELLAMY STORER.

RIGHT AND METHOD OF RENUNCIATION OF UNITED STATES CITIZENSHIP.

Mr. Hengelmüller to Mr. Hay.

[Translation.]

IMPERIAL AND ROYAL AUSTRO-HUNGARIAN EMBASSY,
Washington, December 15, 1903.

EXCELLENCY: A specific case quite recently occurred which has brought up with special urgency the question of the manner in which an American citizen may renounce his citizenship.

The case, according to a communication of the Imperial and Royal Government, based on a report of the Royal Hungarian ministry of the interior, is that of Joseph Fuchs, a resident of Kaposztafalva, who lost his original Hungarian nationality under the law, Article XLIII, I, of 1871, by acquiring American citizenship. The above-named man has again applied for his readmission into the Hungarian community, because he is seeking to obtain a liquor-selling license, which presupposes the possession of Hungarian citizenship.

Before taking action on Joseph Fuchs's application the Royal Hungarian ministry of the interior caused the applicant, in accordance with article 4 of the above-mentioned law and with the prevalent practice, to be directed to declare his renunciation of his American citizenship at the consulate of the United States of North America at Budapest and to produce an official statement issued to that effect.

The consulate, however, according to the note included among the accompanying papers, refused to accept the renunciation as involving the issue of an official statement of the nature required in the case, but, on the other hand, declared that this was not to be taken as debarring Joseph Fuchs from renouncing his American citizenship before a Hungarian official.

In view thereof the Royal Hungarian ministry of the interior now proposes to introduce the practice of permitting American citizens who desire to resume their former allegiance hereafter to be admitted into the Hungarian community upon a declaration of renunciation of their American citizenship made before a Hungarian official, provided that the other requirements of the law shall have been complied with by them.

Inasmuch, however, as this measure affects the treaty signed on September 20, 1870, with the United States and embodied in the above-mentioned law, and also presupposes the acceptance by the United States of America of such a renunciation, I am instructed by

my Government to bring the foregoing to the knowledge of your excellency and courteously to ask that you will advise me whether the Government of the United States would raise any objection to the introduction of some such practice.

Accept, etc.,

HENGELMULLER.

Mr. Loomis to Mr. Hengelmuller.

No. 49.]

DEPARTMENT OF STATE,
Washington, December 23, 1903.

EXCELLENCY: I have the honor to acknowledge the receipt of your note of December 15 and original inclosures, presenting the case of Joseph Fuchs, a naturalized citizen of the United States, formerly a subject of Austria-Hungary, who now desires to renounce his American citizenship and resume his allegiance to your Government. The consul of the United States at Budapest, it appears, declined to issue him a statement of his renunciation, and you ask whether there exists on the part of this Government any objection to the proposal of the royal Hungarian ministry of the interior to admit, without such renunciation, into the Hungarian community persons in Joseph Fuchs's category.

Occasionally the Department has received a request from an American citizen desiring to become a citizen of another country for a certificate that his American citizenship has been renounced, but it has invariably refused to issue such a certificate. By the laws of the United States expatriation is declared to be an inherent right of all men, and when a citizen of a foreign power seeks naturalization as a citizen of the United States he is not required to produce a certificate that his parent country has accepted his renunciation of its citizenship. This Government applies the same principle to American citizens who wish to become the citizens of other powers. It recognizes their right to do so in time of peace, and does not issue to them a certificate of its consent, none such being provided for by our laws.

The consul at Budapest was, therefore, not acting improperly when he refrained from issuing an official statement of Joseph Fuchs's renunciation of American citizenship. The laws and policy of this Government, however, interpose no obstacle to a recognition of the right of the Government of Austria-Hungary to admit as subjects American citizens who do not present a document from an agent of this Government showing that they have renounced their American citizenship; nor is it the opinion of this Government that the proposed action of the Austro-Hungarian Government will be repugnant to any of the provisions of the naturalization convention of September 20, 1870, between the two Governments.

I have the honor to inclose the documents accompanying your excellency's note.

Accept, etc.,

FRANCIS B. LOOMIS,
Acting Secretary of State.

BULGARIA.

ESTABLISHMENT OF DIPLOMATIC RELATIONS WITH BULGARIA.

Mr. Jackson to Mr. Hay.

[Telegram—Paraphrase.]

LEGATION OF THE UNITED STATES,
Sofia, September 19, 1903.

(Mr. Jackson reports the presentation of his letters on September 19, and states that the Prince of Bulgaria expressed pleasure at the establishment of direct diplomatic relations, and hopes that increased commercial intercourse will result.)

Prince Ferdinand to President Roosevelt.

[Telegram.]

SOFIA, *September 19, 1903.*

It was with a real pleasure, especially in these sad times, that I received to-day from Mr. John Brinckerhoff Jackson your autograph letter. I am very content at the friendly and cordial feelings you transmit by him to myself and to my Government, and I hope that the good relations between the two countries shall still be more strengthened in the future.

FERDINAND.

President Roosevelt to Prince Ferdinand.

[Telegram.]

WHITE HOUSE,
Washington, September 21, 1903.

I cordially appreciate the friendly message of Your Royal Highness and share your good wishes.

THEODORE ROOSEVELT.

Mr. Jackson to Mr. Hay.

No. 11, Bulgarian series.] LEGATION OF THE UNITED STATES,
Sinaia, Roumania, September 24, 1903.

SIR: I have the honor to report that I left Sinaia on the 15th, and, traveling by way of Bucharest and Rustschuk, the most direct line,

reached Sofia, Bulgaria, on the 17th; that I left Sofia again on the 21st and arrived here yesterday. On the 19th instant I cabled you as follows:^a

On my arrival in Sofia, after conferring with Mr. Elliot, I called at the Bulgarian foreign office, made the acquaintance of the minister and several other officials, and left a formal request, in French, that arrangements be made for me to present my credentials to the Prince. The next day I was informed, verbally, and subsequently I was notified in writing, that an audience would be granted me on the afternoon of Saturday, September 19. At the time set I was called upon at my hotel by an adjutant (a colonel), who accompanied me to the palace in a court carriage, drawn by four horses, and with a cavalry escort. At the palace I was received with the customary ceremony, which was quite as much as that connected with the reception of an ambassador at Berlin.

Having been told that it was usual to make a formal speech in connection with the presentation of my letters (a copy of my remarks having been asked for in advance by the foreign office), I spoke as follows, on being received by the Prince:

MONSEIGNEUR: I have the honor to present herewith the President's letter accrediting me as diplomatic agent of the United States to Bulgaria. In delivering this letter it is my agreeable duty to convey assurances of the best wishes of the American Government for the prosperity of Bulgaria and of the cordial friendship which is felt in the United States for the Government of Your Royal Highness. I am charged to act in a manner to cultivate and maintain harmony and good will between the two countries, and I am happy to say that it will give me pleasure to use my best efforts to this end.

On receiving my letter (standing) the Prince replied in French. A copy and translation of his remarks are appended hereto. Afterwards he gave me his hand, we sat down, and a general conversation followed, which lasted for about half an hour. General Petroff, the prime minister of Bulgaria and the minister of foreign affairs, was present at the audience, and a number of court and other officials were in attendance in the anterooms. I was escorted back to my hotel with like ceremony.

In the evening a dinner was given in my honor at the palace at which were present, among others, the prime minister, Mr. Elliot the personnel of the British agency, and the "American colony" in the person of Doctor Wheeler (who was described as being interested in various kinds of mining enterprises). During our conversation in the afternoon the Prince learned of my fondness for Wagner's music, and in the evening a specially arranged programme included "Marching through Georgia," "The Belle of New York," Sousa's "High School Cadets," as well as selections from the Rheingold, Meistersinger, and Parsifal. During the dinner the Prince proposed the health of the President, in English (a copy of his toast is appended hereto), and after cheers were given the orchestra played the "Star Spangled Banner." In reply, I proposed the health of the Prince, the royal family, and Bulgaria in a few words in French.

The Prince had heard of the discomforts connected with my trip from Rustschuk to Sofia (there being no sleeping car, and my having to sit up all night in a compartment with five other people), and on my arrival at the station on Monday evening I found that, by his orders, a special car had been placed at my disposal. This I enjoyed

^aPrinted ante.

as far as the Danube, the Bulgarian-Roumanian frontier. The Prince had offered to give me a special train, as I at first thought of returning to Sinaia by another route, on which there were no good connections, but I was able to decline the honor, as I did not wish to put myself under any great obligation.

In this dispatch I have gone into more detail than usual, as I wanted to show that everything possible was done to make it evident that great pleasure is felt at the naming of an American diplomatic agent to Bulgaria. In conversation the Prince referred to this fact repeatedly. The newspapers announced that he had returned from Eoxinograd for the express purpose of receiving my credentials. The Prince's secretary (Mr. Dobrovitch, "chef de la chancellerie") told me that he had telegraphed an account of it to the New York Herald, and he also told me that the Prince had sent a telegram to the President, and subsequently he let me know that "a very amiable answer" had been received by his royal highness.

The date of my reception was the anniversary of the "union of South Bulgaria to the principality" (or, as the Turkish commissioner called it—with a different point of view—the "anniversary of the appointment by His Majesty the Sultan of the Prince of Bulgaria as governor-general of East Roumelia"), and considerable stress was laid upon my visit to Bulgaria "at this sad time."

I have, etc.,

JOHN B. JACKSON.

[Inclosure 1.—Translation.]

Remarks of the Prince of Bulgaria.

I am most happy, Monsieur l'Envoyé Extraordinaire, to receive from your hands the letter by which the President of the United States of America accredits you near my person as diplomatic agent.

Deeply touched by the sentiments which you have expressed to me in behalf of the Government of the United States, as well as for its wishes for the prosperity of Bulgaria, I beg you to be my interpreter to its illustrious President, Mr. Theodore Roosevelt, of my feeling of gratitude for the sympathy which the Government of the United States has shown my country in creating a diplomatic representation to which I attach great importance.

I am the more pleased to see direct diplomatic relations established between Bulgaria and the United States, as they will not fail, I am firmly convinced, to advance commercial and industrial relations between the two countries. Noting also your own disposition in the same direction, I beg to inform you that my support and the assistance of my Government are at your disposition to aid in the accomplishment of the mission intrusted to you.

It is with these sentiments that I bid you welcome among us.

[Inclosure 2.]

Text of toast of His Royal Highness the Prince of Bulgaria at the dinner at the palace, September 19, 1903.

I am happy to see for the first time at my table a diplomatic agent of the United States of America to Bulgaria. You have transmitted, sir, to me the wishes of the American Government for the prosperity of my country. In return I propose to drink to the health of Theodore Roosevelt, President of the United States and the American nation.

Hip, hip, hip, hurrah!

BRAZIL.

MONROE DOCTRINE AND DIPLOMATIC CLAIMS OF EUROPEAN POWERS—PRESS COMMENTS ON NOTE OF ARGENTINE GOVERNMENT TO THE GOVERNMENT OF THE UNITED STATES.^a

Mr. Thompson to Mr. Hay.

No. 11.]

LEGATION OF THE UNITED STATES,
Petropolis, April 16, 1903.

SIR: Believing that it may be of interest to the Department, I inclose herewith a copy and translation of an editorial appearing in the principal opposition newspaper of Rio, which criticises the action of the Argentine Government in regard to the Monroe doctrine, and elaborates views as to the attitude which ought to be taken by South America toward that doctrine, which are very generally held among certain classes of Brazilians.

I have, etc.,

D. E. THOMPSON.

[Inclosure.]

Editorial from the Correio da Manha, of Rio de Janeiro, of March 30, 1903.

THE MONROE DOCTRINE.

The note directed by the Argentine chancellery to the United States of America seems to us a very good illustration of the extent to which, in this grave period of our international life, some of the statesmen of Latin America are being misled. It is certain that that error gives us the measure of the way in which, perhaps in all the South American countries, public opinion studies events and judges anomalous situations which in many parts of the continent the mistakes and wrongdoings of the governments are creating. The case of Venezuela, the most recent and of the most positive eloquence as a notice to the nations of South America, caused a kind of chorus of clamoring or of protests to explode that had been lying dormant in certain Americans who, with respect to the great power at the North, live forever midway between fear of the expansionist policy of Washington and the plaintive desire and request for Yankee tutelage.

Unquestionably there has fallen upon the Argentine Republic a great responsibility from now on into the future. The responsibility in diplomatic history for the movement which is operating, or at least for the manifestations which are going on in almost all the Republics of Iberic origin in relation to the United States of America, will devolve upon Argentine statesmen. It is not only now, on the occasion of the original and very deplorable note to the North American Government, that the Argentine Republic has shown itself to be impatient to give proofs that it was not satisfied with any rôle but that of being among the first in the international relations of the continent. When a short time ago England and Germany did not hesitate to use force against the Caracas Government, the Argentine Republic even then, judging from the dispatches from Buenos Aires in the press of the whole world, showed certain veiled desires to intervene in the alarming conflict; upon seeing that the United States crossed their arms before the insolent aggression, the Argentine Government did not hesitate to direct itself to Venezuela, offering it generously resources that would rehabilitate it and cure promptly the evils and afflictions of that terrible emergency. There is evident in that beautiful stroke the insinuation of indirect

^aSee also page 1.

censure of the attitude of the United States, in other respects very correct and perhaps more than ingenious, because they greatly served the Government of Caracas. Not satisfied with the insignificant result obtained, the Argentine Republic now has stirred itself up to provoke the North American Government to a more positive and formal declaration of the Monroe doctrine.

In the first place, the Buenos Aires chancellery commits an infraction of international etiquette in taking the responsibility of such an important initiative without the knowledge of any of the other South American Republics. Nor can the right of the Argentine Republic be recognized to thus present itself to the Washington Government, speaking in the name of collective interests, when it is certain that those interests are not understood by us all as they are being interpreted by the Argentines.

But what really surprises us, because it exceeds everything which might have been expected of the high pretensions which the Plata Republic is revealing is the informality, the audacity with which it did not hesitate to make one more play in the open road of Monroeism. The note directed to the Washington Government suggests or proposes that the colossus of the north shall take the responsibility of affirming definitely the Monroe doctrine and (what is unbelievable as an expression of boldness in the diplomatic field) proceeds to the extent of indicating one of the points which the Argentines would like to see clearly stated and settled—namely, that foreign intervention in South America as a means, or as a coercive measure, for collecting debts should be declared illegitimate and not allowable. It is really astonishing, this courage of the Argentine Government. And what is even more astonishing is that for that very fall from grace it finds applause in two or three capitals of the continent. How is it that one of the noblest of American nations could thus suddenly put aside the traditions of manliness with which its history is full? How can that eclipse of the conscience be explained in a people which has always had a clean record and which has always known how to be dignified and to defend heroically its independence as a sovereign nation? How can we believe, without sharp disillusionment, that the Argentines, like all Americans, so sensitive always on points of national honor; that the Argentines, one of the people who are found to be in the vanguard of American civilization, how are we to believe it was that people who bestirred themselves thus to making a request which was troublesome to the Government addressed and humiliating for all Latin Americans?

We do not believe we are exaggerating the gravity of this thoughtless act. But we admit the Argentine Republic obeyed impulses which are justifiable in view of the not very tranquil disposition that some European governments are revealing. Yes, because it is undeniable that in the minds of Americans, principally those of the South, there is working almost an alarm against the way some of the great powers of the Old World have of interpreting international law. And above all the alarm has grown since the recent events in Venezuela. The Argentine Government should, however, have taken a different road. Its noble action would then, perhaps, have been more effective.

We are not of the number of those who deceive themselves with regard to the great advantages of the often planned alliance of South American nations as a means of resistance to the invasions which would be owed to imperialism. It is easy to understand how, in other respects, such an alliance would give us the means of strengthening the ties of sympathy and moral solidity which already exist between us. As a means, however, of guaranteeing our integrity and common defense that alliance would accomplish nothing, and it is probable would never pass beyond simple utopia. Only those could believe in such a dream (already destroyed at Tecubaya, and in an hour very different from the present) who misunderstand the situation of the nations of the continent. That which simple good sense counsels us is to hope nothing from artificial and illusory agreements. Peoples, like individuals, are judged and do justice to other peoples according to the discreetness with which they conduct themselves; according to the prudence, firmness, and wisdom of the men who lead them; in proportion to the economic progress which gives them strength and independence, and above all as they possess that great virtue born of the sentiment of duty and the consciousness of destiny, worth more perhaps than riches—that heroic moral courage of being dignified on all occasions. There is nothing like being right and being honest. Because, as a matter of fact, whenever we speak of European pretensions we tend to exaggerate and see everything through a false prism. What Europe wants is to open markets. The great problem for her is the economic question, the source of all the pains which afflict that ancient, dying society. Except in Africa, conquests to-day are difficult; and how many European nations are there who would not congratulate themselves on the fortunate day on which they could relieve themselves of some of their possessions, retaining only their commercial advantages. That is to say, what we should do above all is study the most natural means of exchanging interests with Europe. As long as we limit this to obtaining loans in

London and to buying in Hamburg we will not cease to occupy that relationship to her which always exists between debtors and creditors.

Another truth which we also forget is the spirit of patience, at times amounting to forbearance, of the European creditor. This is the natural spirit of all sensible creditors. They understand that their interests are bound up with those of their debtors. We might cite many examples of the good will with which European capitalists accede to all the reasonable demands of our governments. Why should we then be always so suspicious toward these men of affairs? Is it not true that they would have the right to say to us, "Why did you then ask of us our money?"

There is nothing like having right on our side. Instead of hatred toward the capitalist after we have got possession of the borrowed money we should have the good judgment either not to borrow at all or scrupulously fulfill our obligations and not give the slightest pretext for disputes and coercive measures by stronger governments. This would be worth much more to us than all the fictitious coalitions we may have planned. If we had only taken home to ourselves the thought that to be in the right is the best thing—better even than possessing cannons—Brazil, for example, would not be to-day in the very complicated position in which she finds herself, due in great measure to the irregularities which exhausted the country, principally, after the Republic. Besides being already burdened with tremendous debts, the twenty former provinces, converted into independent governments with the name of states, were handed over to incapable and selfish men who are devoting themselves to the only certainly profitable business that survived the deluge—borrowing. The instant they hear the European banker jingling the sovereigns they shut their eyes and accept any conditions. When the obligations have to be met, they either make new loans, which each time become more burdensome to the poor country, or they appeal to the federal coffers. And the federal coffers, when once they are opened how are they to be closed? And on the day when they have to be closed, after they are drained to the last cent, what is to be done with the European creditor? And, finally, to complete all this, we will have a "Sorocabana" case, another "Oeste de Minas" case, and yet other cases, each one a more eloquent witness than the last to our sins. But we ask, Would continental alliances perchance possess the miraculous power of remedying the evils that naturally flow from such aberrations and vices?

On the whole, although it is true that false conclusions do not advance the solution of the problem of our defense, nevertheless we can not doubt that some profit would be derived from measures of another kind, founded upon a general understanding among Americans. For example, instead of invoking the Monroe doctrine (clearly a mere fiction in international law), we might establish, by a collective note to the powers of Europe that no case arising out of the rights of subjects of foreign nations shall be discussed diplomatically before being submitted to the courts of the country where it arose. This is possible, as the legal principle involved is a perfectly acceptable one, although Europe has almost forgotten it, partly because she abuses her strength, but also because she has been encouraged by our own negligence. Such an agreement would be of much greater value to us than alliances full of expressions of platonic friendship but devoid of positive significance, or at least without the positive advantages which such an agreement would tend to assure to us.

To appeal, however, to the North American Government, as the Argentine has just done, in the hope that the former will reiterate and accentuate in the form of a definite promise and reduce to a formula of international law a fragment of a note given out eighty years ago by the Washington Government, and up to the present time regarded as a pure eccentricity of the kind for which America has become the classic source, really proves that the Government so doing has no notion of the juridical rules obtaining among modern peoples, that it is not acquainted with the actual conditions surrounding the nations of the world, and, finally, that it has a very superficial view of the nature of the relations that can be maintained between nations without peril to their sovereignty and without injury to their honor or even to their simple national dignity.

The Monroe doctrine as such has no value whatever. At best it is simply another document for the benefit of those who would determine the characteristic psychology of the North American. Such a doctrine passes not only for a work very original and very Yankee, but also as being without substance as a whole. The Government of the United States can invoke it and put it into force when it is to its advantage to do so and whenever it is able to give to the formula the unanswerable validity and strength of cannons. And even for this purpose it might well be dispensed with. Without the support of Monroism the great powers of Europe exercise the same "rights" (those of force) whenever they can and on all the seas of the world.

Further, it can not help being detrimental to the peoples of South America to invoke that doctrine, even outside the cases which the Argentine chancellery wished to see specified—those with regard to the collection of debts. Such a principle

becomes for us South Americans somewhat paternal, and for that very reason incompatible with the sovereignty of each of us, whenever it does not express an explicit agreement, validated by all the countries in whose favor it pretends to operate. By no means does it possess the breadth which it claims nor has it the force of a rule of this continent, since a government, by itself, can not arrogate to itself the right of assuming obligations in relation to foreign peoples whose existence, destiny, and interests, as a consequence of their sovereignty, does not depend upon any other power. The Government of the United States, consequently, is not competent to impose bases of international policy, and much less to institute principles of law capable of coming into force in all America without the accord of all the nations interested. What value then in the diplomatic world can a phrase known by the name of President Monroe have?

If the United States, as the strongest nation on the continent, believe, as a matter of fact, that it would be to the interests of all the American peoples to effectively prevent the intrusions of Europe; if the Government of the United States is sincere, as we believe it is, then let it do with all the American republics what one government may do with another; let it celebrate with us any treaties which it considers would be useful, with the idea of preserving forever interests which it recognizes as peculiar to the nations of America. Thus, if the protest of Monroe were reduced to a diplomatic formula, and consequently to a form having the character of reciprocity, the conceit or protest of Monroe would be that of us all, it would be in its fullness a regulating principle of our common action in given emergencies, and this notwithstanding it would not be incorporated in the law ruling our international relations with the old world; that is to say, to the extent that the great powers of Europe would not recognize it.

But as a North American doctrine, created and interpreted exclusively by the Government at Washington, and by that Government—through its sovereign criterion—exclusively applied, what we, nations of South America, should do is not admit any such doctrine and treat it, moreover, as if it did not exist, as the statesmen of the Plata, as a matter of fact, and others principally wish. We ought not to talk any more about that doctrine. Our feelings of delicacy as a nation, our juridic conscience, our perception of our sovereignty repel that doctrine thus disfigured and converted into an easy means for complications; that doctrine in whose circle in this part of the world live so many leaders and so many Chauvinistic patriots.

TREATY AND PROTOCOL BETWEEN THE UNITED STATES AND BRAZIL FOR THE EXTRADITION OF CRIMINALS.

Signed respectively at Rio de Janeiro, May 14, 1897, and May 28, 1898.

Ratification with amendments advised by the Senate, February 28, 1899.

Ratified by the President, February 13, 1903.

Ratified by Brazil, April 14, 1903.

Ratifications exchanged at Rio de Janeiro, April 18, 1903.

Proclaimed, April 30, 1903.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Whereas a treaty between the United States of America and the United States of Brazil providing for the extradition of criminals was concluded and signed by their respective Plenipotentiaries at Rio de Janeiro on the 14th day of May, one thousand eight hundred and ninety-seven, the original of which treaty, being in the English and Portuguese languages is, as amended by the Senate of the United States of America, word for word as follows:

TREATY OF EXTRADITION BETWEEN THE UNITED STATES OF AMERICA
AND THE UNITED STATES OF BRAZIL.

The United States of America and the United States of Brazil, desiring to strengthen their friendly relations and to facilitate the adminis-

tration of justice by the repression of crimes and offences committed in their respective territories and jurisdictions, have agreed to celebrate a treaty of extradition and have nominated for that purpose the following plenipotentiaries:

The President of the United States of America, Mr. Thomas L. Thompson, Envoy Extraordinary and Minister Plenipotentiary near the Government of the United States of Brazil;

and the President of the United States of Brazil, General Dionisio Evangelista de Castro Cerqueira, Minister of State for Foreign Relations;

who having made known their respective full powers, which have been found in good form, agree upon the following articles:

ARTICLE I.

The Government of the United States of America and the Government of the United States of Brazil mutually agree to deliver up the persons who, having been charged or convicted, as the authors of or accomplices in any of the crimes enumerated in the following article, committed in the jurisdiction of one of the contracting parties, seeks an asylum or be found within the territories of the other; provided, this shall only take place after such evidence of criminality as, according to the laws of the place where the person or fugitive so charged shall be found, would justify his or her apprehension and commitment for trial, if the crime had there been committed.

ARTICLE II.

Extradition shall be granted for the following crimes and offences:

1. Voluntary homicide, when such act is punishable in the United States of America, comprehending the crimes of poisoning and infanticide; murder; manslaughter.

2. Abortion.

3. Rape and other offences against chastity committed with violence.

4. Bigamy.

5. Abduction, willfully and wrongfully depriving any person of natural liberty.

6. Kidnapping or child stealing.

7. Arson.

8. Piracy, by statute or by the law of nations when the state in which the offender is found has no jurisdiction; revolt, or conspiracy to revolt, by two or more persons on board a ship on the high seas, against the authority of the master; to willfully and wrongfully cause shipwreck; to wrongfully and willfully collide with a vessel; to wrongfully and willfully scuttle a vessel for the purpose of sinking it; to wrongfully and willfully destroy a vessel on the high seas.

9. Wrongful and willful destruction or obstruction of railroads which endangers human life.

10. Counterfeiting, falsifying or altering money of any kind, or of legally authorized bank notes which circulate as money; to utter or to give circulation to any such counterfeited, falsified or altered money; the falsification of instruments of debt created by national, state or municipal governments, or of the coupons thereof; counterfeiting, falsifying or altering seals of the federal or state governments; to knowingly use any such instruments or papers.

11. Forgery, the utterance of forged papers; forgery or falsification of official acts of government, of public authorities, or of courts of justice, of public or private instruments; the use or the utterance of the thing forged or falsified.

12. Perjury, or to bear false witness; to suborn or bribe a witness.

13. Fraud committed by a depositor, banker, agent, broker, treasurer, director, member or employe of any company or corporation.

14. Embezzlement, consisting in the misappropriation or theft of public moneys, committed in the jurisdiction of one of the contracting parties, by a public officer or depository.

15. Embezzlement, or theft of moneys, committed by persons salaried or employed, to the detriment of those who employ them.

16. Burglary, defined to be the act of entering during the night, by breaking or climbing, the dwelling-house of another, with intent to commit a felony; robbery, defined to be the act of feloniously and forcibly taking from another money or goods of any value, by violence, or putting in fear, and known in the Brazilian Penal Code as *roubo*.

17. Complicity in or attempts at the commission of any of the crimes specified in the preceding sections, provided that such complicity or attempt be punishable by the laws of the country from whence the extradition is demanded.

ARTICLE III.

Extradition shall not be granted if the offence on which the surrender is demanded be of a political character, or if the fugitive prove that there is an intention to try or punish him for a political crime; nor if the circumstances on which extradition is demanded are connected with political crimes.

The Government from which extradition is demanded will examine the circumstances, to ascertain whether the crime be of a political character, and its decision shall be definite.

The following shall not be considered political crimes when they are unconnected with political movements, and are such as constitute murder or willful and illegal homicide, as provided for in section 1 of the preceding article:

1. An attempt against the life of the President of the United States of America, or against the life of the Governor of any of the States; an attempt against the life of the President of the United States of Brazil, or against the life of the President or Governor of any of the States thereof;

2. An attempt against the life of the Vice-President of the United States of America, or against the life of the Lieutenant-Governor of any of the States; an attempt against the life of the Vice-President of the United States of Brazil, or against the life of the Vice President or Vice Governor of any of the States thereof.

ARTICLE IV.

The person surrendered cannot be tried nor punished in the country which has obtained the extradition, nor be surrendered to a third country, for trial or punishment therein, for any crime or offence not mentioned in this treaty, nor for one committed previous to extradition, other than the crime or offence for which he was extradited,

unless such person has been in either case at liberty to leave the country which has obtained the extradition for a month subsequent to trial therein.

Furthermore, such person shall not be tried nor punished for an offence or crime mentioned in this treaty committed previous to the extradition, other than the offence or crime for which he was extradited, without the consent of the Government which has surrendered such person, and the said Government shall be able to demand an exhibition of any of the documents mentioned in Article X of the present treaty.

In like manner the consent of the said Government shall be solicited if the extradition of the offender is requested by a third Government; although this shall not be necessary when the offender voluntarily requests trial or consents to punishment; or if he fails to leave the territory of the country to which he has been surrendered within the period above fixed.

ARTICLE V.

The contracting parties shall in no case be obliged to surrender their own citizens in virtue of the stipulations of the present treaty.

ARTICLE VI.

If the person shall be in course of trial, or shall have been convicted of an offence other than that for which the surrender is demanded, extradition shall only take place after the trial shall have been concluded and the sentence fulfilled.

ARTICLE VII.

When the person demanded by one of the contracting parties is also demanded by one or more powers on account of crimes and offences committed within their respective jurisdictions, extradition shall be conceded to the one whose request is first received, unless the Government to which the request is made has before agreed by treaty in case of the concurrence of requests to give preference to the country of the person's origin, to the gravity of the crime, or to the request which is of oldest date; in whichever of these cases the usual rule shall be followed.

ARTICLE VIII.

Extradition shall be refused when the action or sentence for which the offender is demanded shall have been extinguished by prescription, according to the law of the country to which the request is made, or when such person shall have been already tried and sentenced for the same crime.

ARTICLE IX.

All articles found in the possession of the person accused and obtained through the commission of the act with which such person is charged, and may be used as evidence of the crime for which such person is demanded, shall be seized and surrendered with the person. Nevertheless, the rights of third persons to the articles so found shall be respected.

BRAZIL.
 FOREIGN MISSIONS LIBRARY
 ARTICLE 156 Fifth Avenue, New York

Requisitions for the surrender of fugitives from justice accused or convicted of any of the crimes or offences hereinbefore mentioned shall be made by the diplomatic agent of the demanding Government. In case of the absence of such agent either from the country or from the seat of Government such requisition shall be made by a superior consular officer.

When the person whose surrender is requested shall have already been convicted of the crime or offence for which his extradition is demanded, the demand therefor shall be accompanied by a copy of the judgment of the court or tribunal which has pronounced it, duly signed by the judge of the court or president of the tribunal; and the signature of the judge of the court or president of the tribunal shall be authenticated by the proper executive officer, whose official character shall in turn be attested by the diplomatic agent or a superior consular officer of the Government on which the demand is made.

When the person whose surrender is asked is merely charged with the commission of any of the crimes mentioned in the present treaty, the application for extradition shall be accompanied by an authenticated copy of the warrant of arrest issued against such person by the officer duly authorized to do so; and likewise by an authenticated copy of the depositions or declarations made before such officer and setting forth the acts with which the fugitive is charged.

The extradition of fugitives under the provisions of the present treaty shall be carried out in conformity with the laws and practice for the time being in force in the state on which the demand is made, without, however, denying recourse to the writ of *habeas-corpus*.

ARTICLE XI.

When the arrest and detention of a person are desired on telegraphic or other information in advance of the presentation of the formal proofs provided for in the preceding article of the present treaty, the following practice shall be observed: In the United States of America application shall be made by the diplomatic agent of Brazil, or in his absence by a superior consular officer, to the Secretary of State, for a certificate stating that request has been made by the Government of the United States of Brazil for the provisional arrest of a person convicted or accused of the commission within the jurisdiction thereof, of a crime or offence extraditable under the terms of the present treaty, which, upon presentation to any competent judicial officer and upon complaint duly made that such a crime or offence has been so committed, it shall be lawful for such judicial officer to issue a warrant for the apprehension of such person; And in the United States of America upon request of the Government of the United States of America, duly made through its diplomatic agent, or in his absence by a superior consular officer to the Minister for Foreign Relations; the provisional arrest shall be made of any person convicted or accused of the commission of a crime or offence extraditable under this treaty.

But if the formal requisition for surrender with the formal proofs hereinbefore mentioned, be not made as aforesaid by the diplomatic agent of the demanding government, or in his absence by a superior consular officer, within sixty days from the date of the arrest of the fugitive, the prisoner shall be discharged from custody.

ARTICLE XII.

The expenses incurred in the arrest, detention, examination and delivery of fugitives under this treaty shall be borne by the State in whose name the extradition is sought.

ARTICLE XIII.

The present treaty shall take effect six weeks after the exchange of ratifications, and shall continue in force six months after one of the contracting parties shall have notified the other of an intention to terminate it.

It shall be ratified and the ratifications exchanged at Rio de Janeiro as soon as possible.

In witness whereof, the respective plenipotentiaries sign the above articles written in the English and Portuguese languages and hereunto affix their seals.

Done and signed in duplicate in the city of Rio de Janeiro, this 14th day of May 1897.

[SEAL.]
[SEAL.]

THOMAS L. THOMPSON.
DIONISIO E. DE CASTRO CERQUEIRA.

And whereas a protocol amending the said treaty in certain particulars was concluded and signed by the respective plenipotentiaries of the United States of America and the United States of Brazil, at Rio de Janeiro, on the 28th day of May, one thousand eight hundred and ninety-eight, the original of which protocol, being in the English and Portuguese languages, is word for word as follows:

PROTOCOL.

The undersigned, the Envoy Extraordinary and Minister Plenipotentiary of the United States of America and the Minister for Foreign Affairs of the Republic of the United States of Brazil, met together to-day in the Department of Foreign Affairs and being duly authorized, have agreed to modify in the manner hereinafter indicated the provisions of No. 13 of Article II, of the end of § 2 of Article III, and of the first two paragraphs of Article IV, and the wording of Article IX of the Extradition Treaty signed May 14th, 1897, for the purpose of preventing questions in the execution thereof.

ARTICLE II, No. 13.

To add in the English text after "broker" the word "manager", corresponding in the Portuguese text to the term "administrador".

ARTICLE III, § 2.

To substitute in the English text for the word "definite" the word "final".

ARTICLE IV.

To change the wording of the first paragraph of the Portuguese text to read as follows: O individuo entregue não poderá ser processado

nem punido no paiz que tiver obtido a extradição nem entregue a terceiro paiz por crime ou infracção não prevista no presente tratado nem por crime ou infracção anterior á extradição, etc., etc.

To substitute in the second paragraph of the English text the expression "may demand" for "shall be able to demand."

ARTICLE IX.

Substitute for the wording of the English text the following: "All articles found in the possession of the person accused, whether obtained through the commission of the act with which such person is charged, or whether they may be used etc., etc."

This protocol shall be submitted for approval to the Congresses of the two countries.

Done at the city of Rio de Janeiro this twenty-eighth day of May A. D. 1898.

[SEAL.]
[SEAL.]

CHARLES PAGE BRYAN
DIONISIO E. DE CASTRO CERQUEIRA.

And whereas the said treaty, as amended by the Senate of the United States of America, and the said protocol have been duly ratified on both parts, and the ratifications of the two Governments were exchanged in the City of Rio de Janeiro, on the 18th day of April, one thousand nine hundred and three;

Now, therefore, be it known that I, Theodore Roosevelt, President of the United States of America, have caused the said treaty, as amended by the Senate of the United States of America, and the said protocol to be made public, to the end that they and their every article, and clause may be observed and fulfilled with good faith by the United States of America and the citizens thereof.

In testimony whereof, I have caused the Seal of the United States of America to be hereto affixed.

Given under my hand at the City of Washington the thirtieth day of April, in the year of our Lord one thousand nine hundred and three, and of the Independence of the United States of America the one hundred and twenty-seventh.

[SEAL]

THEODORE ROOSEVELT

By the President:

JOHN HAY *Secretary of State.*

MESSAGE OF PRESIDENT OF BRAZIL TO BRAZILIAN CONGRESS.

Mr. Thompson to Mr. Hay.

No. 20.]

LEGATION OF THE UNITED STATES,
Petropolis, May 8, 1903.

SIR: Inclosed herewith I send you a copy of the first annual message to Congress of President Rodrigues Alves, with a translation of certain portions, which will be of particular interest to the Department.

The part devoted to the discussion of the proposed public improvements in Rio de Janeiro has created the greatest satisfaction, as the

vigorous language used and the steps already taken by the Government indicate a firm purpose on the part of the administration to initiate and carry through the approved plans for, first, a splendid wharf system; second, a modern sewerage system, and, third, the complete stamping out of yellow fever, of which there has been a great deal during the past year. With regard to the latter I may say in passing that the work accomplished in Cuba by our army of occupation is being frequently cited as an example to be followed and as proof that Rio de Janeiro, in the same latitude south as Habana is north, can be freed from the yearly reappearance of that disease.

In that part of the message devoted to foreign relations you will note that the United States is mentioned first in the list of those countries who sent war ships to the inauguration last November. The graceful words about Cuba may perhaps also be taken as a friendly remark for our Government. The discussion of the Acre question is clear and is perhaps the best presentation of the Brazilian point of view and contention that has yet appeared.

I have, etc.,

DAVID E. THOMPSON.

[Inclosure.]

Translation of extracts from the President of Brazil's annual message to Congress.

* * * * *

In previous documents I have alluded to the public service of making this capital sanitary, and each time I feel more convinced that in this act will be found the necessary element for the revival of the economic life of the country.

Such an undertaking undoubtedly involves doing a great many things difficult and costly of execution, but the benefits expected are of such a kind as to make the undertaking necessary.

The defects of the capital affect and disturb the whole national development. Its restoration in the opinion of everybody would be the beginning of new life, an incitement to development in the extensive area of a country which has lands for any crops, climates for all peoples, and fields for exploitation by all kinds of capitalists.

The general health conditions of the capital, besides demanding urgent material improvements, depend on a good water supply, regular sewage system, soil drainage, public cleanliness, and cleanliness of private houses.

It seems to me that this great work should, however, be initiated by carrying out the plans for the improvement of the part which will constitute the base of the system, and will tend not only toward bringing about the desirable end mentioned, but also and evidently to the improvement of the conditions of labor, commerce, and, what must not be forgotten, the increase of our revenues.

Our duty, which the Government is going to perform, is to initiate this great public service and never abandon it, even though it will cost us great sacrifices.

* * * * *

FOREIGN RELATIONS.

I take pleasure in and note with great pride the act of courtesy of the United States, England, Portugal, France, and Argentine, in sending war ships of their navies to bring us good wishes on the 15th of November last.

Our foreign affairs have involved us in very delicate situations for nearly a year, as a result of the happenings in the Acre, but happily Brazil continues to enjoy the benefits of peace, and I have the great happiness of being able to say that our relations with most of the powers are very friendly. Among these is now included the Cuban Republic, recognized by us, and for whose prosperity I have the sincerest good wishes.

Our various boundary questions, so carefully studied by passed administrations, are being resolved amicably and honorably. Shortly after the end of our dispute with France over the Guiana territory the treaty of London of November 6, 1901, by which the litigation of our frontiers with British Guiana was submitted to the arbitration

of His Majesty the King of Italy, went into execution. Mr. Joaquim Nabuco, accredited as envoy extraordinary and minister plenipotentiary, on special mission to the august arbiter, already has had the honor of delivering, in defense of our cause, the first of the three memorials authorized by the compromise.

The demarcation of our boundaries with the Argentine Republic is almost concluded, in accordance with the terms of the agreement of February 5, 1895, and of the treaty of October 6, 1898.

Our former relations of such cordial friendship with Bolivia have suffered a not insignificant strain since the time when the Government of that sister Republic, unable to maintain its authority in the Acre region, inhabited exclusively, as you know, by Brazilians who, many years previously, had established themselves there in good faith, saw fit to deliver it over to a foreign syndicate upon whom it conferred powers almost sovereign. That concession, as dangerous for the neighboring nations as for Bolivia itself, encountered general disapproval in South America. As the most immediately interested, Brazil, already in the time of my illustrious predecessor, protested against the contract to which I refer, and entered upon the policy of reprisals, prohibiting the free transit by the Amazon of merchandise between Bolivia and abroad.

Neither that protest nor the counsels of friendship produced at that time the desired effect in La Paz, and, far from rescinding the contract or making the hoped-for modifications therein, the Bolivian Government concluded an especial arrangement for the purpose of hurrying the entrance of the syndicate into the possession of the territory.

When I assumed the government that was the situation, and in addition the inhabitants of the Acre, who had again proclaimed their independence, were masters of the whole country, excepting Puerto Acre, of which they did not get possession until the end of January.

Although since January negotiations have been initiated by us for the purpose of removing amicably the cause of the disorders and complications which have had their seat of action in the Acre ever since the time when for the first time the Bolivian authorities penetrated thither, in 1899, yet the Government of La Paz has nevertheless thought proper that its President and his minister of war should march against that territory at the head of armed forces with the end in view of crushing its inhabitants and then establishing the agents of the syndicate.

I thereupon resolved to intervene to protect our fellow-citizens and prevent further and unnecessary bloodshed, whereupon we could, with the proper intent, arrive in a short time at a definite arrangement, honorable and satisfactory for both parties. From the 18th of January on, instructions were sent to our legation in La Paz to the effect that in spite of the very broad interpretation which, as a favor to Bolivia, the Brazilian Government had given through so many years to article 2 of the treaty of 1867, it would now defend as its boundary the parallel of $10^{\circ} 20'$ south, which is the dividing line indicated by both the letter and the spirit of that pact. After the departure of the expeditions against the Acreans our legation was instructed to repeat that declaration and to inform the Bolivian Government that Brazil was going to take military occupation of a part of the contested territory until the settlement of the dispute by diplomatic channels. Upon the Bolivian Government agreeing to this we promptly reestablished freedom of transit for its foreign commerce by Brazilian waters.

Shortly after this the syndicate, by reason of the indemnity which we paid it, renounced the concession which had been made it, eliminating thus this disturbing element.

The negotiations for the *modus vivendi* necessitated by the new situation proceeded and there resulted the preliminary agreement signed at La Paz on March 21. In accordance with its terms the troops of General Olympie da Silveira already occupy the contested territory to the east of the Purus between the so-called Cunha Gomes line and the parallel of $10^{\circ} 20'$, and a Brazilian detachment of troops is already supposed to have passed to the south of that parallel to take up their position between the armed Acreans and the Bolivian forces. These latter, commanded by General Pando, are supposed to have stopped at the river Orton, sending their advanced posts as far as the Abunan. If in the period of four months, counting from March 21, the two Governments can not arrive at a direct and definite agreement, the said Brazilian detachment of troops will return to the north of that parallel and the negotiations will commence for a treaty of arbitration.

It is much to be regretted that the discussion of the definite agreement has been interrupted when it had scarcely begun, in January, and that the period of four months from March 21 will, as a matter of fact, be reduced to two, since the Bolivian minister on special mission can not be expected to arrive here until the end of this month.

I sincerely wish and hope that the two Republics may be able to arrive at an understanding, settling, as soon as possible, in the most honorable manner these irritating and too much prolonged questions. Brazil does not desire an agreement in opposition to the interests of Bolivia, and holds in the highest appreciation her friendship.

To the Peruvian Government we have announced, very willingly, since January that we will examine, with attention, the claims which in due time they may be pleased to make upon the subject of the territories now in dispute between Brazil and Bolivia.

Near the mouth of the Amonea, in Alte Jurua, conflicts have unhappily taken place between the Brazilians there for a long period of time established and a detachment of Peruvian troops whom the prefect of Iquitos had sent there in October. With the imperfections of the maps in existence it is, however, impossible to say whether that point is within the Brazilian boundary or in territory indisputably Peruvian, as our neighbors allege. I am convinced that the questions relative to these incidents on the frontier will be solved by the two Governments in the most amicable spirit.

FREE NAVIGATION OF THE AMAZON RIVER.

Mr. Bryan to Mr. Hay.

No. 441.]

LEGATION OF THE UNITED STATES,
Petropolis, August 14, 1902.

SIR: I have the honor to inclose herewith a copy and translation of an official order of the minister of finance, recently promulgated, by which he closes or attempts to close the free navigation of the Amazon, subjecting all goods in transit to Brazilian export and import duties.

I have, etc.,

CHARLES PAGE BRYAN.

[Inclosure.—Translation.]

Extract from Diario Oficial.

Ministry of finance. Federal capital. Circular No. 43, August 8, 1902.

Let the honorable heads of departments of finance take notice for their information, that by means of telegrams of this date sent to the collecting agents of the federal treasury in the States of Para and Amazonas, this ministry has provided for the keeping of the free navigation of the Amazon for import and export in suspense, except as applied to merchants who have cargoes in ships which have left the ports of loading before this same date, collecting, except in this case, the duties they shall owe.

Mr. Bryan to Mr. Hay.

No. 444.]

LEGATION OF THE UNITED STATES,
Petropolis, August 19, 1902.

SIR: In reference to my No. 441, of August 14, 1902, I have the honor to report that the minister of finance on August 13, 1902, modified and corrected the official order closing the navigation of the Amazon by confining its effect to importation and exportation to and from the single country of Bolivia. I inclose a copy and translation of the corrected order.

I have, etc.,

CHARLES PAGE BRYAN.

[Inclosure.—Translation.]

MINISTRY OF FINANCE.

Circular No. 43, ministry of finance, federal capital, August 8, 1902, is republished on account of having been previously printed with mistakes.

I hereby notify the heads of departments of finance, for their information, that the ministry has, through telegrams of this date to the collecting agents of the federal treasury in the States of Para and Amazonas, suspended the free navigation of the Amazon for importation and exportation to and from Bolivia, except for that merchandise in vessels that left the ports of shipment before this same date, all other except the above paying the regular duties.

JOAQUIM MURLINHO.

Mr. Bryan to Mr. Hay.

No. 464.]

LEGATION OF THE UNITED STATES,
Petropolis, October 31, 1902.

SIR: Referring to my Nos. 441 and 444 of the 14th and 19th of August, respectively, relating to the ministerial decree which, in order to injure Bolivian commerce, imposes transit duties, I have the honor to report that the Governments of France and Germany have instructed their ministers to protest against this proceeding on Brazil's part. The British minister, also under telegraphic instructions, has called on me several times to inquire whether I had been directed to notify the foreign office here of displeasure on our part at this Government's unwarranted action. The French minister informs me that the minister for foreign affairs has reasserted to him with emphasis, both verbally and in a long note, his belief in the right of Brazil to impose transit duties. My colleagues, however, agree with me in the belief that Baron Rio Branco, an experienced diplomat who will become minister for foreign affairs on November 15, will not sustain his predecessor's contentions or attitude with regard to the commercial rights of Bolivia and of other nations. It is our separate conviction that long before January, when the rubber shipments begin, the new Government of Brazil will have solved the pending difficulties with regard to free transit on the Amazon River. Nevertheless, as I may be in error in this opinion, I deem the matter of sufficient importance to lay the facts before the Department as they present themselves to me, so that my successor may be thoroughly informed regarding every phase of this question, and so that the Department understandingly may be prepared to take such action in the premises as it may deem proper.

I have, etc.,

CHARLES PAGE BRYAN.

Mr. Bryan to Mr. Hay.

No. 466.]

LEGATION OF THE UNITED STATES,
Petropolis, November 7, 1902.

SIR: Continuing the subject of my No. 464, of October 31, I have the honor to report that the French minister informs me that the legal adviser of the foreign office at Paris, in a lengthy opinion, has sustained his position regarding the illegality of the imposition of duties on merchandise in transit by the Amazon.

I have, etc.,

CHARLES PAGE BRYAN.

Mr. Hay to Mr. Seeger.

No. 302.]

DEPARTMENT OF STATE,
Washington, December 9, 1902.

SIR: The Department has given consideration to Mr. Bryan's Nos. 441, 444, 464, and 466, of the respective dates of August 14, August 19, October 31, and November 7, 1902.

No. 441 transmits a copy of an official order of the minister of finance by which he attempts to close the free navigation of the Amazon by subjecting all goods in transit to Brazilian export and import duties.

No. 444 reports a correction of the order so as to make it apply only to goods going to and coming from Bolivia.

No. 464 reports the protests of the French and German ministers against the order.

No. 466 reports the French Government's approval of its minister's protest.

The Department notes by Mr. Bryan's No. 464 that it is the common belief of the diplomatic corps that the order would be rescinded by Baron Rio Branco upon his assumption of the office of minister for foreign affairs. It is hoped that by the time this instruction reaches you this expected action will have been taken. If not, you will make proper and temperate remonstrance against the measure, which, if persisted in, could not fail to injure United States commerce with the Amazon region.

I am, etc.,

JOHN HAY.

Mr. Seeger to Mr. Hay.

LEGATION OF THE UNITED STATES,
Petropolis, January 20, 1903.

SIR: The optimistic prediction of Mr. Bryan, that "long before January, when the rubber shipments begin, the new Government of Brazil will have solved the pending difficulties with regard to free transit on the Amazon River," is far from being fulfilled.

I have, consequently, in obedience to your No. 302, of December 9, made "proper and temperate remonstrance" against Brazil's obstruction to the commerce on the Amazon.

* * * * *

Inclosed are copies of memoranda on the subject, shown me by Doctor Pinilla, and of my note of to-day to the foreign office.

I have, etc.,

EUGENE SEEGER,
Consul-General in Charge of Legation.

[Inclosure 1.—Translation.]

Opinion on the question of transit by the Amazon, by Mr. Louis Renault, professor of international law of the faculty of Paris, member of the Hague conference, legal adviser of the minister of foreign affairs, etc.

I am of the opinion that the remonstrance made by Mr. Decrais to the Brazilian Government is well founded.

There can be no doubt that in the absence of constitutional provisions a State is free to regulate as it sees fit the passage across its territory or on its waters. We

would have had no right to complain if Brazil, not having a commercial treaty with us, had subjected the transit on Brazilian waters to transit taxes. But this is not what she has done in the exercise of her sovereignty. She has by an act of legislation, even by her constitution, established free transit. We therefore confine ourselves to invoking against Brazil the rules which she herself has established and upon the upholding of which foreigners have a right to rely as long as they are not modified in accordance with legal forms. There would be no sort of security if a condition of things created by so solemn an act as the constitution could, by a simple ministerial decree, arbitrarily be modified to the detriment of the foreigners. That would be a genuine surprise which the governments charged with the protection of their own nationalities could not accept.

L. RENAULT.

[Inclosure 2.]

(This was presented to the London foreign office by the Bolivian minister at that capital.)

Memorandum on the suspension by Brazil of free transit to Bolivia through the Amazon.

The treaty of 1867, Article 6, declares that "the communication between the two States by the common frontier shall be free and the transit by it exempt from all national and municipal duties." Article 28: "All the conditions of this treaty which do not refer to frontiers shall be in force for the term of six years, after which they shall continue in force until one of the contracting parties shall notify the other of his desire to put an end to them and they will cease to exist twelve months after the date of this notification." Article 29: "The contracting parties undertake to negotiate before the expiration of the fixed term of six years a new treaty with the alterations and provisions which experience and the interests of both countries may render necessary."

The treaty of 1867 was denounced by Brazil on the 6th of September, 1884, and if there had existed any right on the part of Brazil to suspend the free transit of merchandise along the natural waterways, a right which Bolivia had exercised ab initio, it would have been done at the expiration of the agreed term, i. e., on the 6th of September, 1885; but it was not done, and the transit of Bolivian exports down the river Madera, the only commercial route through Brazil from Bolivia existing at that time, continued as before.

Negotiations went on, and a new treaty was concluded on the 31st of July, 1896, and ratified by the Bolivian Government on the 15th of August of the same year, but the Brazilian Government kept it in suspense.

The treaty of 1896 was finally withdrawn from Congress by the Brazilian Government in July, 1902.

On the 19th of July, 1902, the Brazilian minister of foreign affairs, under pretext of this act of withdrawal, declared that "in future no free transit along the Amazon would be granted to produce coming from its affluents." Soon after he explained that this resolution referred only to Bolivian traffic. At the same time he declared that "article 6 of the protocol of October 30, 1899, remained without effect." This article reads as follows: "As long as there is no Brazilian consul at Puerto Alonso the custom-houses of Manaos and Belem shall accept as valid, from the 15th of November next, all customs notes and other documents issued by the administrator of the custom-house of Puerto Alonso, provided they are accompanied by a certificate from the captain of the ship which receives the cargo."

Now, the Brazilian minister, in a recent explanation given to the Bolivian minister at Rio, propounded that "the Federal Government, in anticipation of a favorable vote of Congress accepting the treaty of 1896, had consented on the 23d of October, 1898, as an act of friendship toward Bolivia, to the recognition of the custom-house of Puerto Alonso, the commerce of that region receiving the provisional enjoyment of the advantage which would be granted in a permanent and definite form when the said treaty should be approved and come into operation."

This theory is utterly untenable because the protocol of October 13, 1899, says: "Article 4. Until the mixed commission shall have completed the definite demarcation of the frontier, there shall be adopted as provisional boundary a line which, departing from the Madera at latitude 10° 20', runs to latitude 70° 11' 48", fixed by Captain Lieutenant Augusto da Cunha Gomes at the point of the source of the river Javary." And article 5: "The Bolivian custom-house of Acre shall continue established at Puerto Alonso until by the demarcation of the frontier in its neighborhood

the statement that it is in Bolivian territory has been confirmed, the Bolivian Government undertaking in the contrary case to remove it to a suitable place."

Therefore the establishment of the custom-house of Puerto Alonso was not consented to by Brazil in anticipation of the approval of the treaty of 1896, as the minister propounds, but as a natural consequence of the delimitation of the frontier on the river Acre, Bolivia having the right to fix her own custom-house at any point within her frontier.

Brazil pretends that because the treaty of 1896 has been withdrawn from Congress the Federal custom-house of Manaus has the right of charging duties on merchandise imported to Bolivia (which is being done), and that the governor of Amazonas has the right of collecting duty on the rubber exported from Bolivia as if it came from its own territory.

But the treaty of 1896 did not create any rights, because it was never in force, and its withdrawal does not in any way change the situation. The relations between the two countries were fixed by the treaty of 1867, and the commercial conditions established by it have continued to exist without interruption, as the rights acquired under a treaty can not be altered capriciously, nor can two neighboring countries exist without some kind of understanding in their commercial relations, and until a new treaty is signed the normal relations established by the previous one continue to exist. The only rights which Bolivia could not claim were those which she did not previously exercise, such as the navigation of the Brazilian rivers under her own flag.

The position created becomes still more delicate when it affects the rights of third parties. Under the conditions of existing treaties foreign settlers established themselves in Bolivian territory, and during the last forty years have been trading through the Amazon. English companies were formed, such as the Orton Rubber Company. English and other merchants advanced considerable sums of money to the merchants of that territory.

Without any warning, at a moment's notice, Brazil now begins to collect a prohibitory duty on all merchandise going to Bolivia and 22½ per cent ad valorem on rubber exported, besides 15 per cent charged by Bolivia, which inflicts a deathblow on all the trade of that region. It is to be remembered that the traffic through the Madera was not subject to the same conditions as that from the Acre. In the former there was never any dispute about boundaries, and free transit has existed ab initio, but now the State of Matto Grosso, seeing that Amazonas is allowed to collect duty on rubber coming from Acre, claims a similar right on all rubber coming from the Bolivian province of Beni.

This conduct of Brazil, being simply an abuse of her topographical position at the mouth of the great waterways of the Amazon, and being contrary to the law of nations, does not only affect the revenue and prosperity of Bolivia, but also and most injuriously all foreign settlers and people interested in the commerce of that part of the world. Bolivia is unable to protect them on account of her disadvantageous geographical position, and they have applied to the foreign offices of England, Germany, and France for protection. Their claim seems to be reasonable and worthy of prompt attention before they are ruined by the wanton action of Brazil.

[Inclosure 3.]

Mr. Seeger to the Brazilian minister for foreign affairs.

LEGATION OF THE UNITED STATES,
Petropolis, January 20, 1903.

MR. MINISTER: Pursuant to instructions from my Government, I have the honor to submit to your excellency's kind consideration the following facts and conditions:

Your excellency knows that important commercial relations exist between the United States of America and that portion of the Republic of Bolivia whose only outlet is the Amazon River.

Through the decree of the honorable minister of fazenda of Brazil, of August, 1902, issued without a moment's warning and imposing prohibitory transit duties on all merchandise to and from Bolivia by way of the Amazon River, a great injury is done to the material interests of my country.

The Government of the United States of America has always considered the navigation of the Amazon through Brazil as being free to all nations, and it has consequently regarded the above-mentioned ministerial decree as only temporary and transient in its nature. For this reason it has refrained, until now, from submitting to your excellency the deep grievances of our merchants doing business in the Amazon region.

I beg your excellency to kindly consider that a continuance of the policy as applied in the ministerial decree above mentioned would be a death blow to our vast interests in eastern Bolivia.

I have taken the liberty to call your excellency's attention to these facts and conditions, feeling confident that you will exercise your great influence to bring about such changes in the premises as our important commercial relations with Brazil and the strong ties of close friendship that bind us to your glorious country give us reason to hope for.

I would be particularly grateful to your excellency if you would enable me to transmit your answer to our Department of State before my leave of absence takes effect, on February 1, next.

I have, etc.,

EUGENE SEEGER,
Consul-General, in Charge of Legation.

Mr. Hay to Mr. Seeger.

No. 316.]

DEPARTMENT OF STATE,
Washington, February 17, 1903.

SIR: The Department has received your unnumbered dispatch of January 20 in relation to the obstruction to commerce on the Amazon River by the decree of the Brazilian Government, with which you inclose copy of your note to the Brazilian minister for foreign affairs, representing the injury to American commerce; copy of an opinion on the question of transit by Mr. Louis Renault, legal adviser of the minister of foreign affairs, etc.

The Department notes Mr. Renault's opinion that the Brazilian Government has, by its own constitution, established free navigation on the Amazon. There would seem to be foundation for this opinion in the provisions of the Brazilian Federal constitution of 1890, articles 6, 7, and 13, and especially in the first section of article 10, which reads as follows:

Article 10. It is forbidden to the States as well as to the Union—

1. To impose duties on the products of the other States, or of foreign countries, in transit through the territory of any State, or from one State to another, as also on the vehicles, whether by land or water, by which they are transported.

In view of your recent report of the signing of the agreement between the Governments of Brazil and Bolivia and the removal of transit restrictions, present discussion of this point is of merely academic interest.

I am, etc.,

JOHN HAY.

Mr. Seeger to Mr. Hay.

LEGATION OF THE UNITED STATES,
Petropolis, February 22, 1903.

SIR: I have the honor to refer to my unnumbered dispatch of January 20 and to transmit herewith a copy and translation of the ministerial decree of February 20, abolishing the transit duties recently levied by Brazil against Bolivian commerce on the Amazon.

While this decree does away with the very obnoxious and unjustifiable measure, it does not satisfy the Bolivian Government. I was informed by Doctor Pinilla, the Bolivian minister here, that he intends to formally protest against the phraseology of the document, especially against the word "tolerance." His contention is that as the

Amazon and the Madeira are free rivers the Bolivians have the same right as any other nation to carry on freely and unimpeded their commerce on those rivers.

Since this question has now found its solution the minister for foreign affairs will probably have no longer any reason to hesitate about answering my protest dated January 20, a copy of which I had the honor to transmit to the Department in the above-mentioned dispatch.

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I have, etc.,

EUGENE SEEGER,
Consul-General, in Charge of Legation.

[Inclosure.—Translation.]

Ministerial decree abolishing transit duties on Bolivian commerce by way of the Amazon.

MINISTRY OF FINANCE, CIRCULAR No. 6,
Rio de Janeiro, February 20, 1903.

I hereby announce to the chiefs of department of finance for their information that this ministry has, by means of telegrams of this date to the collecting agents of the Federal treasury in the States of Para and Amazonas, declared that, although there is no treaty or convention in force relative to commerce and navigation between Brazil and Bolivia, the tolerance of free transit by the Amazon of merchandise destined for Bolivia and of shipments from the river ports of that Republic destined for foreign countries, which formerly prevailed, is reestablished; the prohibition of the importation of war material to Bolivia through Brazilian rivers is, however, continued until further orders.

The circular of this ministry, No. 43, of August 8, 1902, is thus revoked.

LEOPOLDO DE BULHOES.

Mr. Seeger to Mr. Hay.

LEGATION OF THE UNITED STATES,
Petropolis, March 3, 1903.

SIR: Referring to my unnumbered dispatch to the Department of February 22 and to my note to the foreign office of January 20, a copy of which was transmitted with my unnumbered dispatch of January 20, I have the honor to transmit herewith a copy and translation of a note from Baron Rio Branco, received yesterday, in reference to the reestablishment of free transit on the Amazon.

I have, etc.,

EUGENE SEEGER,
Consul-General, in Charge of the Legation.

[Inclosure.—Translation.]

MINISTRY FOR FOREIGN AFFAIRS,
Rio de Janeiro, February 20, 1903.

I had the honor to receive the letter which Mr. Eugene Seeger, consul-general in charge of the legation of the United States of America, wrote me on January 20, in reference to the decision the Federal Government took on August 8, 1902, of suspending on the Amazon free transit to Bolivian import and export trade.

It was in 1866 that the Brazilian Government opened the Amazon to the merchant ships of all friendly nations; but of the affluents of that river which have their source in Bolivian territory or pass through it the only one to which it extended this liberty, and in fact the only one in Brazil which can serve Bolivian foreign commerce, was the Madeira from its confluence to the port of Santo Antonio. The Purus, and therefore its tributary, the Aquiry, or Acre, never were open to international navigation. Brazil has always maintained that when a river passes through the territory of two or more States the freedom of navigation or of transit through the country of the main river depends on a prior agreement thereto with the country of the tributary river, an agreement which in its nature implies reciprocity.

There has not been and there is not in force any treaty of commerce and navigation between Brazil and Bolivia, and free transit by Brazilian rivers for Bolivian foreign commerce was only a matter of tolerance on the part of Brazil. But since the Bolivian Government has thought to be able to transfer rights of a quasi-sovereign nature to a syndicate of foreigners of different nationalities, Americans and Europeans, a syndicate without international capacity, and which, by the way it is constituted and by the means it undertook to employ in Europe, clearly showed that it was conspiring against the so-called Monroe doctrine, and inasmuch as the same Government has besides this conferred upon that syndicate the power of disposing at will of the navigation of the river Acre and its affluents, Brazil concluded it was her duty to make reprisals, and for that reason, in the absence of conventional law between the two parties, suspended the tolerance which has existed for some years.

The situation which obligated the adoption of that expedient has now changed, and, therefore, since the Federal Government is desirous of attending as promptly as possible to the interests of commerce, it has by a decision of this date reestablished free transit on the Amazon for merchandise between Bolivia and the foreign countries; it has continued, however, to prohibit the importation to that country of war material by Brazilian rivers.

In thus informing Mr. Seeger that the resolution has now been taken, which I announced to him verbally was near, I thank him for the terms in which he asked for it in the name of the American Government, and the earnestness with which he referred to the strong bonds of tried friendship which unite our two countries. It will ever be the endeavor of Brazil to do her full share to strengthen and stimulate on every occasion the time-honored relations of mutual good will which bind her to her great and glorious sister of the north, and for this reason I take particular pleasure in announcing an act which will be agreeable to his Government.

I avail, etc.,

RIO BRANCO.

CHINA.

CITIZENSHIP OF CHINESE AND JAPANESE WOMEN MARRIED TO UNITED STATES CITIZENS.

Mr. Conger to Mr. Hay.

No. 1169.]

LEGATION OF THE UNITED STATES,
Peking, December 11, 1902.

SIR: I have the honor to enclose copies of a letter from Vice-Consul Cameron, of Hankow, referred to me by Consul-General Goodnow, and of my reply thereto, concerning the status of Chinese and Japanese women married to citizens of the United States.

This seems to be a question not as yet specially ruled upon by our courts, but it is one of growing importance, as a great many American sailors and some other citizens of the United States have already married women of the Mongolian race.

I therefore respectfully request the opinion of the Department thereon.

I have, etc.,

E. H. CONGER.

[Inclosure 1.]

Mr. Cameron to Mr. Goodnow.

CONSULATE OF THE UNITED STATES,
Hankow, November 3, 1902.

SIR: I would like to ask your opinion as to the status of Chinese and Japanese women married to citizens of the United States.

There is one name on the register now of a man who has a Japanese wife, and another has applied for registration who is shortly to marry a Chinese woman. These both had children before their marriage, and I take it that the children are of course debarred from registration, being illegitimate; but am I required to register these Chinese and Japanese women (or other Malays, vide C. R., sec. 140) as naturalized American citizens, the wife following the husband's nationality; and are their future children to be registered as native-born citizens, or not? I certainly hope not!

Thanking you in anticipation, I have, etc.,

ALLEN N. CAMERON,
Vice-Consul in Charge.

[Inclosure 2.]

Mr. Conger to Mr. Cameron.

Con., No. 1668.]

LEGATION OF THE UNITED STATES,
Peking, December 11, 1902.

SIR: Consul-General Goodnow has referred to me your letter of November 3 last, in which you inquire as to the status of Chinese and Japanese women married to citizens of the United States.

Section 1994 of the Revised Statutes provides that "Any woman who is now or may hereafter be married to a citizen of the United States, and who might herself be lawfully naturalized, shall be deemed a citizen."

The act of Congress of May 6, 1882, prohibits any naturalization of Chinese. Hence the privilege of acquiring citizenship by marriage granted by section 1994 would not

apply to Chinese women. But even without this express statutory prohibition it has been held that neither Chinese nor Japanese are white persons within the meaning of the naturalization laws of the United States, and therefore not capable of being naturalized. (5 Sawyer, 155, and 6 Sawyer, 541.)

In *Fong Yue Ting v. United States* (149 U. S., 716) the United States Supreme Court in 1892 said: "Chinese persons not born in this country have never been recognized as citizens of the United States nor authorized to become such under the naturalization laws." To the same effect was the case of *In re Gee Hop* (71 Fed. Rep., 274).

It seems to me, therefore, that both Chinese and Japanese women are classes excepted from the rule that the citizenship of the husband determines that of the wife; but as they are the wives and mothers of United States citizens you should always be ready to use your good offices in their behalf. I am sending the question to the Department of State for its submission to the law department thereof.

As to the children, section 1993, Revised Statutes, says: "All children heretofore born or hereafter born out of the limits and jurisdiction of the United States whose fathers were, or may be at the time of their birth, citizens thereof, are declared to be citizens of the United States." The race or citizenship of the mothers appears not to effect the status of the children.

I am, etc.,

E. H. CONGER.

Mr. Hay to Mr. Conger.

No. 622.]

DEPARTMENT OF STATE,
Washington, February 5, 1903.

SIR: I have to acknowledge the receipt of your dispatch No. 1169, of December 11 last, requesting the opinion of the Department respecting the status of Chinese and Japanese women married to American citizens.

The views expressed in your letter of December 11, 1902, to the United States vice-consul at Hankow as to the status of Chinese and Japanese women married to citizens of the United States are correct.

The clause in section 1994 of the Revised Statutes, "and who might be lawfully naturalized," is designed to exclude women not eligible to naturalization under the general statutes of the United States from the operation of the general rule that marriage confers upon the woman the citizenship of her husband. The question has formed the subject of judicial decision in the United States. Mr. Justice Field in delivering the opinion of the Supreme Court of the United States in the case of *Kelly v. Owen* (7 Wallace, 496) said: "The case turns upon the construction given to the second section of the act of Congress of February, 1855, which declares that 'any woman who might lawfully be naturalized under the existing laws, married, or who shall be married, to a citizen of the United States shall be deemed and taken to be a citizen of the United States.' As we construe this act, it confers the privilege of citizenship upon women married to citizens of the United States, if they are of the class of persons for whose naturalization the previous acts of Congress provide. * * * The terms 'who might lawfully be naturalized under the existing laws' only limit the application of the law to free white women. The previous naturalization act existing at the time only required that the person applying for its benefits shall be a 'free white person' and not an alien enemy."

A similar construction was given to the act by the court of appeals of New York in *Burton v. Burton* (40 New York, 373).

As indicated by you in your letter to the vice-consul, the citizenship of legitimate children born abroad follows that of the father under our statute.

I am, etc.,

JOHN HAY.

**MANCHURIA—CORRESPONDENCE CONCERNING OPEN PORTS,
EVACUATION BY RUSSIA, ETC.^a**

Mr. Conger to Mr. Hay.

[Telegram.—Paraphrase.]

LEGATION OF THE UNITED STATES,
Peking, December 16, 1902.

(Mr. Conger reports that the Russians are arranging with the Chinese Government customs service for Talienwan and some interior Manchurian ports, similar to, but independent of, the maritime customs, and under Russian commissioner instead of English; post-offices under the same control.)

Mr. Conger to Mr. Hay.

No. 1175.]

LEGATION OF THE UNITED STATES,
Peking, December 17, 1902.

SIR: I have the honor to confirm my telegram of the 16th instant concerning the proposed establishment of a customs service under Russian control at Dalny (Talienwan) and other ports in Manchuria.

* * * * *

The completion of the Manchurian railway and the creation of an open commercial port at Dalny, its terminus, make additional customs facilities necessary in that corner of the Empire.

I have been unable to get exact details, because the arrangement is not yet completed, but it will provide a principal custom-house at Dalny, where goods to be used in Dalny and the Russian-leased territory immediately surrounding will be free. Those to be consumed in Manchuria will pay the regular Chinese import duties; those going into Russia the Russian tariff, all being collected at one office. Another station will be located where the railway crosses the border between Manchuria and Siberia, and others where necessary.

It is proposed to establish post-offices where they have not yet been established by the maritime customs, and I understand they are to await the Russian evacuation of the second portion of the territory which should take place April 8, next. The customs service, however, is to go into effect as soon as an agreed arrangement can be arrived at.

* * * * *

I have, etc.,

E. H. CONGER.

Mr. Hay to Mr. Conger.

No. 606.]

DEPARTMENT OF STATE,
Washington, January 3, 1903.

SIR: Referring to your telegram of the 16th ultimo I have to say that the Department does not think that there is any ground on which

^aSee Foreign Relations, 1902, pp. 271, 281.

the Government of the United States could take any action against the arrangement being made between the Russian and Chinese Governments for the establishment of customs stations at Taliénwan and some interior Manchurian points, or against the post-office service in the same country. The only point with which we can be concerned is that the duties levied at these places do not exceed the regular tariff duties levied at all other points in the Chinese Empire open to foreign trade. That the customs stations to be created should be under Russian commissioners is most natural. There being a number of Russians in the imperial maritime customs service, it would seem but natural that they, or some other Russians, should be employed in these offices.

* * * * *

The letter of the Russian minister of foreign affairs to our ambassador at St. Petersburg, under date of the 18th of December, 1899 (see Correspondence Concerning American Commercial Rights in China, p. 17, a copy of which is herewith inclosed), defines pretty clearly the position of the Russian Government respecting the creation of custom-houses in the leased territory in China.

You will watch the arrangements that may be reached between China and Russia on this subject, and should they in any way prove a menace to American interests and violate in any way the treaty provisions, you will take such action as the circumstances may require and your experience dictate.

I am, etc.,

JOHN HAY.

[Inclosure.—Translation.]

Count Mouravieff to Mr. Tower.

MINISTRY OF FOREIGN AFFAIRS,
December 18-30, 1899.

MR. AMBASSADOR: I had the honor to receive your excellency's note, dated the 8th-20th of September last, relating to the principles which the Government of the United States would like to see adopted in commercial matters by the powers which have interests in China.

In so far as the territory leased by China to Russia is concerned, the Imperial Government has already demonstrated its firm intention to follow the policy of "the open door" by creating Dalny (Ta-lien-wan) a free port; and if at some future time that port, although remaining free itself, should be separated by a customs limit from other portions of the territory in question, the customs duties would be levied, in the zone subject to the tariff, upon all foreign merchandise without distinction as to nationality.

As to the ports now opened or hereafter to be opened to foreign commerce by the Chinese Government, and which lie beyond the territory leased to Russia, the settlement of the question of customs duties belongs to China herself, and the Imperial Government has no intention whatever of claiming any privileges for its own subjects to the exclusion of other foreigners. It is to be understood, however, that this assurance of the Imperial Government is given upon condition that a similar declaration shall be made by other powers having interests in China.

With the conviction that this reply is such as to satisfy the inquiry made in the aforementioned note, the Imperial Government is happy to have complied with the wishes of the American Government, especially as it attaches the highest value to anything that may strengthen and consolidate the traditional relations of friendship existing between the two countries.

I beg you to accept, etc.,

COUNT MOURAVIEFF.

Mr. Conger to Mr. Hay.

No. 1228.]

LEGATION OF THE UNITED STATES,
Peking, March 6, 1903.

SIR: With reference to the question of the establishing of customs stations at Dalny and other Manchurian ports under Russian control, mentioned in my dispatch No. 1175, of December 17 last, which was the subject-matter of Department instruction No. 606, of January 3, and of which I hereby acknowledge receipt, I have the honor to report that the Chinese Government still refuses to agree to the Russian scheme, and as yet it has not been put in force.

The Chinese are insisting upon the adoption of the plan now operating at Ts'ing-tao, in the German-leased territory, to wit, a customs station under the management of the Imperial Chinese customs, but operated by German employees of the customs service. In this case the Chinese wish the stations to be under the direction of the imperial customs, but operated by Russians detailed from the customs service. The Russians insist upon having the entire management and are using every argument and pressure to make the Chinese consent, and threaten to establish the stations whether or not the Chinese Government agrees, claiming, under the provisions of their railroad agreement, that they can do so.

At present large amounts of cotton goods are arriving at Niuchwang, through Port Arthur and Dalny, without paying any import duties whatever, and considerable quantities of raw silk and other commodities are exported through the same way. * * *

I inclose copies of two dispatches from Consul Miller upon the subject.

I have, etc.,

E. H. CONGER.

[Inclosure 1.]

Mr. Miller to Mr. Conger.

No. 156.]

CONSULATE OF THE UNITED STATES,
Niuchwang, February 20, 1903.

SIR: I have the honor to acknowledge your dispatch, No. 1749, of February 16, 1903. In reply thereto I find that no customs have yet been established by the Russians either at Dalny or at any other place in Manchuria.

They have endeavored to engage the services of men here to enter the service at Dalny, but so far none have accepted.

Mr. Protassieff is established at Dalny with a force of men ready to begin the collection of customs duties, but is waiting for orders. I am inclined to the opinion that the Russians will make a demand that they have charge of the customs at Dalny and other points on the railway in return for turning over the customs at this port.

Agents of the Chinese Eastern Railway have been at work here recently endeavoring to secure contracts for carrying millet from here to Japan via Dalny. By this means they would evade the native customs. They have made some very cheap rail and steamer rates and some shipments have been made, but I have not been able to learn how much cargo has been engaged.

Quite a large quantity of goods are now coming into this place through Port Arthur and Dalny, and much is going that way into the interior without paying customs duties.

I am, etc.,

HENRY B. MILLER, *Consul.*

[Inclosure 2.]

Mr. Miller to Mr. Conger.

No. 158.]

CONSULATE OF THE UNITED STATES,
Niuchwang, February 25, 1903.

SIR: I have the honor to report that during this month something over 5,000 bales of piece goods have come to this place through Dalny without paying any customs duties, and 2,500 bales of raw silk have been exported through Dalny without duty; also large quantities of millet have been exported to Japan.

The Russians have taken over some temples here and are fitting up a school to teach Russian to the Chinese.

It is also reported that they do not propose to turn over to the Chinese the temple grounds and buildings where their troops are quartered, but will retain them for purposes of their own. They acquired a large tract of land in the heart of the foreign settlement from the Chinese at nominal cost and have constructed a large and substantial building to be used as a consulate. This building is now about completed.

I have, etc.,

HENRY B. MILLER, *Consul.**Mr. Conger to Mr. Hay.*

No. 1233.]

LEGATION OF THE UNITED STATES,
Peking, March 10, 1903.

SIR: I transmit herewith copies of a dispatch from Consul Miller, of Niuchwang, concerning Russian operations in Manchuria.

I have, etc.,

E. H. CONGER.

[Inclosure 1.]

Mr. Miller to Mr. Conger.

No. 161.]

CONSULATE OF THE UNITED STATES,
Niuchwang, March 5, 1903.

SIR: I have the honor to report that the branch construction of the Chinese Eastern Railway into Mukden from the main line is completed and will be in operation in a few days. The survey from the main line of the Chinese Eastern Railway into Kirin, a distance of about 100 miles, has recently been completed and construction of the line will soon begin.

By these two branches the Russians will have direct communication with the two capitals of the southern provinces of Manchuria, viz, Shengking and Kirin. Surveys are under way for an extension of the Russian railway system into Korea, and it is rumored that construction will not be long delayed.

The Russian Government has established at Mukden a diplomatic officer with a rank equal to a consul-general, who will remain there permanently after withdrawal as the resident diplomatic representative.

His real duties will be those of adviser to the Tartar general. The headquarters of this official are to be at the railway station, just outside of the city of Mukden, where a Russian community is to be established, under the protection of Russian troops known as the railway guard.

* * * * *

I have, etc.,

HENRY B. MILLER, *Consul.**Mr. Conger to Mr. Hay.*

No. 1246.]

LEGATION OF THE UNITED STATES,
Peking, March 25, 1903.

SIR: I have the honor to inclose copies of correspondence with Consul Miller, at Niuchwang, upon the question of the establishment of

Russian courts in Manchuria and restriction of the judicial jurisdiction of the Russian consul at Niuchwang.

In view of the growing importance of Manchuria and the prospect of rapidly increasing American interests there, would it not be well to attempt some more satisfactory arrangement of the matter directly with the Russian Government?

I have, etc.,

E. H. CONGER.

[Inclosure 1.]

Mr. Miller to Mr. Conger.

No. 165.]

CONSULATE OF THE UNITED STATES,
Niuchwang, March 17, 1903.

SIR: I have to report that the Russian authorities have established courts at several places on the Chinese Eastern Railway in Manchuria for the trial of minor offenses and all civil cases not exceeding 1,000 rubles.

In addition to this they have established higher courts at Harbin, Vladivostock, and Port Arthur for the trial of greater cases.

The consular court jurisdiction of the Russian consul is restricted to the treaty port of Niuchwang. Any action to be brought against a Russian subject outside of this treaty port must be brought in these other courts. This agreement is permanent and is to remain after withdrawal or evacuation.

An American citizen has had a lease with a Russian for buildings lying just outside this treaty port; the Russian refuses to satisfy the demands of the American for payments in accordance with the lease; the Russian consul here refuses to consider the case and says the matter must be settled in the Russian courts at Port Arthur.

I cite this case at the present time simply to explain the situation, and ask for instructions. Must I advise American citizens that they must bring their cases in Port Arthur? The Russian subject is not a citizen of Port Arthur.

To my mind he is clearly a resident of Niuchwang, but as he is employed on the railway line the Russian consul claims that his residence is in the interior of Manchuria.

This will remove all opportunities for watchfulness and assistance on the part of the American consul over the affairs of American citizens in their relation with Russians for all of Manchuria, and in matters of great moment where appeal might be desired it would most likely remove the matter out of China altogether and probably send the case to St. Petersburg.

It would force a man to leave the territory in which he is amenable to the laws of his own country to go into the leased territory of Port Arthur, where his entire conduct, together with his person, would be under the control of Russian authorities governed by Russian law.

This would appear to me to be inconsistent with our rights and privileges here, and, unless directed by you, I do not feel like advising American citizens to submit to this condition.

Unless Russia will grant that the extraterritorial rights of our citizens extend over the leased territory they have no right to require our citizens to appear in the courts of that district to enter complaints against Russian subjects for cause of action that occurs in other parts of Manchuria.

No action has yet been brought, but it is advisable that I should be advised what information to give, as a case is pending along these lines, and I am afraid that a settlement can not be had, although I am using every effort to secure a private adjustment.

I have, etc.,

HENRY B. MILLER, *Consul.*

[Inclosure 2.]

Mr. Conger to Mr. Miller.

LEGATION OF THE UNITED STATES,
Peking, March 24, 1903.

SIR: I have received yours of the 17th instant, with information that the Russian authorities have established certain courts in Manchuria, along the Chinese Eastern

Railway, and higher courts at Harbin, Vladivostok, and Port Arthur, and that the consular-court jurisdiction of the Russian consulate is restricted to the treaty port of Niuchwang.

You inquire whether, in a given case which the Russian consul refuses to consider, saying that the matter must be settled in Port Arthur, you should advise the American plaintiff to take his case there.

Evidently Russia has no right to establish courts outside of treaty ports or leased territory in China, but I apprehend that under her right of extraterritoriality she may or may not establish courts at the treaty ports, and if established may clothe them with whatever jurisdiction and prescribe whatever rules of practice she may think best, just as the United States and other foreign powers do. I think, therefore, that in the absence of any treaty or other agreement between the United States and Russia on the subject, if any American wishes to invoke the aid of a Russian court he will have to go wherever Russia has established such court.

In view of the whole Manchurian situation, this is a matter of such importance that I shall refer it to the Department of State for such action at St. Petersburg or elsewhere as may be thought advisable.

I am, etc.,

E. H. CONGER.

Mr. Conger to Mr. Hay.

No. 1252.]

LEGATION OF THE UNITED STATES,
Peking, March 31, 1903.

SIR: With reference to opening Ta-ku shan as a treaty port, I have the honor to report the following data confidentially obtained from a reliable source:

Ta-ku shan is a small fortified town about 9 miles from the mouth of the Ta-yang River, having a population of from 30,000 to 40,000. From here lumber, beans, bean cake, and wild cocoons are exported by junks to various ports north of Shanghai. In summer one can find hundreds of vessels passing up and down the river, but it freezes from the end of November till the beginning of March. In March, 1900, a Japanese man-of-war passing along the coast, 30 miles south of the river's mouth, met with floating ice. The depth of the river is $1\frac{1}{2}$ feet at the bar, and 7 or 8 feet within at low water; but at springtide it reaches 20 feet, and vessels of middle size can at high tide easily go up to the town. At the time of the Japan-China war steam launches of 20 or 30 tons were used by the Japanese army for transportation of supplies up the river.

From the above this does not seem to be a very promising place for a treaty port.

But of Ta-tung-kou, at the mouth of the Yalu River, Consul Miller writes me as follows:

It is an open port to which small steamers run the year through, doing considerable business with Tientsin and Chefoo. The principal trade is in timber, although considerable quantities of silk, beans, bean oil, bean cake, and grain are exported. Ta-tung-kou is a growing place, while Ta-ku shan is on the decline. I understand that steamers drawing 12 feet can enter the harbor at Ta-ku shan. The opening of this as a treaty port would no doubt result in considerable development of trade.

The Yalu River is the boundary line between China and Korea. There are large forests upon both sides, and considerable coal is said to be found along its tributaries, and opposite Ta-tung-kou is the rather important Korean town of Wiju.

If Ta-tung-kou should be opened to foreign trade railroads would probably be soon built to connect with the Russian railway on the one side and to Seoul on the other.

As adding somewhat of importance to this locality, the Korean minister here is at present trying to negotiate with the Chinese Government some sort of a joint arrangement as to the important lumber traffic coming down the river, both from Manchuria and Korea. It

appears to me, therefore, that Ta-tung-kou would be a more desirable treaty port than Ta-ku shan.

Mukden is the capital of Shengking, the residence of the Tartar general and the official center of the province, and ought to be opened, but I suggest that we endeavor to have Harbin opened also. It is the great railway center and junction with the main line of the Siberian Railway, situated on the Sungari River, has a large foreign population, mostly Russian, and is undoubtedly to be the great interior metropolis of Manchuria.

I inclose a copy of a dispatch from Consul Miller with further interesting information upon the subject.

If you approve the above suggestions, I will thank you to so telegraph me on receipt of this dispatch. I am sending a copy of my dispatch to Messrs. Goodnow and Seaman.

I have, etc.,

E. H. CONGER.

[Inclosure.]

Mr. Miller to Mr. Conger.

No. 167.]

CONSULATE OF THE UNITED STATES,
Niuchwang, March 21, 1903.

SIR: I have to acknowledge your dispatch No. 1794, of the 18th instant. In reply I beg to say that there are two places of considerable importance to trade on the southeast coast of Manchuria, viz, Ta-ku shan, at the mouth of the river Ta Yang-ho, and Ta-tung-kou, at the mouth of the Yalu.

Ta-tung-kou is an open port, to which small steamers run the year through, doing considerable business with Tientsin and Chefoo. The principal trade is in timber, although considerable silk, beans, bean oil and bean cake, and grain is also exported. Ta-tung-kou is a growing place, while Ta-ku shan is on decline. I understand that steamers drawing 12 feet can enter the harbor at Ta-tung-kou. The opening of this as a treaty port would no doubt result in considerable development of trade.

Concerning the question of which is best to open as a treaty port, Mukden or Harbin, I should say Harbin by all means. Harbin is situated on the river Sungari, where it has the advantage of river navigation by steamers; it is at the junction of the railway, and is the center of railway administration for all Manchuria. All of the main officials of the railway and the head offices are located there. It is in the center of a very rich and extensive agricultural country, susceptible of wonderful development. It already has a greater foreign population than any place in Manchuria, more foreign business firms, and is certain to become a great center of foreign influence and trade, whether opened as a treaty port or not; and if it is not so opened, our citizens will have no rights or privileges there.

In this connection I beg to point out to you some difficulties in the situation. All the land along the river and the railway, extending several miles back each way from the railway station, has been purchased by the Chinese Eastern Railway and held so as to preclude the leasing or ownership of land to anybody but Chinese and Russians. The high Chinese officials have assisted the Russians in this scheme. This holds true of many other places as well as Harbin.

The only available land for settlement at Harbin is, therefore, held by the railway company, and other nationals are allowed there only at the pleasure of Russia and can not become landowners.

This city will practically remain under Russian official authority. It is sure to become the main business city in the interior of Manchuria, and it is of great importance to our trade that we should have official representation there.

Manchurian trade lines will be changed materially by opening of the railway to traffic, as well as because of the new growth by increased immigration, and Harbin is certain to be the place that will grow most from these changes.

Mukden's trade is more likely to grow less rather than greater, and it will not become the center of any foreign trade.

It will be the official city for this part of Manchuria and will be prominent only from that standpoint. It is so near to Niuchwang that its foreign trade interests are directed from this port. If made a treaty port, its chief value would be as a residence

of foreign officials to maintain equitable relations between the different foreign interests. If only Russian officials live and associate with the Chinese governor-general and the officials about him, the Russian influence will dominate and monopolize all foreign relations.

To counteract this it appears to me that it is quite essential that our country should have a consul-general, who could arrange to spend a considerable time each year at each of the capitals of the three provinces.

I have, etc.,

* * * * *

HENRY B. MILLER, *Consul.*

Mr. Conger to Mr. Hay.

[Telegram.—Paraphrase.]

LEGATION OF THE UNITED STATES,
Peking, April 18, 1903.

(Mr. Conger reports that Niuchwang is not yet evacuated; that the Russian minister alleges as reason for the delay unfinished negotiations for permanent sanitary commission under Russian domination.)

Mr. Conger to Mr. Hay.

[Confidential.]

No. 1270.]

LEGATION OF THE UNITED STATES,
Peking, April 18, 1903.

SIR: I have the honor to confirm my telegram of to-day.

The period during which the second portion of Manchuria was to be evacuated by the Russians terminated on the 8th instant. From many places the troops have been withdrawn, some to Port Arthur and some to other garrisoned places in the vicinity of the railway, but none, it is reported, being taken out of Manchuria. Some have been removed from Niuchwang, but 200 are still left there, and the administration of the place has not yet been turned over to the Chinese authorities.

The Russian minister tells me that the reason for delay is that they (the Russians) insist upon some effective and permanent sanitary commission—composed probably of the foreign consuls, the taotai, commissioner of customs, and a Russian doctor—being first organized in order that they may be assured in the future of such quarantine regulations as will prevent the spread of cholera or plague through Niuchwang along their railway into the interior.

* * * * *

I have, etc.,

E. H. CONGER.

Mr. Conger to Mr. Hay.

[Telegram.—Paraphrase.]

LEGATION OF THE UNITED STATES,
Peking, April 23, 1903.

(Mr. Conger reports that the Russian Government demands the following new conditions before evacuating Manchuria:

No new treaty ports or foreign consuls allowed; no foreigners, except Russians, to be employed in the public service; status of administration same as before; Ni-

chwang customs receipts to be deposited in Russian-Chinese Bank; sanitary commission to be dominated by Russians; privilege of attaching wires to all telegraph poles; no territory ever to be alienated to any power.

The Chinese Government refused to comply with the conditions.

Mr. Hay to Mr. Conger.

[Telegram.—Paraphrase.]

DEPARTMENT OF STATE,
Washington, April 25, 1903.

(Mr. Hay acknowledges Mr. Conger's telegram of the 23d instant, and instructs him to insist on the request of the United States for treaty ports and consulates in Manchuria, and make our objections known to second clause, excluding all foreigners but Russians from Chinese service. Discussion of other points is reserved.)

Mr. Hay to Mr. Conger.

[Telegram.—Paraphrase.]

DEPARTMENT OF STATE,
Washington, April 29, 1903.

(Mr. Hay states that the Russian minister for foreign affairs says reports of proposed convention between Russia and China relating to Manchuria are wholly untrue; that the Russian Government has no intention to exclude other countries from advantages now enjoyed in Manchuria, or to confer monopolies upon Russians; that nothing will be done to close open door or hamper American commerce; same assurances given at Washington by Russian ambassador.)

Mr. Conger to Mr. Hay.

No. 1283.]

LEGATION OF THE UNITED STATES,
Peking, April 29, 1903.

SIR: I confirm my telegram of the 23d, and your reply of the 25th instant.

On yesterday I had a conference with Prince Ch'ing, at which, besides handing him the note, a copy of which I inclose, I told him that China had, as a part of the general settlement growing out of the troubles of 1900, made an agreement with Russia concerning Manchuria, in which the other powers were more or less interested, and it was the duty of the Chinese Government to see to it that that agreement was executed by both Russia and China in a way which would not jeopardize or destroy the vested rights of the other powers, and that whatever might be the demands of Russia, the Government of the United States would expect that all its rights be respected.

Prince Ch'ing then informed me that he had replied to the Russian demands, refusing compliance with every one. He said he presumed

that Russia would now decline to withdraw her troops, but that the Chinese Government would still refuse compliance, and trust to future negotiations and possibly the good offices of friendly powers to help them out of the difficulty.

He verified in substance the demands as I wired them to you, and added that Russia demanded, besides an agreement, that no land should be purchased or leased in Manchuria, particularly in the vicinity of Niuchwang, and in the valley of the Liao River, by any foreigners except Russians.

He said the condition as to present status of administration mentioned in my telegram referred to Mongolia, where the Chinese had in view several reforms which were intended to materially strengthen and centralize the system of public administration, and this the Russians do not want.

The British chargé d'affaires has, by instruction of his Government, served a notice upon the Chinese Government warning it of the danger of accepting the Russian demands.

The Japanese minister has served both a note of warning and a protest.

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I have, etc.,

E. H. CONGER.

[Inclosure.]

Mr. Conger to Prince Ch'in.

F. O., No. 490.]

LEGATION OF THE UNITED STATES,
Peking, April 27, 1903.

YOUR HIGHNESS: I have the honor to inform your highness that it has been reported to the United States Government that the Russian Government is demanding new and additional conditions for the further evacuation of Manchuria, as follows:

"No new treaty ports or consuls allowed; no foreigners, except Russians, to be employed in the public service; status of administration same as before; Niuchwang customs receipts to be deposited in Russian-Chinese Bank; sanitary commission dominated by Russians; privilege of attaching wires to all telegraph poles; no territory ever to be alienated to any power;" and that the same are at present under consideration by the Chinese Government.

In view of this my Government has instructed me to insist upon the opening of the treaty ports which have already been requested by the commissioners of the United States in the treaty negotiations now being carried on at Shanghai, and the appointment of consuls thereto after they have been opened.

It has also instructed me to make known to your highness its serious and valid objections to the exclusion of citizens of the United States from employment in any Chinese service to which Russians or other nationals are of right admitted, and to say that it reserves all its rights as to any other points which may be considered in the reported negotiations.

Trusting that your highness will appreciate the importance of these suggestions by my Government, and will preserve for China the freedom which they indicate,

I improve, etc.,

E. H. CONGER.

*Mr. Goodnow to Mr. Hay.*SHANGHAI, *May 2, 1903.*

(Mr. Goodnow reports that the Chinese commissioners, having no instructions from Chinese Government, decline to discuss the opening of Manchurian ports; that he has telegraphed the United States minister at Peking.)

Mr. Conger to Mr. Hay.

[Telegram—Paraphrase.]

LEGATION OF THE UNITED STATES,
Peking, May 3, 1903.

(Mr. Conger reports having forwarded by mail a correct translation of the note of the Russian chargé d'affaires to Prince Ch'ing, containing substantially the demands mentioned in Mr. Conger's telegram of April 23, to which the chargé d'affaires says in his note China must agree, and then further evacuation will follow.)

Mr. Conger to Mr. Hay.

No. 1284.]

LEGATION OF THE UNITED STATES,
Peking, May 4, 1903.

SIR: I have the honor to confirm recent telegraphic correspondence between the Department and this legation concerning the Russians in Manchuria, and, as promised in my telegram of yesterday, I am inclosing herewith for such use as, in view of the denial of the Russian minister for foreign affairs, you may deem best a copy, with translation, of the original note sent on the 18th ultimo to Prince Ch'ing by the Russian chargé d'affaires here.

You will observe that this note contains substantially all the demands named in my telegram, and consequently when the minister for foreign affairs at St. Petersburg informed you that the reports were "wholly untrue" he could not have been fully informed of what his chargé d'affaires was doing at Peking. You will also observe that in this note Russia makes the acceptance of these demands by China the condition on which she will withdraw her troops.

* * * * *

Telegrams from St. Petersburg, via London, announce that the Russian minister, Mr. Lessar, is starting for his post, Peking, and as he is more familiar with the situation than the chargé d'affaires, the whole matter is to be left for him to adjust on his arrival here. It is fair to presume, therefore, that affairs will practically remain *in statu quo* until this shall reach you.

I have, as directed in your telegram of the 29th ultimo, confidentially communicated to the Chinese Government the statement of the Russian minister for foreign affairs.

I have, etc.,

E. H. CONGER.

[Inclosure.—Translation.]

From the original Russian note sent by Mr. de Plançon to Prince Ch'ing.

Plançon, councillor of state, chargé d'affaires of the great Russian Empire, to Ch'ing, prince of the first rank, prime minister of the Ta Ching Empire, and to the dignitaries of the ministry of foreign affairs, a communication:

By command of the Imperial Government I have the honor to make to you, honored prince and ministers, the following communication:

Russia and China have for more than two hundred years had with each other relations that have been always distinguished by their very friendly character, and this very naturally. Two neighboring people having a common frontier more than

5,000 versts in length and many common affairs and interests may easily come to an understanding about everything. The interference of strangers in these mutual relations only spoils them and impedes the settlement of affairs. It is for this reason that Russia, highly prizing friendly relations with China, considers it her duty to guard them from alien interference.

This applies particularly to Manchuria. Russia has sacrificed thousands of lives and millions of treasure for the pacification of this country and for the restoration in it of lawful Chinese authority quite apart from the millions that have been expended in the construction of a great railway for the common benefit of all nations. Other powers have not expended on the pacification of Manchuria a single ruble or a single soldier. It would seem, therefore, full just that Russia should have the right to safeguard her interests, bought at so high a price, in that country without evoking the jealousy of other powers. All foreigners have profited by the tranquillity established in the country and by the roads opened up in it, and with this they ought, in justice, to be satisfied, remembering that only a few years ago access into Manchuria was entirely closed to them.

Many states, after the expenditure of treasure and military force in the pacification of some country or island, habitually unite it to their own dominions by right of conquest. Russia does not wish to profit by that right, and precisely as in 1881 she returned Ili to China and last year the southwestern portion of the Mukden Province, so now she is ready to fulfill her engagements and to return to China not only the remaining portion of the Mukden Province and Kirin, but also the port Niuchwang, provided she receives full assurance that after the departure of the troops the lawful interests of Russia in these adjacent territories will be disturbed neither by China nor by other states.

In order that she may be thus assured the Chinese Government must give to Russia the following pledges:

1. That the restored territories, in particular Niuchwang and localities on the Liao Ho, shall not be transferred to another power, whether by way of cession, lease, concession, or in any other form. An attempt at such a transfer Russia would regard as a threat, and for the protection of her interests would have recourse to the most decisive measures.

2. That the organization at present existing in Mongolia shall not be disturbed, seeing that such disturbance will inevitably produce commotions amongst the people and that an unquiet state of affairs along our frontier will entail very serious and undesirable complications.

3. That the Chinese Government will not take a decision with regard to the opening to foreign trade of any new places in Manchuria and of the admission to them of consuls, without previous communication with the imperial administration.

4. That if China should have recourse to inviting foreigners for the management of any branch of her administration, the authority of such foreigners shall not extend to the affairs of North China, where Russian interests predominate. In such an event these affairs shall be allotted to entirely separate departments and their direction shall be entrusted to Russians; thus, for instance, if a foreign adviser is engaged for mining matters, his advice will not extend to the mining affairs of Mongolia and Manchuria, for which there will in such case be appointed a Russian adviser.

5. Russia will retain in her own control the existing telegraph line between Port Arthur, Ying-kou, and Mukden for the whole term of the existence of the Peking-Ying-kou line, of which the above-mentioned line serves as an indispensable prolongation.

6. After the transfer of Niuchwang to the Chinese administration, the Russo-Chinese Bank will continue, as at present, to fulfill the functions of the customs bank at the port named.

Finally, 7, it is understood that all rights acquired in Manchuria by Russian subjects or establishments during the occupation shall remain in full force after the departure of the troops.

Further, Russia is charged with the protection of the health and lives of the numerous inhabitants of the places traversed by the railway. Opening free access for the movement of travelers and of merchandise, the railway may with equal ease facilitate the penetration into the north of infectious diseases, if there is not established at its starting point, that is, at Ying-kou, a sound sanitary organization and a strict watch for the appearance of epidemic diseases. Last year the greed of a captain and the carelessness of the customs commissioner and doctor, caused the carrying into Manchuria and Siberia of an epidemic cholera, from which there died many thousand people, both Russians and Chinese.

In transferring the administration of Niuchwang to China, the Russian Government asks that the model sanitary organization established there by the Russian

administration shall be preserved and that the local authorities shall always be prepared for the struggle with epidemics. To this end it is indispensable that the commissioner of customs and the customs doctor should be Russian subjects, subordinate to the Chinese customs administration. This subordination fully secures the proper discharge of their direct obligations and the maintenance of Chinese customs interests; but, as Russians, they will have an interest in the work of protecting the Russian dominions from the introduction of epidemics, which can not be expected from foreigners of another nationality.

For the management of sanitary affairs there will be established a permanent commission, the president of which will be the taotai and the members of it all the consuls stationed at Ying-kou, the before-mentioned commissioner of customs, the customs doctor, a medical bacteriological expert, and the representative of the Chinese Eastern Railway.

For the settlement of the details of the organization and the functions of the commission, the taotai will consult with the Russian consul, who has great experience in these matters.

The means for the sanitary work and for the struggle with epidemics shall be found by the taotai. This will present no difficulty if the existing assessment of the local merchants is retained, permission for which shall be given to the taotai from Peking.

Such, honored prince and ministers, are the conditions in presence of which the Russian Government will be convinced that its political interests and also the interests of the health and lives of a large population will be safeguarded in a fitting manner.

As soon as your highness and your excellencies reply with an official note, in which in the name of His Majesty the Bogdo Khan (Emperor of China) is expressed assent to the requests of Russia that have been set forth, the Russian troops will be withdrawn from the Mukden province and from Kirin, and the civil administration of Newchwang will be transferred to the governor of the town, the Chinese taotai.

In the event of there being any doubts as to the interpretation of the present note, the Russian text of it shall be considered authoritative.

G. PLANÇON,
Chargé d'Affaires, State Councilor.

[Seal of the Imperial Russian Legation at Peking.]

N. B.—The seal is the same as that used for the visé of passports by the Russian legation.

No. 35. April 5, 1903.

(N. B.—The date, new style, would be April 18.)

Mr. Conger to Mr. Hay.

[Telegram.—Paraphrase.]

LEGATION OF THE UNITED STATES,
Peking, May 7, 1903.

(Mr. Conger reports that the Russian chargé d'affaires is still insisting with the Chinese Government that no Manchurian ports shall be opened, saying that it would be considered by Russia as a serious affront; that therefore the Chinese dare not include them in treaty.)

Mr. Conger to Mr. Hay.

No. 1288.]

LEGATION OF THE UNITED STATES,
Peking, May 7, 1903.

SIR: Giving further information on the Manchurian situation, I inclose copy of a dispatch and inclosure just received from our consul at Niuchwang, although Mr. Miller informs me that he sends copies of his dispatches to you.

The place spoken of selected as a drill ground is on the opposite side of the river from Niuchwang, the Russian railway, and the Russian

concession, and is a part of the territory evacuated by the Russians six months ago, and contains the terminus of the Peking-Niuchwang Railway. * * *

I have, etc.,

E. H. CONGER.

[Inclosure 1.]

Mr. Miller to Mr. Conger.

No. 184.]

CONSULATE OF THE UNITED STATES,
Niuchwang, May 2, 1903.

STR: I have to report the inclosed notice that I found posted in the native city. Inasmuch as the Russians are in possession of the river on the Niuchwang side, and both here and in their own settlement there is plenty of ground well suited for drilling purposes, it is difficult to understand why they cross the river for such a purpose, as their boats always anchor near the Niuchwang shore.

I have, etc.,

HENRY B. MILLER.

[Subinclosure.—Translation.]

Notice is hereby given that I have received a letter from the General Chu of the military stating that he has been informed by the Civil Administrator Grosse that he has selected a piece of land over the north bank of the river for the purpose of drilling the sailors of the Russian gunboat, and asking to inform you people of Yinkou not to be excited.

I hereby order the constable of the place to look after this and also to inform you people of Yinkou that when you see the sailors landing they are only for drilling, without any other bad intention, and you people and soldiers should attend to your affairs and not molest them.

MAGISTRATE OF KWANG-NING,
Acting for Hai-cheng District.

Mr. Hay to Mr. Conger.

No. 674.]

DEPARTMENT OF STATE,
Washington, May 16, 1903.

I have to acknowledge the receipt of your No. 1252, of the 31st of March last.

In reply, I have to say that the present situation of affairs in Manchuria and the disinclination of the Chinese Government to discuss at this time the subject of opening new localities to foreign trade in China dispenses with the necessity of replying to your dispatch by cable, as requested.

Ta-ku-shan was selected as the most desirable locality to ask for as a treaty port by the treaty commissioners of the United States at Shanghai. Later on this Government insisted upon this locality because these same commissioners telegraphed the Department that the Japanese Government had also asked that it should be made a treaty port. We have since heard that the Japanese ask for Ta-tung kou, at the mouth of the Yalu, and you now advise that it be selected instead of Ta-ku-shan.

The Department is ready to accept your views, which it now learns are also those of Messrs. Goodnow and Seaman, but it desires that the Japanese treaty commissioners should be consulted and, if possible, their concurrence obtained before presenting the matter to the Chinese commissioners.

The Department agrees also with you in believing that the opening of Harbin to foreign trade is desirable. You should freely consult with such of your colleagues as are interested in this question, and report to the Department their views and the steps they are taking or propose taking to bring about the opening of Harbin.

I am, etc.,

JOHN HAY.

Mr. Hay to Mr. Conger.

[Telegram.—Paraphrase.]

DEPARTMENT OF STATE,
Washington, May 18, 1903.

(Mr. Hay directs Mr. Conger, in view of conflicting statements of Chinese about opening new localities in Manchuria to foreign trade, to obtain from the Chinese Government a written statement of its objections to complying with the request of the United States and of what it proposes instead.)

Mr. Hay to Mr. Conger.

[Telegram.—Paraphrase.]

DEPARTMENT OF STATE,
Washington, May 23, 1903.

(Mr. Hay instructs Mr. Conger to see the Russian minister immediately on his arrival at Peking, to tell him that the Russian Government have assured us that they are not opposing our proposition of open ports and consulates in Manchuria, and to ask his cooperation with the Chinese Government for these objects.)

Mr. Conger to Mr. Hay.

[Telegram.—Paraphrase.]

LEGATION OF THE UNITED STATES,
Peking, May 28, 1903.

(Acknowledging Mr. Hay's telegram of the 18th instant, Mr. Conger reports that the Chinese Government state in a note which he is forwarding by mail:

Recently we have received a dispatch from the Russian chargé d'affaires saying if China does not first notify our Government it must not make arrangements to open any new ports for trade in Manchuria, nor permit the establishment of foreign consulates at new ports. We refused to discuss the matter. Later Plançon called to inquire, and we replied that should it become necessary at any future time to open ports for international trade in Manchuria it would rest with China, as circumstances might require, to investigate conditions and herself open them. Now we have the statement of your excellency, but the Chinese Government is still obliged to consider commercial conditions and herself open such ports. At the present it is not convenient to mention the matter in the commercial treaty. This is not by any means an absolute refusal of the request of your country.

Mr. Hay to Mr. Conger.

[Telegram.—Paraphrase.]

DEPARTMENT OF STATE,
Washington, May 29, 1903.

(Mr. Hay acknowledges Mr. Conger's telegram of the 28th instant, and instructs him to reply to the Chinese note saying that in view of China's well asserted right to open new localities to foreign trade when and where she sees fit, this Government can not for a moment admit that its most reasonable request, alike beneficial to both countries and to the commerce of the world, should be brushed aside in the manner the note suggests; that China is as well aware as this country that commercial conditions in Manchuria demand the opening of new ports, and that if China will not provide for such opening in treaty and insists on doing it *proprio motu*, let imperial edict be issued at once doing so.

Mr. Conger is directed to impress upon the Chinese Government the painful surprise its unwillingness to comply with our request has created in the United States.)

Mr. Conger to Mr. Hay.

No. 1308.]

LEGATION OF THE UNITED STATES,
Peking, May 29, 1903.

SIR: I have the honor to confirm your telegram of the 18th instant, and my reply of the 28th.

Prince Ch'ing, because of his own illness and the death of a favorite son, has been on leave and inaccessible since the receipt of your telegram; but I have had a couple of conferences with Mr. Lien-fang, principal secretary of the foreign office, who sees his highness every day and practically speaks for him. He has reiterated on his own account, and in the name of the Prince, that the Chinese Government was willing, and would herself open the Manchurian ports. * * *

He says, speaking for the Wai Wu Pu, that the ministers think we ought to be satisfied with this verbal note, and not insist upon their putting it too plainly in writing. * * *

I inclose copies of the correspondence with the foreign office on the subject.

I have, etc.,

E. H. CONGER.

[Inclosure 1.]

Mr. Conger to Prince Ch'ing.

F. O., No. 500.]

LEGATION OF THE UNITED STATES,
Peking, May 20, 1903.

YOUR HIGHNESS: In view of the fact that the Government of the United States believes that the importance of general commerce, and of its trade in Manchuria in particular, requires the opening of additional ports therein to foreign trade, and justifies its insistence that these places be named in the treaty now being negotiated by commissioners of our two Governments at Shanghai, and because of conflicting statements as to the reasons why the Chinese Government finds it difficult to open such places at present, I have the honor, by specific direction of my Government, to ask your highness to inform me what are the real objections of the Chinese

Government to complying with the request of the United States in this regard, and what it proposes instead.

That the negotiations may not be inconveniently delayed, and that the cordial, frank, and mutually friendly understanding between our two Governments may continue, I confidently trust that your highness will give me a clear and specific reply as soon as possible.

I improve the occasion to renew, etc.,

E. H. CONGER.

[Inclosure 2.]

The Foreign Office to Mr. Conger.

F. O., No. 489.]

We have the honor to acknowledge the receipt of your excellency's note, saying that with regard to the opening of further treaty ports in the three eastern provinces you had been directed by your Government to request Prince Ch'ing to clearly state to you the reason for not agreeing to the request of your Government, and also to inform you what our Government was proposing to do in the matter instead.

We find that in the matter of the ports in Manchuria, China has not decidedly opposed what your honorable country has requested, but it is necessary to take into consideration the condition of commercial affairs. China will herself in the future open such ports. At present it is still inconvenient to insert it in the treaty. As in duty bound we send this reply for your excellency's information, and that you may transmit it to your honorable Government, for which we shall be grateful.

In sending this reply we avail ourselves, etc.

Cards inclosed.

Fourth moon, 28th day. (May 24, 1903.)

[Inclosure 3.]

The Foreign Office to Mr. Conger.

F. O., No. 490.]

We have the honor to say that yesterday your excellency came to our yamen, and in conversation said that the reply recently sent by us concerning the matter of opening further ports in Manchuria was not clear in its meaning, and you requested that you might have another and more detailed reply so that you might be able to transmit it to your Government.

With regard to this matter, some time ago we received from M. de Plançon, chargé d'affaires for Russia, a dispatch saying:

"If China does not first notify our Government she must not make arrangements to open any new trade ports in Manchuria, nor permit the establishment of foreign consulates at new ports."

Our board objected and refused to discuss the matter. We also received an inquiry from M. de Plançon, the chargé d'affaires, in a personal interview, and again our board replied to him that, with respect to Manchuria, should it in the future become necessary to open ports for international trade there and notify the various foreign powers to appoint consuls, it would rest with China to investigate the conditions, and, as circumstances might require, to take the matter into consideration herself and open the ports.

We also clearly said that this statement was made with the purpose of mutual explanation, and was not by any means the discussion of a convention.

Now, having received your excellency's statement referred to above, the Chinese Government in the matter of opening ports in Manchuria is still obliged to take into consideration the condition of commercial affairs and herself in the future open such ports. At the present time it is not convenient to mention the matter in the commercial treaty, and this is not by any means an absolute refusal of the request of your honorable country.

We send this second special note to your excellency for your information, and avail ourselves, etc.

Cards inclosed.

Fifth moon, 1st day. (May 27, 1903.)

[Inclosure 4.]

Mr. Conger to Prince Ch'ing.

F. O., No. 502.]

LEGATION OF THE UNITED STATES,
Peking, May 29, 1903.

YOUR HIGHNESS: On the the 20th instant I had the honor to send a note to your highness asking, by direction of my Government, for a written statement from the Chinese Government of its objections to complying with the request of the United States for opening new localities in Manchuria to foreign trade.

I now have the honor to acknowledge the receipt of two notes from their excellencies, the ministers of the Wai-wu Pu, of the 24th and 27th instants, in reply thereto.

It is greatly to be regretted that their excellencies have omitted from these notes the principal reason for not opening the ports, which has been so distinctly stated by your highness and their excellencies here, as well as by the Chinese treaty commissioners in Shanghai.

I have informed my Government of the contents of these notes, and I fear it will be greatly disappointed with the written statement which has, at its request, been furnished by the Chinese Government.

I improve the opportunity, etc.,

E. H. CONGER.

Mr. Conger to Mr. Hay.

[Telegram.—Paraphrase.]

LEGATION OF THE UNITED STATES,
Peking, May 30, 1903.

(Replying to Mr. Hay's telegram of May 23, Mr. Conger reports that the Russian minister says he understands that the Russian Government is not opposed to open ports and consulates in Manchuria, but that he can not cooperate with Mr. Conger without instructions from his Government, for which he has telegraphed.)

Mr. Conger to Mr. Hay.

[Telegram.—Paraphrase.]

LEGATION OF THE UNITED STATES,
Peking, June 6, 1903.

(Referring to his telegram of May 30, Mr. Conger reports that the Russian minister says he has not yet received instructions and can not make definite statement on the question without them. The Russian minister thinks reply as to cooperation has been sent from St. Petersburg to the Department of State.)

Mr. Hay to Mr. Conger.

[Telegram.—Paraphrase.]

DEPARTMENT OF STATE,
Washington, June 6, 1903.

(Replying to Mr. Conger's telegram of June 6, Mr. Hay instructs him to take no action on matter until further instructed, as it is being discussed in Washington by the Russian ambassador under instructions from his Government.)

Mr. Conger to Mr. Hay.

No. 1318.]

LEGATION OF THE UNITED STATES,
Peking, June 9, 1903.

SIR: I have the honor to confirm further telegraphic correspondence upon the question of open ports and consulates in Manchuria.

The Russian minister arrived here on May 29. I had a conference with him on the 30th, with the result stated in my telegram of that date, and on the 6th instant I called to inquire, and he informed me that he had not as yet received reply to his telegram.

He again said he was sure his Government was not opposed to opening the ports. I then asked him if, since he was certain there was no objection on the part of Russia, he would not so state to the Chinese Government. He replied that he could make no specific statement upon the matter until he received definite instructions from St. Petersburg. I wired you this on the 6th instant, and as instructed in your reply of the same date, shall take no further action until additional instructions are received.

* * * * *

In compliance with your telegraphic instructions of May 29, I at once sent to Prince Ch'ing the note a copy of which I inclose, but as yet have received no reply. Prince Ch'ing has for the last three weeks been ill, but is reported as returning to duty to-day.

I have, etc.,

E. H. CONGER.

[Inclosure.]

Mr. Conger to Prince Ch'ing.

F. O., No. 504.]

LEGATION OF THE UNITED STATES,
Peking, May 30, 1903.

YOUR HIGHNESS: Having telegraphed to my Government the contents of your two notes of the 24th and 27th instant, I have to-day received telegraphic instructions to make reply to your highness that, in view of China's well-asserted right to open new localities to foreign trade when and where in her Empire she sees fit, the Government of the United States can not for a moment admit that its most reasonable request, which is alike beneficial to both countries and to the commerce of the world, should be brushed aside in the manner suggested by these notes.

China is as well aware as is the United States that commercial conditions in Manchuria demand the immediate opening of new places for international trade. If China will not provide for such opening by treaty, and insists upon doing it proprio motu, then she should issue an imperial edict at once declaring these ports opened, and reap the benefit which would come to her in greatest proportion.

I regret to inform your highness that in view of the friendly interest which my Government has unselfishly taken in the welfare of China, her unwillingness to comply with the reasonable request of the United States Government has caused a most painful surprise, not only to the Government at Washington, but to the people of the United States in general.

Having thus again called the serious attention of your highness to this important matter, I take occasion to express the assurance of my highest consideration.

E. H. CONGER.

Mr. Hay to Mr. Conger.

[Telegram.—Paraphrase.]

DEPARTMENT OF STATE,
Washington, June 16, 1903.

(Mr. Hay states that the United States embassy in Russia telegraphs that the Russian minister for foreign affairs requests that Mr. Conger

communicate to the Russian minister at Peking the demands of the United States relative to localities to be opened to trade. He promises that the minister of Russia will be authorized to frankly state to the Chinese Government the attitude of Russia.

Mr. Conger is instructed to confer fully with the Russian minister and report the result to the Department.)

Mr. Conger to Mr. Hay.

[Telegram.—Paraphrase.]

LEGATION OF THE UNITED STATES,
Peking, June 18, 1903.

(Mr. Conger, replying to Mr. Hay's telegram of June 16, reports that he has communicated to the Russian minister the demands of the United States relative to localities to be opened to trade; that the Russian minister says he has no instructions except to await discussion of the question at Washington, and can make no statement to Chinese Government, nor anyone, concerning Russia's attitude.)

Mr. Conger to Mr. Hay.

No. 1327.]

LEGATION OF THE UNITED STATES,
Peking, June 18, 1903.

SIR: I have the honor to confirm your telegram of the 16th instant and my reply of to-day.

This morning, in compliance with a request of the Russian minister for foreign affairs, contained in your telegram, I informed the Russian minister that we were asking the Chinese Government to open for trade in Manchuria Ta-tung-kou, Mukden, and Harbin, and that the Russian minister for foreign affairs had promised our ambassador at St. Petersburg that he (Mr. Lessar) would be instructed to state frankly to the Chinese Government the attitude of Russia.

The Russian minister informed me that the matter had been taken entirely out of his hands, and he had been instructed to await the result of the discussion of the question at Washington; therefore he could not make any statement at all concerning the matter, either to the Chinese Government or to anyone else. He, however, told me that he would at once telegraph what I had said to his Government, and as soon as he received reply would inform me.

* * * * *

I have, etc.

E. H. CONGER.

Mr. Conger to Mr. Hay.

No. 1333.]

LEGATION OF THE UNITED STATES,
Peking, June 23, 1903.

SIR: I have the honor to acknowledge receipt of your No. 674, concerning the opening of treaty ports in Manchuria.

I have therefore consulted with the Japanese and British representatives here, and they both agree with me as to the desirability of opening Ta-tung-kou, Mukden, and Harbin.

The British, having completed their treaty, are only making general suggestions to the Chinese as to the importance of opening these places. The Japanese are demanding in their treaty the opening of Ta-tung-kou, which they have, as we have, and for the same reason, substituted for Ta-ku shan and Mukden: They, however, acknowledge the importance of opening Harbin, but have not been instructed to demand it in their treaty.

The Japanese and British are the only powers which seem interested in this matter, and hence I have not conferred with any of my other colleagues upon the question.

I have, etc.,

E. H. CONGER.

Mr. Conger to Mr. Hay.

[Telegram.—Paraphrase.]

LEGATION OF THE UNITED STATES,
Peking, July 1, 1903.

(Mr. Conger reports that Prince Ch'ing reiterates willingness of Chinese Government to open ports, but says it is absolutely impossible until Russian evacuation. Prince Ch'ing again confidentially promised that China would open ports very soon after evacuation; he could not give written promise, as this would influence Russia the same as actually opening the ports.)

Mr. Conger to Mr. Hay.

No. 1344.]

LEGATION OF THE UNITED STATES,
Peking, July 1, 1903.

SIR: Yesterday, by appointment, I had a long conference with Prince Ch'ing and, as instructed, presented again the reasonableness of our request for the opening of Manchurian ports and insisted that, under the provisions of the Final Protocol and the importance of our trade, we were justified in demanding a prompt and willing compliance therewith.

The Prince agreed with what I said, acknowledged that the ports ought to be opened, and declared that China would herself open them at once but for the difficulties presented by the Russian occupation. He said that the restoration of Manchuria by the Russians was of vital importance to China, and she could not afford to do anything which would be reasonably certain to prevent this.

* * * * *

I asked him, then, if he desired that the conclusion of our treaty should wait indefinitely for the Russian withdrawal. He said by no means, and he sincerely hoped that the United States Government would not, under the unfortunate circumstances described, insist upon waiting for this, but that the treaty might be concluded and signed at once.

* * * * *

I left him with a clear understanding that my Government, being assured by the Russian Government that it had no objections, believed that China could and should open the ports, but that I would again wire it what he said.

The final evacuation of Manchuria, according to the original agreement, is to take place on the 8th of October next. * * It does not seem to me, therefore, that the conclusion of our treaty should wait, since Messrs. Goodnow and Seaman report to me that, with the exception of opening treaty ports, they and the Chinese commissioners have agreed upon all other questions in conformity with your instructions.

I have, etc.,

E. H. CONGER.

Mr. Hay to Mr. Conger.

[Telegram.—Paraphrase.]

DEPARTMENT OF STATE,
Washington, July 13, 1903.

(Acknowledging Mr. Conger's telegram of July 1, Mr. Hay states that this Government fails to appreciate Prince Ch'ing's reason for not giving written promise. Instructs Mr. Conger to continue, as occasion may serve, to urge compliance with request for ports along lines telegraphed to him at various times, and states that this point must be included in the treaty.)

Mr. Hay to Mr. Conger.

[Telegram.—Paraphrase.]

DEPARTMENT OF STATE,
Washington, July 14, 1903.

(Mr. Hay states that the following declaration has been handed him by the Russian chargé d'affaires:

The Imperial Government declares that whatever may be the outcome of the negotiations actually in progress between Russia and the Celestial Empire, which have for their only purpose the obtaining of guarantees for the essential interests of Russia in the province occupied by their forces, it has never entered into its views to oppose the opening to foreign commerce by China in the course of the development of its commercial relations of certain cities in Manchuria so long as foreign settlements are not established. The above declaration does not concern Harbin, a city situated in the zone allotted to the eastern line of the Chinese railway system, and which is consequently not found in the sphere of the entire and uncontrolled jurisdiction of the Chinese Government. Foreign consuls will not be admitted in this city unless the Imperial Government deems it opportune.

Mr. Conger is directed to at once hand a copy of this declaration to Prince Ch'ing, and to urge in the strongest manner immediate agreement on localities to be opened to trade by treaty; authorized to accept Ta-tung-kou and Mukden, waiving Harbin for some future negotiation.

Prompt and final action is highly desirable for all interests concerned.)

Mr. Conger to Mr. Hay.

[Telegram.—Paraphrase.]

LEGATION OF THE UNITED STATES,
Peking, July 22, 1903.

(Acknowledging Mr. Hay's telegram of July 14, Mr. Conger reports that Prince Ch'ing reaffirms willingness of the Chinese Government to open the ports, but reiterates the absolute impossibility of opening them until the withdrawal of Russia. States that Prince Ch'ing has given his written promise that then China herself will open two of the three places in Manchuria.)

States that Peking is now practically open, but China will not put it in a treaty.

This seems to be the best under the circumstances that China can do at present.

Mr. Conger recommends that treaty be concluded immediately without the ports.)

Mr. Loomis to Mr. Conger.

[Telegram.—Paraphrase.]

DEPARTMENT OF STATE,
Washington, July 22, 1903.

(Replying to Mr. Conger's telegram of July 22, Mr. Loomis states that promise even in writing of Chinese Government to open ports after Russian withdrawal is unsatisfactory, and that the provision must be included in treaty; that further discussion as to opening of Peking may be dropped.)

Mr. Conger to Mr. Hay.

No. 1353.]

LEGATION OF THE UNITED STATES,
Peking, July 23, 1903.

SIR: I have the honor to confirm your telegrams of the 13th and 14th instant, and mine of the 22d.

As soon as possible after the receipt of your instructions I arranged for an interview with Prince Ch'ing, he coming in from the Summer Palace on the 20th instant. I presented him with a copy of the Russian declaration, and insisted that now there could be no longer any reason why our demands should not be complied with, and that my Government could only consider further refusal on the part of the Chinese Government as an expression of its unwillingness to comply with our reasonable request, or a determination to indefinitely delay, etc.

He replied in substance that Russia had in no way intimated to them that the objections in which she had been so persistent were withdrawn or in any manner modified, and that he could only repeat what he had plainly said so many times before, that it was absolutely impossible for China to take any formal action whatever upon the question as long as Russia was in possession of Manchuria. China was extremely desirous to please the United States and disliked exceedingly to be compelled to refuse her request, but she dared not either

agree by treaty to open the ports, or open them by edict, until the withdrawal of Russia, and he hoped the United States would appreciate China's unfortunate position and believe in her sincerity. He said that China recognized the importance of opening the ports (excepting Harbin) named, and was herself ready and willing to open them; and he begged me to telegraph my Government that just as soon as the Russians withdrew an edict would be immediately published opening the ports.

After considerable discussion I told him that if he would put this promise in writing I would wire you. He strongly objected, but finally consented to do so if in his promise he might say "two of the ports mentioned" instead of actually writing the names of the ports, but that it should be clearly understood between us that Mukden and Ta-tung-kou were the ports intended. As only these two ports and Harbin had been mentioned, I agreed to wire you the facts as soon as I received the written promise. It was handed me last night. I inclose a copy. It is not as clear and emphatic as it might be, but the best he could be induced to sign. I inclose copy of my reply.

* * * * *

During the conference Prince Ch'ing also promised that if the question of opening ports could be left out of the treaty he would instruct the Chinese commissioners to at once send to Peking a copy of the several articles agreed upon for review only, but not for any material change or discussion; after which instructions would be immediately given to them to conclude and sign.

In previous conversations with the ministers of the foreign office they have acknowledged the fact that Peking is practically open to foreign residence and trade, but they say that the court could never formally consent by solemn treaty that jurisdiction of territory in their capital, and adjoining the imperial palaces themselves, should pass into the hands of foreign powers. Of course the legation quarter has already done so. I am quite confident, therefore, that it is useless to press for any treaty mention of Peking.

I have, etc.,

E. H. CONGER.

[Inclosure 1.]

Prince Ch'ing to Mr. Conger.

Concerning the matter of opening ports in the three eastern provinces (Manchuria), which I, the Prince, yesterday discussed in a personal interview with your excellency, China has already had the intention to open and establish commercial ports at two of the places which we mentioned, but it will be necessary to wait until the Russian troops now temporarily occupying the Three Eastern Provinces shall be entirely withdrawn and the local government handed back, when China herself will open them.

Intercalary Fifth Moon, 26th day (July 20, 1903).

[Inclosure 2.]

Mr. Conger to Prince Ch'ing.

LEGATION OF THE UNITED STATES,
Peking, July 22, 1903.

YOUR IMPERIAL HIGHNESS: In accordance with the agreement made at our personal conference on the 20th instant, I yesterday had the honor to receive from the hands

of Mr. Ku the written promise of your imperial highness concerning the opening of Manchurian ports as follows:

"Concerning the matter of opening ports in the three eastern provinces, which I, the Prince, yesterday discussed in a personal interview with your excellency, China has already had the intention to open and establish commercial ports at two of the places which we mention, but it will be necessary to wait until the Russian troops now temporarily occupying the Three Eastern Provinces shall be entirely withdrawn and the local government handed back, when China herself will open them."

Of the three places mentioned, Mukden, Ta-tung-kou, and Harbin, it is conceded that it is difficult for China to open Harbin, but I have, as I agreed to do, at once telegraphed to my Government, your imperial highness's positive promise that the other two, Mukden and Ta-tung-kou, will be opened by China herself just as soon as the government of the Three Eastern Provinces is handed back to China by Russia, and I will communicate to your highness its reply when received.

I avail, etc.,

E. H. CONGER.

Mr. Hay to Mr. Conger.

[Telegram.—Paraphrase.]

DEPARTMENT OF STATE,
Washington, July 26, 1903.

(Mr. Hay states that if Prince Ch'ing will send Mr. Conger a note agreeing to sign treaty on October 8, providing for opening Mukden and Ta-tung-kou, we will wait until then. Instructs him to make it clear to Chinese Government that date on which new localities shall be opened may, if necessary, be fixed at three months after exchange of ratifications of our treaty; their immediate opening not expected. This will allow abundant time for China to reestablish her administration in all such localities.)

The Chinese foreign office, in its notes to Mr. Conger of May 24 and May 27, promised virtually to provide by treaty for opening new ports in Manchuria. Mr. Conger is to insist on compliance with this. Russian declaration of July 14 removes all objections on its part to immediate conclusion of our treaty. We will insist on inclusion of article in treaty providing for new ports in Manchuria, even if they are opened now by China herself, and will not sign treaty without it.

Mr. Conger's careful attention is called to Mr. Hay's telegraphic instruction of May 29, and he is instructed to use the arguments therein furnished.)

Mr. Conger to Mr. Hay.

[Telegram.—Paraphrase.]

LEGATION OF THE UNITED STATES,
Peking, August 3, 1903.

(Mr. Conger reports that he held a conference on August 3 with the Prince on the subject of Mr. Hay's telegram of July 26. The Prince promises to reply very soon.)

Mr. Conger to Mr. Hay.

[Telegram.—Paraphrase.]

LEGATION OF THE UNITED STATES,
Peking, August 14, 1903.

(Replying to Mr. Hay's telegram of July 26, Mr. Conger quotes the following official note just received from Prince Ch'ing:

Your excellency has several times communicated to me the desire of your Government to have provision made in the commercial treaty for opening Moukden and Tatungkou to foreign trade. We, the Prince and ministers, of course can agree to this, but it will be necessary to wait until October 8, the date on which Russia has agreed to completely withdraw the Russian troops now occupying Manchuria, and to hand back the civil government. We, Prince and ministers, promise on that day to insert in the treaty provision for the opening by China of the said two ports, and that at the same time the completed treaty will be signed.

Mr. Conger inquires if this is satisfactory to the United States Government.)

Mr. Conger to Mr. Hay.

No. 1369.]

LEGATION OF THE UNITED STATES,
Peking, August 14, 1903.

SIR: I have the honor to confirm recent telegrams exchanged between the Department and this legation on the subject of opening treaty ports in Manchuria.

When I received your dispatch of the 26th ultimo Prince Ch'ing was occupied with important functions at the Summer Palace, but as soon as possible thereafter I arranged with him for a conference, in which we went thoroughly over the whole question. I informed him that I had faithfully telegraphed to my Government, as he had requested, all the reasons he had given me for finding it impracticable and impossible to provide by treaty at the present time for opening the ports requested in Manchuria, and that my Government had categorically replied that it had carefully weighed every excuse offered and could not accept them as satisfactory, but it must insist that provision be made for the opening of these ports in the treaty, and that I was instructed to say to him that the insistence was based upon the following situation, to wit:

That China had the recognized right to open whatever ports she pleased in her sovereign territory; that she had repeatedly asserted that the growth of Manchurian trade and the development of international commerce demanded that the ports should be opened; that she had often expressed her willingness to open them; that she had in two formal notes to me substantially promised that provision for opening them should be made in the treaty; that she had reiterated to me that her only reason for not opening them was the objection of Russia; now my Government had, by serious and successful negotiations at Washington and St. Petersburg, secured from Russia a definite and positive declaration that, with the exception of Harbin, she had no objections to the opening of the ports mentioned. This declaration had been formally presented to the other great powers; thus every objection to opening the ports had been removed, no reasonable grounds for further refusal was left to China, and I was instructed,

therefore, that I should insist upon China fulfilling her promise, and that the treaty would not be signed unless a provision for opening the ports was made therein.

The Prince replied that he feared I had not fully explained to my Government the unsurmountable difficulties in their way; that Russia had not withdrawn her objection nor notified China of the declaration given to the other powers. * * * He also said that if ports were opened by treaty with the United States the other countries, which are yet to make commercial treaties, would each demand the opening of other ports in their treaties, and he begged me to explain this again to my Government, and ask it to believe in China's promise to open them just as soon as Russia evacuated.

I replied that this had already been thoroughly done; that my Government had fully considered the matter and come to a just but definite conclusion. It would be a sufficient answer to any further objection on the part of Russia simply to produce her declaration to all the world, and as to other powers demanding ports if any were named in our treaty, there was nothing in that, because she had already provided for opening five ports in the British treaty.

He finally said he would agree that provision for opening the ports might be arranged by an exchange of notes supplemental to the treaty, which would be in the nature of a secret treaty, etc. I replied that my Government would never consent to this; that it was not a matter of importance to the United States only, but an international one, in which the world was interested, and we could not consent to its being treated in any but a fair, open, and public manner.

I then proposed as a compromise, in accordance with your telegraphic instruction of the 26th, that if he would write me a note, agreeing to sign on October 8, the day on which Russia has agreed to finally evacuate Manchuria, a treaty with an article providing for opening Mukden and Ta-tung-kou, this would be satisfactory to my Government, and, in order to make it easier for China, we would let the matter rest until then.

I fully explained to him that we would not insist upon the ports being opened at once, but that a date might be named at such a convenient time after the ratifications of our treaty had been exchanged as would permit China to reestablish her administration in the localities mentioned.

He informed me then that the Chinese minister in Washington had telegraphed the same proposition, but he had done so without understanding the essential conditions here, and it did not seem possible for the Chinese Government to agree to it.

He said he could not understand how the Government of the United States, which had proved such a great friend to China, should now insist upon her doing something so harmful to her best interests, and begged me again to ask my Government to accept her promise to open after evacuation, or to agree to the supplemental notes mentioned. I then informed him that there was no use for further conference and that there was nothing left for me to do but to wire my Government that China persisted in refusing our very reasonable request, and therefore that all prospects of a completion of the treaty were at an end. He then asked me to let him consult his colleagues and the Court once more before I telegraphed, and said he would give me an answer very soon.

Soon after this he wrote me a note, promising to sign a treaty with the provision required on October 8, if at that time Russia had evacuated Manchuria; but if she had not, then further conference on the subject would be necessary. This was brought to me by his excellency, Lien-fang, whom I told that it could not, under any circumstances, be accepted, and that unless a note could be written containing the promise substantially without conditions there was no use in sending me any note whatever. He returned to Prince Ch'ing, and they tried it again, sending me a draft of a note, leaving out the question of a future conference, but with the promise still conditioned upon the withdrawal of Russia.

This was on the 12th instant, and I immediately sent him word that it was futile to parley further; that the request of my Government was both moderate and reasonable; that it had absolutely cleared the way for China's easy compliance therewith, and that I would not discuss the matter further, and that if I did not receive the written promise requested by the evening of the 14th the responsibility for indefinite delay and possible failure of treaty negotiations would rest entirely upon his head.

Late last evening I received the note a copy of which I inclose, and have to-day sent Prince Ch'ing a reply, a copy of which I also inclose.

* * * * *

I understand from Messrs. Goodnow and Seaman that you are fully informed upon all other points which have been agreed to by the commissioners. If this is correct, I beg that you will, on receipt of this, telegraph your approval of the entire treaty and direct that it be signed.

I have, etc.,

E. H. CONGER

[Inclosure 1.]

Prince Ch'ing to Mr. Conger.

F. O., No. 527.]

Concerning the matter of opening the two ports of Mukden and Ta-tung-kou to foreign trade, your excellency has several times communicated to me in personal interviews the desire of your honorable Government to have provision for the same made in the commercial treaty. We, the Prince and the ministers, can of course agree to this, but it will be necessary to wait until the 8th of October of the present year, the date on which Russia has agreed with China to completely withdraw the Russian troops now occupying the three eastern provinces (Manchuria) and to hand back the civil government (of Manchuria).

We, Prince and ministers, promise that on that day we will insert in the treaty a provision for the opening by China of the said two ports and that at the same time the completed treaty will be signed.

As in duty bound we send this dispatch to your excellency that you may transmit the same to your honorable Government to place upon record.

A necessary dispatch.

Kuanghsu XXIX year, Sixth Moon, 21st day (August 13, 1903).

(Seal of Foreign Office.)

[Inclosure 2.]

Mr. Conger to Prince Ch'ing.

F. O., No. 535.]

LEGATION OF THE UNITED STATES,

Peking, August 14, 1903.

YOUR IMPERIAL HIGHNESS: I have the honor to acknowledge the receipt of your imperial highness's dispatch of the 13th instant, in which your imperial highness

promises that on the 8th of October next you will have inserted in the commercial treaty a provision for the opening by China to foreign trade of the two ports, Mukden and Ta-tung-kou in Manchuria, and that on the same date the completed treaty will be signed.

I have the honor to express my high appreciation of the prompt compliance of your Government with this request of the United States and to assure your imperial highness of my firm conviction that in so doing the Chinese Government has acted most wisely and taken a step which can not but lead to the great advantage not only of China and the United States, but of all commercial interests. The action, too, is one which will still further strengthen the friendly relations existing between the United States and China.

I avail, etc.,

E. H. CONGER.

Mr. Hay to Mr. Conger.

[Telegram.—Paraphrase.]

DEPARTMENT OF STATE,
Washington, August 15, 1903.

Acknowledging Mr. Conger's telegram of August 14, Mr. Hay states that Prince Ch'ing's note is satisfactory; that the date for signing of completed treaty, October 8, is absolute and not contingent on action of Russia. Mr. Conger is directed to make this clear to Prince Ch'ing.)

Mr. Conger to Mr. Hay.

No. 1370.]

LEGATION OF THE UNITED STATES,
Peking, August 17, 1903.

SIR: I have the honor to confirm your telegram of August 15.

I have made it perfectly clear to Prince Ch'ing that the date for signing of the completed treaty, October 8, is absolute and not contingent on any action of Russia.

I have, etc.,

E. H. CONGER.

Mr. Conger to Mr. Hay.

No. 1374.]

LEGATION OF THE UNITED STATES,
Peking, August 25, 1903.

SIR: A British officer, just returned from the mouth of the Yalu River, reports most unfavorably as to the advisability of opening Ta-tung-kou as a treaty port, and says that An-tung Hsien, sometimes called Saho, some 30 miles farther inland, is much more suitable, having a greater depth of water and being nearer the crossing of the principal route from Manchuria into Korea.

Ta-tung-kou was selected from the best evidence then obtainable. (See my dispatch, No. 1252, of March 31, last.)

As it will be impossible to know the facts without an intelligent examination of both places, I have requested Admiral Evans to send one of his smaller vessels to the mouth of the Yalu and then, by steam launch or otherwise, make the necessary exploration and report.

I have, etc.,

E. H. CONGER.

Mr. Conger to Mr. Hay.

[Telegram.—Paraphrase.]

LEGATION OF THE UNITED STATES,
Peking, September 9, 1903.

(Mr. Conger reports that recent examinations by Commander Ward, of the United States Navy, and others show conclusively that Ta-tung-kou, because of the lack of water and low, muddy banks, is practically unapproachable at low tide. An-tung, an important city at crossing of principal Manchurian-Korean road, 20 miles farther up the river, has good banks, much more water, and should be opened instead of Ta-tung-kou. Admiral Evans strongly recommends it. Mr. Conger has conferred with the Prince and asked the substitution in our treaty. The Prince has no objection, but will confer with his colleagues and answer definitely in a few days.)

Mr. Conger inquires if the Department approves the proposed substitution.)

Mr. Conger to Mr. Hay.

No. 1385.]

LEGATION OF THE UNITED STATES,
Peking, September 9, 1903.

SIR: I confirm my telegram of this date regarding the importance of substituting in our treaty the city of An-tung in place of Ta-tung-kou as the port on the Yalu to be opened to foreign trade.

Referring to my dispatch No. 1374, of August 25, on the same subject, I now inclose copy of an extract from the report of the British officer mentioned. I also inclose copy of a letter from Admiral Evans, and respectfully refer you to the report of Commander Ward on file in the Department of the Navy.

From all this it will be seen that Ta-tung-kou is a flat, low, muddy, unhealthy location, with no facilities for bunding or dock building, and is approachable only through a ditch which is dry at low water, while An-tung has 20 feet of water, a mile and a half of better banks, is of much more importance, and of better business promise. Its location is higher and healthier, is at the crossing of the main route from Manchuria to Korea, and seems to be in every way preferable to Ta-tung-kou. * * *

In a conference with Prince Ch'ing yesterday I explained fully to him the situation, telling him that we had relied upon old reports and surveys in selecting Ta-tung-kou, and because it was the nearest to the sea, but that after sending a naval officer to explore and survey we had discovered the channel silted up, too little water, muddy banks, etc., while An-tung seemed to have nearly everything desirable, and as business development was the object of opening a port, it was certainly for China's interest, and, I presumed, her desire also, to open a place where business could be developed and carried on. I therefore suggested that An-tung was the proper port to be opened, and asked that we agree that in the preparation of the treaty it should be inserted instead of Ta-tung-kou. He agreed with me and said he saw no objection to making the substitution, but it was a new question and he would be

obliged to consult his colleagues, and would give a definite reply in a very few days.

An-tung was formerly called Sa-ho, but in 1877 it was made a "Hsien" city and named An-tung.

I have, etc.,

E. H. CONGER.

[Inclosure 1.]

Extract from British officer's report.

Ta-tung-kou is a village with about 5,000 inhabitants, but the population is migratory, and during the winter is about half this number. It is not at the mouth of the river. The Chinese character for *kou* is not "mouth" but "ditch," the village being approached by a winding ditch about 20 to 50 yards broad and 2 miles long, which is dried up at low water. It is the place where all the timber from the Yalu is collected previous to being shipped, and there is a Chinese custom-house there. The place where steamers from Chefoo anchor at present is about 3 miles from Ta-tung-kou and about 5 miles in a direct line from the actual entrance to the river. It is surrounded by low-lying muddy ground, and has by no means the amount of trade or importance that Antung has.

An-tung, the headquarters of the Hsien, is the most important place in these parts, and has a population of about 7,000. It has a most prosperous appearance and the houses are all of a very superior stamp. It is a great shipping and forwarding center, and will no doubt in time develop much more, as it has a good bund with 20 feet of water at low tide, and can, I believe, be reached by steamers drawing 8 to 10 feet. If Ta-tung-kou is selected instead of An-tung I think a great mistake will be made.

[Inclosure 2.]

Admiral Evans to Mr. Conger.

No. 130-M.]

COMMANDER IN CHIEF'S OFFICE,
UNITED STATES ASIATIC FLEET, FLAGSHIP "KENTUCKY,"

Chefoo, China, September 1, 1903.

SIR: 1. I have the honor to acknowledge the receipt of your No. 1908, of the 25th ultimo, relative to the selection of the port of Antung Hsien, or Saho, as that to be opened upon the Yalu River by the terms of the treaty which you expect will be signed about October 8, 1903, and requesting that I send a gunboat up the Yalu to investigate the situation and furnish you with a report thereon.

2. In reply I have to inform you that with the object of investigating the conditions in the Yalu and the determination of the most suitable port for opening to foreign trade upon that river, the *Austria* was dispatched to the Yalu early last month, and after careful inquiry and investigation of the various localities I am satisfied that Saho should, by all means, be the port selected, and no other port should be accepted as a substitute for Saho.

3. Lieutenant-Commander Marsh, who left last night for Peking, has been furnished with a copy of the report of the commanding officer of the *Austria*, which will be delivered to you.

Very respectfully,

R. D. EVANS,
*Rear-Admiral, U. S. Navy, Commander in Chief
United States Asiatic Fleet.*

Mr. Conger to Mr. Hay.

[Telegram.—Paraphrase.]

LEGATION OF THE UNITED STATES,
Peking, September 12, 1903.

(Mr. Conger reports that the Chinese Government consent to the substitution of An-tung for Ta-tung-kou.)

Mr. Adee to Mr. Conger.

[Telegram.—Paraphrase.]

DEPARTMENT OF STATE,
Washington, September 12, 1903.

(Replying to Mr. Conger's telegrams on the subject, Mr. Adee states that the draft article substituting An-tung instead of Ta-tung-kou is approved; and that this change is gratifying.)

Mr. Adee to Mr. Conger.

[Telegram.—Paraphrase.]

DEPARTMENT OF STATE,
Washington, September 23, 1903.

Mr. Adee states that the date for signing completed treaty, October 8, is absolute and not contingent on action of Russia. This date has been formally accepted by the Chinese Government and this Government notified. By the Department's telegraphic instruction of August 15 Mr. Conger was told to make this clear to Prince Ch'ing, and Mr. Conger is directed to so inform the Prince again. * * *

Mr. Conger to Mr. Hay.

[Telegram.—Paraphrase.]

LEGATION OF THE UNITED STATES,
Peking, September 24, 1903.

(Acknowledging the Department's telegram of the 23d instant, Mr. Conger reports that telegraphic instructions of August 15 were complied with; that the Prince has again verbally promised that treaty shall be signed October 8.)

Messrs. Conger, Goodnow, and Seaman to Mr. Hay.

[Telegram.—Paraphrase.]

Shanghai, October 8, 1903.

(Messrs. Conger, Goodnow, and Seaman report that the treaty with China has been signed.)

**EXPIATORY MONUMENT ERECTED IN MEMORY OF BARON VON
KETTELER, LATE IMPERIAL GERMAN MINISTER TO CHINA.**

Mr. Conger to Mr. Hay.

No. 1191.]

LEGATION OF THE UNITED STATES,
Peking, January 19, 1903.

SIR: I have the honor to report that on yesterday the monument erected by the Chinese Government in compliance with the terms of the protocol of September 7, 1901, on the spot where the German

minister, Baron von Ketteler, was murdered, on the 20th of June, 1900, was formally dedicated in the presence of high Chinese officials, members of the diplomatic corps, the German garrison, an equal number of Chinese soldiers, most of the foreigners here resident, and an immense crowd of Chinese.

The inaugural ceremony consisted of libations poured out by his highness, Prince Chung, brother of the Emperor, who made a brief speech in Chinese, which was translated into German and to which Baron von der Goltz, German chargé d'affaires, made reply in German, which was translated into Chinese. At the close of the ceremony the Germans marched through the central arch, preceded by a German band.

The monument is a large granite pailou, composed of three arches, built across the street, and bears inscriptions in German, Latin, and Chinese. I inclose translated copies of the inscriptions, and of the speeches made.

I have, etc.,

E. H. CONGER.

[Inclosure 1.]

Inscription on monument erected by the Chinese Government to Baron von Ketteler.

This monument has been erected by order of His Majesty the Emperor of China for the Imperial German Minister Baron von Ketteler, who fell on this spot by heinous murder on the 20th of June, 1900, in everlasting commemoration of his name, as an eternal token of the Emperor's wrath about this crime, as a warning to all.

[Inclosure 2.]

Speech of Prince Chung at the dedication of the von Ketteler monument.

The monument erected to the memory of the late Imperial German minister, Baron von Ketteler, stands before us. By order of His Imperial Majesty I have poured out the libations and have inaugurated therewith formally this monument.

My sovereign wishes this monument to be a warning to the people, a token of the friendship existing between our two nations, and a sign of the blessings which general peace bestows.

May the name of the deceased Baron von Ketteler remain lasting for all times, like the stately monument before us; that is my sincere wish.

[Inclosure 3.]

Reply of Baron von der Goltz to Prince Chung.

The monument standing before us, so say the inscriptions engraved thereon, has been erected to the everlasting memory of the Imperial German minister, Baron von Ketteler, murdered on this place on June 20, 1900, and as an eternal token of the Emperor of China's wrath about the crime.

Your Imperial Highness has now inaugurated this monument through libations in accordance with the orders issued by His Majesty. China has therewith fulfilled loyally one of the obligations which it took upon itself after the events of 1900.

May the Ketteler monument transmit this glorious name to all posterity, and may it remain for all time a symbol of China's wish to foster and to strengthen good relations with the foreign countries.

REBELLIOUS MOVEMENTS, BRIGANDAGE, ETC.

Mr. Conger to Mr. Hay.

No. 1193.]

LEGATION OF THE UNITED STATES,
Peking, January 22, 1903.

SIR: As showing the present condition of affairs in Sze-chuan, I inclose copy of a letter of Doctor Canright, an American medical missionary living at Ch'engt'u, the provincial capital.

A more alarming situation exists in the province of Kansu and the northern portion of Shensi. According to newspaper reports and current Chinese rumor, Prince Tuan and General Tung Fu-hsiang, instead of remaining in the banishment to which they were sent, are said to be on the border line of Kansu and Shensi with a large organization of soldiers, preparing to make certain demands upon the Imperial Government, and, if they are not complied with, to raise the standard of rebellion, attacking first the foreigners and the friends of the Government, and then march toward Peking and the coast. Just what their demands are can not be learned.

The disturbances in the south seem to continue, and rumor says that, taking advantage of the antagonism everywhere aroused by the indemnity taxgatherers, it will not be difficult for the two rebellious organizations in the north and the south to unite the whole country in active opposition to the Government and all foreigners in the Empire. With capable leaders, having abundance of arms and money, this would be possible and not improbable, in view of the inherent weakness and present helplessness of the Chinese Government; but the leaders, arms, and funds are all lacking.

I have had several conferences with members of the foreign office, and have insisted that, having telegraphic communication with the various provincial officials, they must be fully cognizant of the situation, and I demanded that they inform me correctly, so that I might intelligently advise our missionaries in that direction.

They say that the local officials all report quiet, but they admit that Prince Tuan and General Tung Fu-hsiang are in the locality mentioned, and undoubtedly have some organized soldiers and others at their command, as well as many friends among the people, but that no offensive operations are indicated and no serious trouble is anticipated as long as the Government makes no movement against them. The ministers say that Prince Tuan and General Tung Fu-hsiang are simply preparing for resistance in case their arrest or removal should be attempted. Knowing well the helpless condition of this Government, I agree that with them "discretion is the better part of valor."

In the northeastern part of this province, and in Mongolia north, and in the vicinity of Kalgan, there are at present operating many bands of brigands of considerable size, most of them deserted or disbanded soldiers, well armed and equipped, with which the local militia are powerless to contend. Their object, however, seems only to plunder, and at present they appear to avoid foreigners or native Christians.

Viceroy Yuan Shih-k'ai promises in due time to suppress them, but in this case, as well as in that of Prince Tuan and General Tung Fu-hsiang, their toleration for the present may be wise and prudent.

I have, etc.,

E. H. CONGER.

[Inclosure.]

*Doctor Canright to Mr. Conger.*CHENTU, WEST CHINA, *December 13, 1902.*

DEAR SIR: Your letter of September 18 to hand. Two days before you wrote the Boxer uprising here in Sze Ch'uan reached its climax, in the capital at least, although T'ung Ch'uan and several other places had serious times after that, even.

The triennial examinations being in progress at the time, the city was crowded with students from all parts of the province. Early on the morning of the 16th between 20 and 30 Boxers came in at the south gate. They met with little resistance from the guard there, and then went rushing through the streets waiving their flags and brandishing knives. They called upon all good citizens to close their doors and stay within. Everyone promptly obeyed. These Boxers, instead of being joined by comrades within the city, as they seemed to expect, were left to themselves, until finally, near the viceroy's yamen, soldiers attacked them and killed 5. Later in the day most of the others were captured and beheaded. Nothing less than a panic reigned in the city all that day and the feast day following. People were expecting something terrible to happen, but we are thankful to say these expectations were not realized.

The examinations passed off quietly, and a few days later our new viceroy, Ts'en, arrived. He very soon established order in the city, and this good influence has gradually spread until now comparative quiet reigns in most districts again. Missionaries are all back in their homes and work is going on as usual. Thus the storm has gradually blown over for the present at least.

Upon the viceroy's arrival, the Protestant missionaries in Chentu sent him a united letter of welcome to the province. He replied cordially and has since invited us to counsel with him about our work. On the 9th of December he entertained us at a dinner with himself and all the higher officials present in person.

Allow me to sincerely thank you again for your prompt aid in this crisis.

Yours, very truly,

H. L. CANRIGHT.

Mr. Conger to Mr. Hay.

No. 1236.]

LEGATION OF THE UNITED STATES,
Peking, March 12, 1903.

SIR: As will be seen by the inclosed copies of translations from the Chihli Gazette of March 18, an attempt has been made in the district of Yu-t'ien, about 100 miles east of Peking, to reorganize the Boxer association, but was promptly suppressed by the energetic action of the viceroy.

Several soldiers lost their lives in the attempt to arrest the criminals, but 7 of the criminals were killed and 10 more arrested, who are ordered beheaded and their heads exposed where the organization started.

Only such prompt and severe measures will prevent similar organizations in other localities, and it is hoped and believed that Yuan Shih-k'ai will continue as he has begun.

I have, etc.,

E. H. CONGER.

[Inclosure 1.]

Translation from the Chih Pao (Chihli Gazette) of March 8, 1903.

REPORT OF ARREST AND PUNISHMENT OF BOXERS IN THE YU-T' IEN DISTRICT AND ACTION OF THE VICEROY THEREON.

The T'ung-chou-Yung-p'ing brigade general, Li An-t'ang, and the district magistrate of Yu-T'ien, Ch'eng Chin, report:

"In the matter of Boxers drilling at Liu-ho-t'ao, in the district of Yu-T'ien, we

sent petty officers to make thorough search, and on the 26th of the first moon (February 23, 1903) they arrested Kan Lin-ch'iang and others, men and women, ten in all, who were practicing Boxer arts, and we now ask for orders as to how we shall deal with them."

To this reply was received as follows:

"The contents of the report have been carefully noted. Proclamations have been issued repeatedly, strictly forbidding any revival of the disturbances of 1900, which were originated by the Boxers, but Kan Lin-ch'iang and his party, having no regard for the law, assembled a lot of people to form a band of Boxers and drilled them in the dead of night. When they were being searched for by the civil and military officials, they dared to resist arrest and killed and wounded several soldiers. Thereupon seven of them were killed, men and women, and their heads exposed as a warning. Ten others, men and women, were arrested and their swords, spears, flags, pennons, charms, and pledges, all proofs of their evil designs, were brought to light.

I shall depute Taotai Chang Hsi-luan, of the military secretariat of the regular force, to proceed at once with all haste and make a thorough investigation, and deal with the matter according to the regulations already in force. As to the ten men and women already in custody, let them be carefully tried and afterwards beheaded, and let their heads be sent to the place of their rebellion and suspended as a warning to all and a testimony to the rigor of the law. We shall expect also that some plan be devised to secure the remainder of the band. Let every exertion be made to root it out, so as to prevent further trouble.

Forward this with all haste.

[Inclosure 2.]

Proclamation of Viceroy Yuan Shih-k'ai.

This proclamation is issued to clearly set forth certain prohibitions.

Whereas on my taking charge of this office in the middle of the eleventh moon of the XXVII year of Kuanghsu (January, 1901), after the troubles which the province of Chihli had experienced, certain lawless bandits leagued themselves together to excite the people, again bring on calamity, and revive the dying embers of sedition, it became most urgently necessary to prepare severe regulations and by heavy penalties suppress disorder. At that time I decided upon eleven regulations, which were printed and published far and near, giving information to all, and I ordered all my subordinates to strictly enforce the prohibitions, all of which is a matter of record.

For more than a year these regulations have been uniformly observed, and the province has been entirely quiet. But, perhaps because a long time has elapsed, some have grown careless and have not given special attention, so that they have secretly incited the people and caused the remnants of evil to sprout again, thus occasioning trouble and bringing calamity upon the country people. It becomes necessary, therefore, to again set forth these prohibitions, which have been printed and published for information, admonishing all to exert themselves to observe them and put away evil, that they may enjoy the blessings of widespread peace and prosperity.

Let everyone tremblingly obey.

An urgent special proclamation.

ELEVEN REGULATIONS FOR TEMPORARY USE IN THE SUPPRESSION OF DISORDER.

1. Those dealing in magical spells to befool the people shall be beheaded.
2. Those propagating evil teaching and practicing evil arts, no matter whether leader or followers, shall all be beheaded.
3. Those who band together to plunder or who employ weapons to commit violent crimes shall be beheaded.
4. Soldiers and runners connected with the yamens who are in sympathy with evil societies or Boxers shall be beheaded.
5. Household holders who furnish quarters for evil societies or who harbor Boxers shall, after an examination demonstrates their guilt, be imprisoned for five years, and their property shall be confiscated to reward (informers).
6. In case of clans or villages some of whose people may be connected with evil societies or Boxers, the chiefs of such clans or the elders of such villages, together with the local constable, must at once report the same to the officials, that they may

follow up the matter and deal with it. Should they assist and conceal them and rebelliously refuse to report, so soon as the matter becomes known the said chiefs of clans and village elders shall be imprisoned for one year; the local constable shall be imprisoned for a year and a half.

7. In all places where altars may be established and evil teachings propagated and practiced, immediately upon its becoming known to the local official he shall destroy the said altars and confiscate the property. If there be any informers, the property shall be given for a reward to the informers, whether men or women.

8. All who may arrest members of evil societies or Boxers and bind and send them to the officials shall be rewarded with 200 taels for every leader and the same amount for every five followers delivered. Those who report rumors upon which any arrests may result shall be rewarded with one-half of the above amounts.

9. The suppression of Boxerism simply requires that the department and district magistrates shall be more diligent in making inquiry and in following up their clues and dealing with the matter conscientiously, so as to nip these disorders in the bud. Hereafter if it shall appear upon investigation that there are Boxers in any district who have set up their altars and preached and practiced their doctrines, then the official of the said department or district shall be impeached and severely dealt with according to the statute provided in case of leniency toward rebels.

10. These prohibitions are especially prepared for those who may hereafter propagate or practice evil teachings, thus stirring up trouble and rebellion. As for those who have formerly been Boxers, aside from the leaders, all who have been coerced into joining, if only they shall truly repent and immediately turn over a new leaf, shall not be involved.

11. Should anyone, cherishing a grudge, make a false accusation, hoping thereby to share the reward, on its being shown by examination that there is no truth in the charges, he shall at once receive the punishment due the crime which he shall have tried to fasten upon others. In no case shall any leniency be shown.

**RIGHT OF CONSULS ENGAGED IN BUSINESS TO TAKE PART IN
DELIBERATIONS OF CONSULAR BODY.**

Mr. Conger to Mr. Hay.

No. 1219.]

LEGATION OF THE UNITED STATES,
Peking, February 21, 1903.

SIR: I have the honor to inclose copies of correspondence with Consul Fowler, of Chefoo, concerning the right of certain consular officers (being resident merchants or professional men) to take part in the deliberations of those who are in the regular consular service.

Respectfully requesting your opinion upon the question,

I have, etc.,

E. H. CONGER.

[Inclosure 1.]

Mr. Fowler to Mr. Conger.

No. 529.]

CONSULATE OF THE UNITED STATES,
Cheefoo, February 13, 1903.

SIR: There has grown up a practice in this port of appointing consuls, vice-consuls, etc., without any interests to safeguard, and of late myself and my professional colleagues do not view this with equanimity; in fact, I, as senior, have been repeatedly asked why I allowed these commercial consuls to attend our consular meetings.

In Chefoo there are the British, Japanese, German, and United States consuls, French and Russian vice-consuls, who are not engaged in other occupations, but confine themselves exclusively to consular duties. Of these I am the senior. We claim that the above six constitute the consular body now, and such consuls that other nations may send here who are likewise excluded from commercial pursuits; but besides the above, there are the Netherlands consul, Norwegian and Swedish consul, and the Austro-Hungarian vice-consul.

The Netherlands consul is a German merchant—the only Dutchman here keeps a small dairy farm and a hotel.

The Norwegian vice-consul is an employee of the custom-house as medical officer; he is the practicing physician of the port.

The Austrian vice-consul is an Austrian in the employ of Chinese vineyard men—
* * * We do not think it right that any but professional consuls should constitute the consular body in exterritorial countries, and particularly in Chefoo, and I write to ask you if you think I and my professional colleagues will be justified in refusing to allow these honorary consuls to attend our meetings or participate in our discussions, and thus get information which they would not otherwise have.

Your opinion upon this point is respectfully solicited. I may add that so far we have not discussed this matter with them in any meetings, as we wish to know how we stand before doing so.

I have, etc.,

JOHN FOWLER, *Consul.*

[Inclosure 2.]

Mr. Conger to Mr. Fowler.

LEGATION OF THE UNITED STATES,
Peking, February 18, 1903.

SIR: I have received your No. 529, of the 13th instant, reporting that certain countries with apparently small interests in China are represented at Chefoo by consuls or vice-consuls who are at the same time engaged in other professional or business capacities, and inquiring whether or not "I and my professional colleagues will be justified in refusing to allow these honorary consuls to attend our meetings or participate in our discussions, and thus get information which they would not otherwise have."

My personal opinion is that, upon the case stated, you would not be justified in so doing. The magnitude of one country's interests can not be a measure of its right to consular representation in another. Some governments give most careful attention to even the smallest interests of their citizens in foreign countries, while others are moved only by the larger affairs of their nationals.

The question of making consuls out of merchants and professional men resident in a country is one of doubtful propriety, and to which serious objections may be made. It is a matter against which their competitors in business, through proper channels, might protest, either to the governments making the appointments or to the governments granting the necessary exequaturs; but having been once duly appointed and formally clothed with the customary exequatur, I apprehend they must be allowed full opportunity to look after the interests of their nationals, whether large or small.

It is not the usual custom of the United States to appoint as consuls men engaged in any kind of business at the place of their residence, but it frequently happens that during the absence of regular consuls, vice-consuls who are engaged in other capacities are left in charge, and while so employed enjoy all the rights and perform all the functions of regular consuls. This is also done by many other governments, and as long as this practice prevails I scarcely believe you could successfully rule out the officials named from full participation in all consular functions.

Very respectfully, yours,

E. H. CONGER.

Mr. Loomis to Mr. Conger.

No. 656.]

DEPARTMENT OF STATE,
Washington, April 13, 1903.

SIR: Your dispatch, No. 1219, of the 21st of February, inclosing correspondence with Consul Fowler at Chefoo, relative to the right of consular officers (being resident merchants or professional men) to take a part in the deliberations of the regular consular body has been received.

The Department approves the view you express to Mr. Fowler that

the regular consular officers at Chefoo can not properly exclude consuls engaged in other occupations from full participation in the consular functions.

The conditions reported by Mr. Fowler are doubtless unfortunate and constitute a strong argument against the policy of appointing unsalaried officers engaged in trade or professions. All governments, however, appoint such officers as their commercial agents, and while these appointments may be at times the subject of abuse, the matter can not be remedied except by a general agreement among the powers. The Department does not see that the question of the compensation and rights granted to them by their governments can properly put them outside the pale of the consular body. Such officer, being appointed by a foreign government, duly commissioned and granted exequatur by the government to which he is accredited, can not be refused recognition by the consular body, nor has the consular body any jurisdiction over the conditions under which he acts.

An appointing government might very justly resent any such attempt to deny him the rights and privileges which pertain to his office. The United States Government might feel it its right to protest in such case.

Neither is it perceived that the question of the visible commercial interest which one country may have in another has any bearing upon the standing of the consul. If a foreign government desires to establish a consulate, that is a matter entirely with that government and the government in which the consulate is to be established. Consulates are not infrequently established with a view to future commercial relations and interests.

It would therefore seem that the attitude which Mr. Fowler and his colleagues representing the great commercial powers would wish to assume toward those consuls engaged in trade or professions and representing powers with minor interests is at variance with the accepted principles of international representation. It may be recalled that the congress of Vienna decided that no question of the wealth or political importance of a power gave to its diplomatic representative any right of precedence over his colleagues of the same rank in the diplomatic corps of the capital to which he is accredited.

I am, etc.,

FRANCIS B. LOOMIS.

CONSULAR JURISDICTION IN CHINESE TERRITORY LEASED TO RUSSIA.

Mr. Conger to Mr. Hay.

No. 1242.]

LEGATION OF THE UNITED STATES,
Peking, March 20, 1903.

SIR: I have the honor to inclose herewith copy and translation, handed me by the Russian chargé d'affaires, of the regulations issued by the Russian Government for the establishment of foreign consuls at Dalny. Mr. Langhorne passed through here on his way to take up the post of commercial agent, and I took occasion to place a copy in his hands.

I have, etc.,

E. H. CONGER.

[Inclosure.—Translation.]

No. 391.]

ST. PETERSBURG, *January 30, 1903.*

In organizing the administration of the territory of Kwangtung, leased by China to Russia, the Imperial Government has taken into consideration the question of the institution of foreign consulates at Dalny (Talienwan).

The Imperial Government has decided to admit the presence of consular representatives of the powers in the aforesaid city on the following terms:

The exequatur required for the assumption of functions by the representatives in question must be asked for, in the ordinary way, through the foreign office at St. Petersburg. The jurisdiction of these representatives extends throughout the whole territory of Kwangtung, to the exclusion of Port Arthur and other fortified points, which will be designated by the local military authorities.

Considering that Russian legislation is enforced throughout the said territory and that Russian tribunals are established there, foreign consuls at Dalny will have no rights and prerogatives beyond those which are accorded to them throughout the Russian Empire. In the interests of good administration of affairs, these consuls will deal directly with the administrative authorities of the territory in all questions falling within their province.

No consular representative of the powers, excepting the one established at Dalny, shall be entitled to intervene in the affairs of his nationals in the territory referred to.

**RIGHT OF UNITED STATES WAR VESSELS TO VISIT CHINESE
INLAND WATERS.**

Mr. Hay to Mr. Conger.

No. 716.]

DEPARTMENT OF STATE,

Washington, October 7, 1903.

SIR: I inclose herewith for your information a copy of a letter from the Navy Department, inclosing copies of correspondence recently received from the commander in chief of the United States Asiatic fleet in relation to visits by small gunboats of the United States Navy to certain parts of the upper Yangtse. A copy of this Department's reply to the Navy Department's letter is also herewith inclosed.

I am, etc.,

JOHN HAY.

[Inclosure 1.]

The Acting Secretary of the Navy to Mr. Hay.

NAVY DEPARTMENT,
Washington, October 2, 1903.

SIR: I have the honor to inclose for your information copies of correspondence recently received from the commander in chief United States Asiatic fleet, with reference to visits by small gunboats in certain parts of the upper Yangtse, China, and to request such comment as the State Department may desire to make.

Very respectfully,

CHAS. H. DARLING, *Acting Secretary.*

[Subinclosure 1.]

Rear-Admiral Evans to the Secretary of the Navy.

COMMANDER IN CHIEF'S OFFICE,
UNITED STATES ASIATIC FLEET,
FLAGSHIP KENTUCKY,
Chefoo, China, August 10, 1903.

SIR: 1. I transmit herewith for your information copies of communications Nos. 1877, dated July 30 (inclosing a copy of a letter from the taotai of Kiukiang), and 1882, of August 4, from our minister at Peking, addressed to me, and copies of my letters of July 30 and August 11, 1903, all bearing upon the same matter.

2. I have approved the action of the commanding officer of the *Villalobos* in visiting the Americans in the Yangtse Valley, and gathering such information concerning their welfare and present conditions as might be of service in granting them adequate attention at the earliest possible moment in the event of probable outbreaks, liable to occur at any time, and upon which occasions the presence of an armed force would be necessary to insure proper protection.

3. Upon the receipt of the reply from our minister at Peking I will inclose a copy of it to the Department for its information.

Very respectfully,

R. D. EVANS,
Rear-Admiral, U. S. Navy,
Commander in Chief United States Asiatic Fleet.

[Subinclosure 2.]

Mr. Conger to Rear-Admiral Evans.

Mis., No. 1877.]

LEGATION OF THE UNITED STATES,
Peking, July 30, 1903.

SIR: I have the honor to inclose herein, for such action on your part as the provisions of our treaties and the protection of American interests warrant, a translation of a communication from the taotai at Kiukiang to the United States consul-general at Hankow, requesting him to notify the commanders of all the United States gunboats that they must not go inland where there are no treaty ports in order to prevent trouble.

I am, etc.,

E. H. CONGER.

[Subinclosure 3.—Translation.]

Taotai Shwai to the United States consul-general at Hankow.

KWANGHSU, 29TH YEAR, 5TH MOON, 14TH DAY,
Kiukiang, July 8, 1903.

SIR: I hereby communicate to you that on the Kwanghsu, 29th year, 5th moon, 7th day, I received instructions from Governor Kuo, saying that on the 5th moon, 3d day, of this year, Magistrate Duo Ning Kwang, of Sin Jieu district, petitioned to his excellency, stating that the constable reported the arrival of a French gunboat at Wang Jar Duo. Two of the officers, named Mei-din and Pu-lo, went to the capital in a small boat to buy some supplies and returned to Wang Jar Duo.

His excellency says as the people of Nan-chang are very rough, and it is not a treaty port, if trouble occurs who will be responsible? Therefore his excellency instructs me to inform all the consuls that in future it is strictly forbidden for gunboats to travel at will, so as to prevent trouble, which might occur.

In accordance with the treaty, foreign gunboats can only travel to treaty ports. Nan-chang is not a treaty port, and the people there are very rough.

Last autumn the general foreign affairs office informed the southern viceroy to inform all the consuls-general at Shanghai to instruct all the captains of their gunboats not to go to Poyang Lake and inland to travel, which is on record. Therefore I write to the honorable consul to please look over this dispatch and inform all gunboats not to go inland, so as to prevent trouble, and please give me a reply.

SHWAI, Taotai.

[Subinclosure 4.]

Rear-Admiral Evans to Mr. Conger.

COMMANDER IN CHIEF'S OFFICE,
UNITED STATES ASIATIC FLEET, FLAGSHIP KENTUCKY,
Chefoo, China, July 30, 1903.

SIR: 1. The following extract from a report dated the 25th instant, from the commanding officer of the U. S. S. *Villalobos*, one of our gunboats operating in the Yangtse and neighboring waters for the purpose of watching over and protecting the lives and interests of Americans in those waters, is furnished for your information:

"The United States consul-general has just read me a letter from the taotai at Kiukiang reporting that a French gunboat had gone through the Poyang Lake and up the Kan River to Wang Chai-tu, thence by boat to Nanchang, and remonstrating in regard to men-of-war visiting this section. The movements correspond so exactly to those of the *Villalobos* in June that there seems little doubt the reference is to us. As this letter bids fair to open correspondence with our diplomatic representatives, I wish to state that the trip was made to visit the Americans residing in Nanchang with the view of providing for the protection of their lives and property.

"The taotai insists in his letter that such visits should be prohibited and that the foreign representatives have previously been warned not to send gunboats to the Poyang district, as the people of this district are 'bad men.' Apropos of this statement, there was not the slightest evidence of bad feeling throughout my trip to Nanchang, even on the boat trip for the last 10 miles. Arms in arms curtain bags were taken and the crew were fully able to protect themselves against 'bad men.' I am informed by the British officers who have cruised in the Poyang district that the natives do not get 'bad' until they number at least 10 to 1 to the foreigner. Since by treaty stipulation, I understand, we are at liberty to navigate the inland waters of China, and since the taotai at Kiukiang shows in his letter an apparent lack of effort to impress upon his 'bad men' a proper respect and line of conduct toward the people of a friendly nation, I am of the opinion that his action is overbearing and deserving of rebuke. This attitude of the taotai recalls the fact that I was not received by any of the Chinese officials at Nanchang during my short visit to the city of six hours. I had not thought of it in the nature of a snub at the time, but it seems probable that a clear understanding regarding relations with Americans is desirable."

2. I infer that as the report is written from Hankow that the consul-general to whom the letter from the taotai was written is the one at that place.

3. I have informed the commanding officer of the *Villalobos* that his trip to Nanchang and the purposes for which it was made meets with my approval, and that, if occasion should offer, he is authorized to inform the taotai at Kiukiang that the visits of our gunboats to Poyang Lake and neighboring waters will be carried on in the future as in the past; that these gunboats are amply provided with means for dealing with "bad men;" that if any acts are committed against American life and property by these "bad men" the gunboats will deal immediately and severely with them, and, furthermore, that if the Poyang district is to be considered as containing men of this undesirable character, necessitating more careful watching over foreign interests, the visits of our gunboats will be more frequent than heretofore.

4. I would suggest that the proper Chinese officials be informed of the report of the taotai at Kiukiang of the visit of the *Villalobos* to Poyang Lake, and that they be requested to notify the taotai that our treaty rights permit the navigation of these waters for the purpose for which the *Villalobos* is there, and that also it has been the practice of the gunboats of the various foreign nations to make similar visits.

Very respectfully,

R. D. EVANS,
Rear-Admiral, U. S. Navy,
Commander in Chief United States Asiatic Fleet.

[Subinclosure 5.]

Rear-Admiral Evans to the commanding officer of the U. S. S. Villalobos.

COMMANDER IN CHIEF'S OFFICE,
UNITED STATES ASIATIC FLEET, FLAGSHIP KENTUCKY,
Chefoo, China, July 30, 1903.

SIR: 1. I have to acknowledge receipt of your Nos. 177-03 and 13-03 of the 21st instant, relative to the movements of the U. S. S. *Villalobos*.

2. I have considered with much care paragraph 16 of the letter above referred to, relative to the contents of the letter read to you by our consul-general from the taotai at Kiukiang, reporting that a French gunboat had gone through Poyang Lake and up the Kan River to Wang Chai-tu, and thence by boat to Nanchang, which corresponds, as you state, with the movements of the *Villalobos* and is presumably intended to mean that vessel. Further, that the taotai insisted in this letter that such visits should be prohibited and that the foreign representatives had previously been warned not to send gunboats to the Poyang district, as the people thereabouts are "bad men."

3. Your visit with the *Villalobos* to Nanchang for the purpose of investigating the condition of and providing for the protection of the lives and property of Americans is approved. It is my desire that, so far as practicable, similar visits be paid to all Americans having property or other lawful interests in China, that I may be kept fully informed regarding all things concerning their welfare.

4. You will, if occasion offers, inform the taotai who wrote the letter protesting to the consul-general against your vessel that his objections will not receive consideration, and that if he thinks the people of the Poyang district are "bad men" such a reason is a greater cause for more frequent visits and more careful inspections of our interests by our armed vessels, and that these visits will be continued in the future as in the past. You are also authorized to inform the taotai, should occasion offer, and any other Chinese officials who may raise objections of this character that our gunboats are always amply provided for dealing with "bad men," and that if there should be any indication of a desire to pay other than proper respect to American life and property on the part of these men they will be dealt with immediately, and that the gunboats will, without further instructions, administer severe and lasting punishment.

5. It is expected that the taotai and other officials of China will suppress all disorder and give ample protection to the lives and property of Americans, but if these officials fail to do so the question of adequate and proper protection will be taken in hand by our gunboats. In order to satisfy ourselves that the various local officials are properly affording protection, our gunboats will continue to navigate the Poyang Lake and the various other inland waters of China wherever Americans may be, and where, by treaty with China, they are authorized to engage in business or reside for the purpose of spreading the gospel.

Very respectfully,

R. D. EVANS,
Rear-Admiral, U. S. Navy,
Commander in Chief United States Asiatic Fleet.

[Subinclosure 6.]

Mr. Conger to Rear-Admiral Evans.

Mis., No. 1882.]

LEGATION OF THE UNITED STATES,
Peking, August 4, 1903.

SIR: I have the honor to acknowledge the receipt of your communication of the 30th ultimo, with extract from the report of the commanding officer of the U. S. S. *Villalobos* concerning his recent visit to Nanchang, and the taotai's objection thereto as made to Consul-General Wilcox at Hankow.

My letter of the 30th ultimo evidently crossed yours en poste. I beg to add to that, however, that the matter will be duly brought to the attention of the Chinese Government; but I will be pleased to have you point out to me the provisions of the treaty which give our gunboats the right to go wherever they please in the interior of the Empire, except on rivers leading to open ports.

I am, etc.,

E. H. CONGER.

[Subinclosure 7.]

Rear-Admiral Evans to Mr. Conger.

COMMANDER IN CHIEF'S OFFICE,
UNITED STATES ASIATIC FLEET, FLAGSHIP KENTUCKY,
Chefoo, China, August 11, 1903.

SIR: 1. I have the honor to acknowledge the receipt of your communications Nos. 1877 and 1882, of July 30 and August 4, respectively, relative to a translation of a communication from the taotai at Kiukiang to the United States consul-general at Hankow, in regard to gunboats visiting inland waters where there are no treaty ports, and in the latter of the above-mentioned communications I note your request to have pointed out the provisions which give to our gunboats the right to go wherever they please in the waters of China, except on rivers leading to open ports.

2. In reply I have to inform you that whereas there may be no express stipulation in our various treaties with China covering entirely the matter to which you refer and I may be, therefore, unable to point out any specific paragraph granting this general authority, yet I consider that the clause embodied in our treaties which grants to us the same or equal rights as may be granted to any other country—in

short, the "most favored nation" clause—covers my action in authorizing our gunboats to cruise in the same manner and through the same waters as are allowed by China to the armed vessels of other nations; and in this connection I have to state that the Poyang Lake and neighboring waters have been, for some time past, visited by the gunboats of various other nationalities, very probably, I presume, for the same purposes for which our vessels have visited those waters, and apparently with the sanction of the Chinese authorities. If China grants or does not object to the visits of these vessels, we have the same rights and can justly claim the same privileges.

3. I consider it my duty to watch over and protect the lives and property of the citizens of our country who may be in China engaged in any lawful pursuit, and if the Chinese Government permits our people to engage in business or reside elsewhere than at treaty ports it is incumbent upon me to keep informed, so far as possible, of their welfare, and if at any time the Chinese authorities maltreat them or fail to give them adequate protection for life and property, which you know is frequently the case, it becomes my duty to instantly and unhesitatingly send such armed force as may be at my disposal and give the protection necessary.

4. In this connection your attention is invited to the recent riots on the North River, some hundred or more miles above Canton, where we had no treaty port, and in which riot the property of the American engineering party engaged in the building of the Hankow-Canton Railway was destroyed and our people forced to return to Canton to prevent loss of life, their property having been damaged and their work stopped; and again, to a riot in the same locality in which an American subject was kidnaped by Chinese pirates and held for ransom, of both of which instances you were promptly notified by our consul-general at Canton and by myself. Had it not been for the instant dispatch of the gunboat *Callao* to the scene of these riots the consequences might have been serious indeed. As it was, the presence of the gunboat so quickly after the commission of the offenses prevented further attack upon the engineering party and secured the release of the captive without ransom. No objection was made, so far as I am aware, by the Chinese authorities or by any other official to this action of the commanding officer of the *Callao*, notwithstanding the fact that the locality visited was in a much less sense one embraced within our treaty rights than places up the Yangtse River, where numerous treaty ports exist at intervals along its waters.

5. The line of the Canton-Hankow Railway, extending through a portion of China seldom visited by foreigners, is liable to, and in all probability will, be the scene of more or less trouble with the Chinese, and if the Chinese authorities fail to afford ample protection to the lives and property of the Americans engaged in that enterprise, then I shall consider it my duty to afford them protection at any point along this line which it may be possible to reach with our armed forces, just as I have done in the instances above mentioned as regarding the attack on the engineers near the Canton line and the abduction of an American subject.

6. My instructions to the commanding officers of the gunboats are in all cases to cultivate the most friendly relations with the Chinese officials and people and to give no occasion for ill feeling or trouble of any kind by any act of theirs, but if trouble is provoked by Chinese mobs, then they must act immediately and as in their judgment may be deemed for the best interests and welfare of our Government and its people.

7. In this connection, as I judge from your communication you may not take the same view as myself, I respectfully request that you inform me explicitly and definitely as to your views of the action of the taotai at Kiukiang in forbidding our gunboats to navigate the Poyang Lake and neighboring waters, the recent action of the *Callao* in her trip up the North River to quell the riots above-mentioned and protect American interests in a locality where there was no treaty port, and in the release of the abducted American subject. I should also be pleased for a definite statement as to what you may consider our actions should be in the very probable event of rioting and attack upon the lives and property of Americans engaged in the construction of the Canton-Hankow Railway, and in the event of uprisings liable, as we well know, to occur, and actually frequently occurring, in the valley of the Yangtse and elsewhere throughout China, in many cases similar to which delays in the appearance of an armed force for the protection of our people has so often resulted disastrously.

8. Upon the receipt of the expression of your views in these matters, I desire, if they are not in accord with my own, to request of the Navy Department more detailed instructions regarding my own line of conduct, that it may vary as little as possible from the policy outlined to you by the State Department.

Very respectfully,

R. D. EVANS,
Rear-Admiral, U. S. Navy,
Commander in Chief United States Asiatic Fleet.

[Subinclosure 8.]

Rear-Admiral Evans to the Secretary of the Navy.

COMMANDER IN CHIEF'S OFFICE,
 UNITED STATES ASIATIC FLEET, FLAGSHIP KENTUCKY,
Chefoo, China, August 14, 1903.

SIR: 1. Referring to my letter, No. 114-M, of August 11, relative to the visit of the *Villalobos* to certain tributaries of the Yangtse and to the translation of the letter from the taotai to the consul-general at Hankow prohibiting the visits of our vessels to the Poyang Lake district and to my correspondence with the United States minister in regard to these matters, I have to inform you that on August 1 the commanding officer of the *Villalobos* informed me that the consul-general had informed him of a few words which had been left out in the translation of the taotai's letter by which the sense would be changed to read as follows:

"Gunboats' visits to the Poyang district should be prohibited unless on business or for some good reason."

2. As this change in the translation completely alters the tone and meaning of the letter, and as it does not appear to me that so important an omission could have been made by unintentional error, I have to invite the attention of the minister to it with the suggestion that the interpreter might, perhaps, be not a reliable person.

Very respectfully,

R. D. EVANS,
Rear-Admiral, U. S. Navy,
Commander in Chief United States Asiatic Fleet.

[Inclosure 2.]

Mr. Hay to the Secretary of the Navy.

DEPARTMENT OF STATE,
Washington, October 7, 1903.

SIR: I have the honor to acknowledge the receipt of your letter of the 2d instant, inclosing copies of correspondence recently received from the commander in chief, United States Asiatic fleet, in relation to visits by small gunboats of the United States Navy to certain parts of the upper Yangtse, China; and requesting such comment as this Department may desire to make.

In reply I have the honor to say that the Department is inclined to the opinion that Rear-Admiral Evans is right in his contention that our gunboats may visit the inland ports of China, including those which are not treaty ports. Even if this right were not explicitly granted to us by treaty, Rear-Admiral Evans is unquestionably right in using it when like ships of other powers are constantly doing so. His reasons for wishing to visit these places, as expressed in his communication of August 11, 1903, to Minister Conger, are absolutely convincing.

This Department thinks, however, that Article LII of the British treaty of 1858 with China, which is reproduced in Article XXXIV of the Austro-Hungarian treaty of 1869, gives full authority for his course. The text of Article LII of the British treaty is as follows:

"British ships of war coming for no hostile purpose, or being engaged in the pursuit of pirates, shall be at liberty to visit all ports within the dominions of the Emperor of China, and shall receive every facility for the purchase of provisions, procuring water, and, if occasion require, for the making of repairs. The commanders of such ships shall hold intercourse with the Chinese authorities on terms of equality and courtesy."

If the communication of the taotai of Kiukiang is to be amended by the addition of the phrase mentioned in Admiral Evans's communication of August 14, it would show that the Chinese authorities have also remembered Article LII of the British treaty of 1858.

I have, etc.,

JOHN HAY.

TREATY BETWEEN THE UNITED STATES AND CHINA FOR THE EXTENSION OF THE COMMERCIAL RELATIONS BETWEEN THEM.

Signed at Shanghai, October 8, 1903.

Ratification advised by the Senate, December 18, 1903.

Ratified by the President, January 12, 1904.

Ratified by China, January 10, 1904.

Ratifications exchanged at Washington, January 13, 1904.

Proclaimed, January 13, 1904.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Whereas a Treaty and three Annexes between the United States of America and China to extend further the commercial relations between them and otherwise to promote the interests of the peoples of the two countries, were concluded and signed at Shanghai in the English and Chinese languages, on the eighth day of October, one thousand nine hundred and three, the original of the English text of which Treaty and Annexes is word for word as follows:

The United States of America and His Majesty the Emperor of China, being animated by an earnest desire to extend further the commercial relations between them and otherwise to promote the interests of the peoples of the two countries, in view of the provisions of the first paragraph of Article XI of the final Protocol signed at Peking on the seventh day of September, A. D. 1901, whereby the Chinese Government agreed to negotiate the amendments deemed necessary by the foreign Governments to the treaties of commerce and navigation and other subjects concerning commercial relations, with the object of facilitating them, have for that purpose named as their Plenipotentiaries:—

The United States of America—

Edwin H. Conger, Envoy Extraordinary and Minister Plenipotentiary of the United States of America to China—

John Goodnow, Consul-General of the United States of America at Shanghai—

John F. Seaman, a Citizen of the United States of America resident at Shanghai—

And His Majesty the Emperor of China—

Lü Hai-huan, President of the Board of Public Works—

Sheng Hsüan-huai, Junior Guardian of the Heir Apparent. Formerly Senior Vice-President of the Board of Public Works—

who, having met and duly exchanged their full powers which were found to be in proper form, have agreed upon the following amendments to existing treaties of commerce and navigation formerly concluded between the two countries, and upon the subjects hereinafter expressed connected with commercial relations, with the object of facilitating them.

ARTICLE I.

In accordance with international usage, and as the diplomatic representative of China has the right to reside in the capital of the United States, and to enjoy there the same prerogatives, privileges and immu-

nities as are enjoyed by the similar representative of the most favored nation, the diplomatic representative of the United States shall have the right to reside at the capital of His Majesty the Emperor of China. He shall be given audience of His Majesty the Emperor whenever necessary to present his letters of credence or any communication from the President of the United States. At all such times he shall be received in a place and in a manner befitting his high position, and on all such occasions the ceremonial observed toward him shall be that observed toward the representatives of nations on a footing of equality, with no loss of prestige on the part of either.

The diplomatic representatives of the United States shall enjoy all the prerogatives, privileges and immunities accorded by international usage to such representatives, and shall in all respects be entitled to the treatment extended to similar representatives of the most favored nation.

The English text of all notes or dispatches from United States officials to Chinese officials, and the Chinese text of all from Chinese officials to United States officials shall be authoritative.

ARTICLE II.

As China may appoint consular officers to reside in the United States and to enjoy there the same attributes, privileges and immunities as are enjoyed by consular officers of other nations, the United States may appoint, as its interests may require, consular officers to reside at the places in the Empire of China that are now or that may hereafter be opened to foreign residence and trade. They shall hold direct official intercourse and correspondence with the local officers of the Chinese Government within their consular districts, either personally or in writing as the case may require, on terms of equality and reciprocal respect. These officers shall be treated with due respect by all Chinese authorities, and they shall enjoy all the attributes, privileges and immunities, and exercise all the jurisdiction over their nationals which are or may hereafter be extended to similar officers of the nation the most favored in these respects. If the officers of either government are disrespectfully treated or aggrieved in any way by the authorities of the other, they shall have the right to make representation of the same to the superior officers of their own government who shall see that full inquiry and strict justice be had in the premises. And the said consular officers of either nation shall carefully avoid all acts of offense to the officers and people of the other nation.

On the arrival of a consul duly accredited at any place in China opened to foreign trade it shall be the duty of the Minister of the United States to inform the Board of Foreign Affairs, which shall, in accordance with international usage, forthwith cause the proper recognition of the said consul and grant him authority to act.

ARTICLE III.

Citizens of the United States may frequent, reside and carry on trade, industries and manufactures, or pursue any lawful avocation, in all the ports or localities of China which are now open or may hereafter be opened to foreign residence and trade; and, within the suitable localities at those places which have been or may be set apart

for the use and occupation of foreigners, they may rent or purchase houses, places of business and other buildings, and rent or lease in perpetuity land and build thereon. They shall generally enjoy as to their persons and property all such rights, privileges and immunities as are or may hereafter be granted to the subjects or citizens of the nation the most favored in these respects.

ARTICLE IV.

The Chinese Government, recognizing that the existing system of levying dues on goods in transit, and especially the system of taxation known as *likin*, impedes the free circulation of commodities to the general injury of trade, hereby undertakes to abandon the levy of *likin* and all other transit dues throughout the Empire and to abolish the offices, stations and barriers maintained for their collection and not to establish other offices for levying dues on goods in transit. It is clearly understood that, after the offices, stations and barriers for taxing goods in transit have been abolished, no attempt shall be made to re-establish them in any form or under any pretext whatsoever.

The Government of the United States, in return, consents to allow a surtax, in excess of the tariff rates for the time being in force, to be imposed on foreign goods imported by citizens of the United States and on Chinese produce destined for export abroad or coastwise. It is clearly understood that in no case shall the surtax on foreign imports exceed one and one-half times the import duty leviable in terms of the final Protocol signed by China and the Powers on the seventh day of September, A. D. 1901; that the payment of the import duty and surtax shall secure for foreign imports, whether in the hands of Chinese or foreigners, in original packages or otherwise, complete immunity from all other taxation, examination or delay; that the total amount of taxation, inclusive of the tariff export duty, leviable on native produce for export abroad shall, under no circumstances, exceed seven and one-half per centum *ad valorem*.

Nothing in this article is intended to interfere with the inherent right of China to levy such other taxes as are not in conflict with its provisions.

Keeping these fundamental principles in view, the High Contracting Parties have agreed upon the following method of procedure.

The Chinese Government undertakes that all offices, stations and barriers of whatsoever kind for collecting *likin*, duties, or such like dues on goods in transit, shall be permanently abolished on all roads, railways and waterways in the nineteen Provinces of China and the three Eastern Provinces. This provision does not apply to the native Customs offices at present in existence on the seaboard, at open ports where there are offices of the Imperial Maritime Customs, and on the land frontiers of China embracing the nineteen Provinces and the three Eastern Provinces.

Wherever there are offices of the Imperial Maritime Customs, or wherever such may be hereafter placed, native Customs offices may also be established, as well as at any point either on the seaboard or land frontiers.

The Government of the United States agrees that foreign goods on importation, in addition to the effective five per centum import duty as provided for in the Protocol of 1901, shall pay a special surtax of

one and one-half times the amount of the said duty to compensate for the abolition of *likin*, of other transit dues besides *likin*, and of all other taxation on foreign goods, and in consideration of the other reforms provided for in this article.

The Chinese Government may recast the foreign export tariff with specific duties, as far as practicable, on a scale not exceeding five per centum *ad valorem*; but existing export duties shall not be raised until at least six months' notice has been given. In cases where existing export duties are above five per centum, they shall be reduced to not more than that rate. An additional special surtax of one-half the export duty payable for the time being, in lieu of internal taxation of all kinds, may be levied at the place of original shipment or at the time of export on goods exported either to foreign countries or coastwise.

Foreign goods which bear a similarity to native goods shall be furnished by the Customs officers, if required by the owner, with a protective certificate for each package, on the payment of import duty and surtax, to prevent the risk of any dispute in the interior.

Native goods brought by junks to open ports, if intended for local consumption, irrespective of the nationality of the owner of the goods, shall be reported at the native Customs offices only, to be dealt with according to the fiscal regulations of the Chinese Government.

Machine-made cotton yarn and cloth manufactured in China, whether by foreigners at the open ports or by Chinese anywhere in China, shall as regards taxation be on a footing of perfect equality. Such goods upon payment of the taxes thereon shall be granted a rebate of the import duty and of two-thirds of the import surtax paid on the cotton used in their manufacture, if it has been imported from abroad, and of all duties paid thereon if it be Chinese grown cotton. They shall also be free of export duty, coast-trade duty and export surtax. The same principle and procedure shall be applied to all other products of foreign type turned out by machinery in China.

A member or members of the Imperial Maritime Customs foreign staff shall be selected by the Governors-General and Governors of each of the various provinces of the Empire for their respective provinces, and appointed in consultation with the Inspector General of Imperial Maritime Customs, for duty in connection with native Customs affairs to have a general supervision of their working.

Cases where illegal action is complained of by citizens of the United States shall be promptly investigated by an officer of the Chinese Government of sufficiently high rank, in conjunction with an officer of the United States Government, and an officer of the Imperial Maritime Customs, each of sufficient standing; and, in the event of it being found by the investigating officers that the complaint is well founded and loss has been incurred, due compensation shall be paid through the Imperial Maritime Customs. The high provincial officials shall be held responsible that the officer guilty of the illegal action shall be severely punished and removed from his post. If the complaint is shown to be frivolous or malicious, the complainant shall be held responsible for the expenses of the investigation.

When the ratifications of this Treaty shall have been exchanged by the High Contracting Parties hereto, and the provisions of this Article shall have been accepted by the Powers having treaties with China, then a date shall be agreed upon when the provisions of this Article

shall take effect and an Imperial Edict shall be published in due form on yellow paper and circulated throughout the Empire of China setting forth the abolition of all *likin* taxation, duties on goods in transit, offices, stations and barriers for collecting the same, and of all descriptions of internal taxation on foreign goods, and the imposition of the surtax on the import of foreign goods and on the export of native goods, and the other fiscal changes and reforms provided for in this Article, all of which shall take effect from the said date. The Edict shall state that the provincial high officials are responsible that any official disregarding the letter or the spirit of its injunction shall be severely punished and removed from his post.

ARTICLE V.

The tariff duties to be paid by citizens of the United States on goods imported into China shall be as set forth in the schedule annexed hereto and made part of this Treaty, subject only to such amendments and changes as are authorized by Article IV of the present convention or as may hereafter be agreed upon by the High Contracting Parties hereto. It is expressly agreed, however, that citizens of the United States shall at no time pay other or higher duties than those paid by the citizens or subjects of the most favored nation.

Conversely, Chinese subjects shall not pay higher duties on their imports into the United States than those paid by the citizens or subjects of the most favored nation.

ARTICLE VI.

The Government of China agrees to the establishment by citizens of the United States of warehouses approved by the proper Chinese authorities as bonded warehouses at the several open Ports of China, for storage, re-packing, or preparation for shipment of lawful goods, subject to such necessary regulations for the protection of the revenue of China, including a reasonable scale of fees according to commodities, distance from the custom house and hours of working, as shall be made from time to time by the proper officers of the Government of China.

ARTICLE VII.

The Chinese Government, recognizing that it is advantageous for the country to develop its mineral resources, and that it is desirable to attract foreign as well as Chinese capital to embark in mining enterprises, agrees, within one year from the signing of this Treaty, to initiate and conclude the revision of the existing mining regulations. To this end China will, with all expedition and earnestness, go into the whole question of mining rules; and, selecting from the rules of the United States and other countries regulations which seem applicable to the condition of China, will recast its present mining rules in such a way as, while promoting the interests of Chinese subjects and not injuring in any way the sovereign rights of China, will offer no impediment to the attraction of foreign capital nor place foreign capitalists at a greater disadvantage than they would be under generally accepted foreign regulations; and will permit citizens of the United States to carry on in Chinese territory mining operations and other necessary

business relating thereto provided they comply with the new regulations and conditions which will be imposed by China on its subjects and foreigners alike, relating to the opening of mines, the renting of mineral land, and the payment of royalty, and provided they apply for permits, the provisions of which in regard to necessary business relating to such operations shall be observed. The residence of citizens of the United States in connection with such mining operations shall be subject to such regulations as shall be agreed upon by and between the United States and China.

Any mining concession granted after the publication of such new rules shall be subject to their provisions.

ARTICLE VIII.

Drawback certificates for the return of duties shall be issued by the Imperial Maritime Customs to citizens of the United States within three weeks of the presentation to the Customs of the papers entitling the applicant to receive such drawback certificates, and they shall be receivable at their face value in payment of duties of all kinds (tonnage dues excepted) at the port of issue; or shall, in the case of drawbacks on foreign goods re-exported within three years from the date of importation, be redeemable by the Imperial Maritime Customs in full in ready money at the port of issue, at the option of the holders thereof. But if, in connection with any application for a drawback certificate, the Customs authorities discover an attempt to defraud the revenue, the applicant shall be dealt with and punished in accordance with the stipulations provided in the Treaty of Tientsin, Article XXI, in the case of detected frauds on the revenue. In case the goods have been removed from Chinese territory, then the consul shall inflict on the guilty party a suitable fine to be paid to the Chinese Government.

ARTICLE IX.

Whereas the United States undertakes to protect the citizens of any country in the exclusive use within the United States of any lawful trade-marks, provided that such country agrees by treaty or convention to give like protection to citizens of the United States:—

Therefore the Government of China, in order to secure such protection in the United States for its subjects, now agrees to fully protect any citizen, firm or corporation of the United States in the exclusive use in the Empire of China of any lawful trade-mark to the exclusive use of which in the United States they are entitled, or which they have adopted and used, or intend to adopt and use as soon as registered, for exclusive use within the Empire of China. To this end the Chinese Government agrees to issue by its proper authorities proclamations, having the force of law, forbidding all subjects of China from infringing on, imitating, colorably imitating, or knowingly passing off an imitation of trade-marks belonging to citizens of the United States, which shall have been registered by the proper authorities of the United States at such offices as the Chinese Government will establish for such purpose, on payment of a reasonable fee, after due investigation by the Chinese authorities, and in compliance with reasonable regulations.

ARTICLE X.

The United States Government allows subjects of China to patent their inventions in the United States and protects them in the use and ownership of such patents. The Government of China now agrees that it will establish a Patent Office. After this office has been established and special laws with regard to inventions have been adopted it will thereupon, after the payment of the prescribed fees, issue certificates of protection, valid for a fixed term of years, to citizens of the United States on all their patents issued by the United States, in respect of articles the sale of which is lawful in China, which do not infringe on previous inventions of Chinese subjects, in the same manner as patents are to be issued to subjects of China.

ARTICLE XI.

Whereas the Government of the United States undertakes to give the benefits of its copyright laws to the citizens of any foreign State which gives to the citizens of the United States the benefits of copyright on an equal basis with its own citizens:—

Therefore the Government of China, in order to secure such benefits in the United States for its subjects, now agrees to give full protection, in the same way and manner and subject to the same conditions upon which it agrees to protect trade-marks, to all citizens of the United States who are authors, designers or proprietors of any book, map, print or engraving especially prepared for the use and education of the Chinese people, or translation into Chinese of any book, in the exclusive right to print and sell such book, map, print, engraving or translation in the Empire of China during ten years from the date of registration. With the exception of the books, maps, etc., specified above, which may not be reprinted in the same form, no work shall be entitled to copyright privileges under this article. It is understood that Chinese subjects shall be at liberty to make, print and sell original translations into Chinese of any works written or of maps compiled by a citizen of the United States. This article shall not be held to protect against due process of law any citizen of the United States or Chinese subject who may be author, proprietor, or seller of any publication calculated to injure the well-being of China.

ARTICLE XII.

The Chinese Government having in 1898 opened the navigable inland waters of the Empire to commerce by all steam vessels, native or foreign, that may be specially registered for the purpose, for the conveyance of passengers and lawful merchandise, citizens, firms, and corporations of the United States may engage in such commerce on equal terms with those granted to subjects of any foreign power.

In case either party hereto considers it advantageous at any time that the rules and regulations then in existence for such commerce be altered or amended, the Chinese Government agrees to consider amicably and to adopt such modifications thereof as are found necessary for trade and for the benefit of China.

The Chinese Government agrees that, upon the exchange of the ratifications of this treaty, Mukden and Antung, both in the province of Sheng-king, will be opened by China itself as places of international residence and trade. The selection of suitable localities to be set apart for international use and occupation and the regulations for these places set apart for foreign residence and trade shall be agreed upon by the Governments of the United States and China after consultation together.

ARTICLE XIII.

China agrees to take the necessary steps to provide for a uniform national coinage which shall be legal tender in payment of all duties, taxes, and other obligations throughout the Empire by the citizens of the United States as well as Chinese subjects. It is understood, however, that all customs duties shall continue to be calculated and paid on the basis of the Haikwan Tael.

ARTICLE XIV.

The principles of the Christian religion, as professed by the Protestant and Roman Catholic Churches, are recognized as teaching men to do good and to do to others as they would have others do to them. Those who quietly profess and teach these doctrines shall not be harassed or persecuted on account of their faith. Any person, whether citizen of the United States or Chinese convert, who, according to these tenets, peaceably teaches and practices the principles of Christianity shall in no case be interfered with or molested therefor. No restrictions shall be placed on Chinese joining Christian churches. Converts and nonconverts, being Chinese subjects, shall alike conform to the laws of China; and shall pay due respect to those in authority, living together in peace and amity; and the fact of being converts shall not protect them from the consequences of any offense they may have committed before or may commit after their admission into the church, or exempt them from paying legal taxes levied on Chinese subjects generally, except taxes levied and contributions for the support of religious customs and practices contrary to their faith. Missionaries shall not interfere with the exercise by the native authorities of their jurisdiction over Chinese subjects; nor shall the native authorities make any distinction between converts and nonconverts, but shall administer the laws without partiality, so that both classes can live together in peace.

Missionary societies of the United States shall be permitted to rent and to lease in perpetuity, as the property of such societies, buildings or lands in all parts of the Empire for missionary purposes and, after the title deeds have been found in order and duly stamped by the local authorities, to erect such suitable buildings as may be required for carrying on their good work.

ARTICLE XV.

The Government of China having expressed a strong desire to reform its judicial system and to bring it into accord with that of Western nations, the United States agrees to give every assistance to such reform and will also be prepared to relinquish extra-territorial rights

when satisfied that the state of the Chinese laws, the arrangements for their administration, and other considerations warrant it in so doing.

ARTICLE XVI.

The Government of the United States consents to the prohibition by the Government of China of the importation into China of morphia and of instruments for its injection, excepting morphia and instruments for its injection imported for medical purposes, on payment of tariff duty, and under regulations to be framed by China which shall effectually restrict the use of such import to the said purposes. This prohibition shall be uniformly applied to such importation from all countries. The Chinese Government undertakes to adopt at once measures to prevent the manufacture in China of morphia and of instruments for its injection.

ARTICLE XVII.

It is agreed between the high contracting parties hereto that all the provisions of the several treaties between the United States and China which were in force on the first day of January, A. D. 1900, are continued in full force and effect except in so far as they are modified by the present treaty or other treaties to which the United States is a party.

The present treaty shall remain in force for a period of ten years, beginning with the date of the exchange of ratifications and until a revision is effected as hereinafter provided.

It is further agreed that either of the high contracting parties may demand that the tariff and the articles of this convention be revised at the end of ten years from the date of the exchange of the ratifications thereof. If no revision is demanded before the end of the first term of ten years, then these articles in their present form shall remain in full force for a further term of ten years reckoned from the end of the first term, and so on for successive periods of ten years.

The English and Chinese texts of the present Treaty and its three annexes have been carefully compared; but, in the event of there being any difference of meaning between them, the sense as expressed in the English text shall be held to be the correct one.

This Treaty and its three annexes shall be ratified by the two High Contracting Parties in conformity with their respective constitutions, and the ratifications shall be exchanged in Washington not later than twelve months from the present date.

In testimony whereof, we, the undersigned, by virtue of our respective powers, have signed this Treaty in duplicate in the English and Chinese languages, and have affixed our respective seals.

Done at Shanghai, this eighth day of October in the year of our Lord one thousand nine hundred and three, and in the twenty ninth year of Kuang Hsü eighth month and eighteenth day.

EDWIN H. CONGER [SEAL.]
JOHN GOODNOW. [SEAL.]
JOHN F. SEAMAN [SEAL.]

Signatures and seal of Chinese Plenipotentiaries.

[LÜ HAI-HUAN]
[SHENG HSÜAN-HUAI]

ANNEX I.

As citizens of the United States are already forbidden by treaty to deal in or handle opium, no mention has been made in this Treaty of opium taxation.

As the trade in salt is a government monopoly in China, no mention has been made in this Treaty of salt taxation.

It is, however, understood, after full discussion and consideration, that the collection of inland dues on opium and salt and the means for the protection of the revenue therefrom and for preventing illicit traffic therein are left to be administered by the Chinese Government in such manner as shall in no wise interfere with the provisions of Article IV of this treaty regarding the unobstructed transit of other goods.

EDWIN H. CONGER [SEAL.]
JOHN GOODNOW [SEAL.]
JOHN F. SEAMAN [SEAL.]

Signatures and seal of Chinese Plenipotentiaries.

[LÜ HAI-HUAN]
[SHENG HSÜAN-HUAI]

ANNEX II.

Article IV of the Treaty of Commerce between the United States and China of this date provides for the retention of the native Customs offices at the open ports. For the purpose of safeguarding the revenue of China at such places, it is understood that the Chinese Government shall be entitled to establish and maintain such branch native Customs offices at each open port, within a reasonable distance of the main native Customs offices at the port, as shall be deemed by the authorities of the Imperial Maritime Customs at that port necessary to collect the revenue from the trade into and out of such port. Such branches, as well as the main native Customs offices at each open port, shall be administered by the Imperial Maritime Customs as provided by the Protocol of 1901.

EDWIN H. CONGER [SEAL.]
JOHN GOODNOW [SEAL.]
JOHN F. SEAMAN [SEAL.]

Signatures and seal of Chinese Plenipotentiaries.

[LÜ HAI-HUAN]
[SHENG HSÜAN-HUAI]

ANNEX III.

The schedule of tariff duties on imported goods annexed to this Treaty under Article V is hereby mutually declared to be the schedule agreed upon between the representatives of China and the United States and signed by John Goodnow for the United States and Their Excellencies Lü Hai-huan and Sheng Hsüan-huai for China at Shanghai on the sixth day of September, A. D. 1902, according to the Protocol of the seventh day of September, A. D. 1901.

EDWIN H. CONGER [SEAL.]
JOHN GOODNOW [SEAL.]
JOHN F. SEAMAN [SEAL.]

Signatures and seal of Chinese Plenipotentiaries.

[LÜ HAI-HUAN]
[SHENG HSÜAN-HUAI]

And whereas the said Treaty and Annexes have been duly ratified on both parts, and the ratifications of the two governments were exchanged in the City of Washington, on the thirteenth day of January, one thousand nine hundred and four;

Now, therefore, be it known that I, Theodore Roosevelt, President of the United States of America, have caused the said Treaty and Annexes to be made public, to the end that the same and every article and clause thereof, may be observed and fulfilled with good faith by the United States and the citizens thereof.

In testimony whereof, I have hereunto set my hand and caused the seal of the United States to be affixed.

Done at the City of Washington, this thirteenth day of January in the year of our Lord one thousand nine hundred and four, and [SEAL] of the Independence of the United States the one hundred and twenty-eighth.

THEODORE ROOSEVELT

By the President:

JOHN HAY

Secretary of State.

Import tariff.

| | | |
|---|----------------|-----------|
| Agar-agar | per picul.. | .300 |
| Agaric. <i>See</i> Fungus. | | |
| Amber | per catty.. | .325 |
| Aniseed (star): | | |
| First quality (value 15 taels and over per picul)..... | per picul.. | 1.000 |
| Second quality (value under 15 taels per picul)..... | do..... | .440 |
| Apricot seed..... | do..... | .900 |
| Arrowroot and arrowroot flour | | 5 per ct. |
| Asafetida | per picul.. | 1.000 |
| Asbestos boiler composition..... | do..... | .200 |
| Asbestos fiber | do..... | 5.000 |
| Asbestos millboard..... | do..... | .500 |
| Asbestos packing, including sheets and blocks | do..... | 3.500 |
| Asbestos packing, metallic..... | do..... | 5.000 |
| Asbestos yarn | do..... | 2.250 |
| Awabi | do..... | 1.500 |
| Bacon and ham | | 5 per ct. |
| Bags: | | |
| Grass | per thousand.. | 1.250 |
| Gunny | do..... | 4.250 |
| Gunny (old) | | 5 per ct. |
| Hemp..... | per thousand.. | 4.250 |
| Hemp (old) | | 5 per ct. |
| Straw | per thousand.. | 1.250 |
| Baking powder in bottles or tins: | | |
| 4-ounce | per dozen.. | .083 |
| 6-ounce | do..... | .110 |
| 8-ounce | do..... | .145 |
| 12-ounce | do..... | .226 |
| 1-pound | do..... | .303 |
| 3-pound | do..... | .810 |
| 5-pound | do..... | 1.350 |
| Bark: | | |
| Mangrove | per picul.. | .073 |
| Plum tree | do..... | .120 |
| Yellow (for dyeing)..... | | 5 per ct. |
| Yellow (medicinal)..... | per picul.. | .800 |
| Barley, pearl | do..... | .300 |
| Basins, iron (enameled): | | |
| Up to 9 inches in diameter, decorated or not decorated.... | per dozen.. | .050 |
| Over 9 inches in diameter, agate, blue and white, gray or mottled, not decorated..... | per dozen.. | .090 |

| | | |
|---|--|-----------|
| Basins, iron (enameled)—Continued. | | |
| Over 9 inches in diameter, decorated (with gold)..... | per dozen.. | .175 |
| Over 9 inches in diameter, decorated (without gold) | do..... | .125 |
| Basins, tin (common)..... | per gross.. | .250 |
| Beads: | | |
| Coral | per catty.. | .750 |
| Cornelian..... | per picul.. | 7.000 |
| Glass of all kinds..... | | 5 per ct. |
| Beer. <i>See</i> Wines, etc. | | |
| Beeswax, yellow..... | per picul.. | 1.600 |
| Belting..... | | 5 per ct. |
| Betel-nut husk: | | |
| Dried | per picul.. | .077 |
| Fresh | do..... | .018 |
| Betel-nut leaves, dried | do..... | .045 |
| Betel nuts: | | |
| Dried | do..... | .225 |
| Fresh | do..... | .018 |
| Bezoar cow, Indian..... | | 5 per ct. |
| Bicho de Mar: | | |
| Black | per picul.. | 1.600 |
| White..... | do..... | .700 |
| Bicycle materials..... | | 5 per ct. |
| Bicycles..... | each.. | 3.000 |
| Birds' nests: | | |
| First quality..... | per catty.. | 1.400 |
| Second quality..... | do..... | .450 |
| Third quality..... | do..... | .150 |
| Blue: | | |
| Paris..... | per picul.. | 1.500 |
| Prussian..... | do..... | 1.500 |
| Bones, tiger | do..... | 2.500 |
| Books: | | |
| Chinese | | Free. |
| Printed, and charts, maps, newspapers, and periodicals..... | | Free. |
| Borax: | | |
| Crude..... | per picul.. | .610 |
| Refined | do..... | 1.460 |
| Braid, llama..... | do..... | 5.000 |
| Bricks, fire..... | | 5 per ct. |
| Bronze powder | per picul.. | 2.200 |
| Butter in tins, jars, and other packages..... | do..... | 2.000 |
| Buttons: | | |
| Agate and porcelain | per 12 gross.. | .010 |
| Brass and other kinds (not jewelry)..... | per gross.. | .020 |
| Byrrh. (<i>See</i> Wines, etc.) | | |
| Camphor..... | per picul.. | 1.650 |
| Camphor baroos: | | |
| Clean | per catty.. | 2.450 |
| Refuse..... | | 5 per ct. |
| Candles: | | |
| 9-ounce..... | per case of 25 packages of 6 candles.. | .075 |
| 12-ounce | do..... | .100 |
| 16-ounce | do..... | .133 |
| All kinds, differently packed | per picul.. | .750 |
| Other weights, duty in proportion. | | |
| Canes: | | |
| Bamboo..... | per thousand.. | .400 |
| Coir— | | |
| 1 foot long..... | per picul.. | .200 |
| 5 feet long..... | per thousand.. | .300 |
| Canned fruits, vegetables, etc. (all weights and measures approximate): | | |
| Table fruits (apples, apricots, grapes, peaches, pears, and plums), per dozen 2½-pound cans..... | | .065 |
| Pie fruits (apples, apricots, grapes, peaches, pears, and plums), per dozen 2½-pound cans..... | | .057 |
| Preserved fruits in glass bottles, jars, cardboard, or wooden boxes, including weight of immediate package..... | per picul.. | .650 |

Canned fruits, vegetables, etc.—Continued.

| | | |
|--|------------------------------------|--------|
| Asparagus..... | per dozen 2½-pound tins.. | .118 |
| Corn..... | per dozen 2-pound tins.. | .054 |
| Pease..... | do..... | .060 |
| String beans..... | do..... | .054 |
| Tomatoes..... | per dozen 2½-pound tins.. | .054 |
| All other vegetables preserved in tins, bottles, or jars, including weight of immediate package..... | per picul.. | .525 |
| Tomato sauce and catsup— | | |
| ½-pint bottles..... | per dozen.. | .054 |
| 1-pint bottles..... | do..... | .087 |
| Jams and jellies— | | |
| 1-pound tins, bottles, or jars..... | per dozen.. | .060 |
| 2-pound tins, bottles, or jars..... | do..... | .118 |
| Milk (including condensed)..... | per case of 4 dozen 1-pound tins.. | .250 |
| Cream, evaporated— | | |
| 4 dozen pints (family size)..... | per case.. | .230 |
| 2 dozen quarts (hotel size)..... | do..... | .260 |
| Canned meats— | | |
| Bacon or ham, sliced— | | |
| ½-pound tins..... | per dozen.. | .077 |
| 1-pound tins..... | do..... | .144 |
| Dried beef, sliced..... | per dozen 1-pound jars.. | .144 |
| Mince-meat— | | |
| 1½-pound pails..... | per dozen.. | .100 |
| 3-pound pails..... | do..... | .181 |
| Kits (½-barrels and barrels)..... | per picul.. | .729 |
| Pork and beans, plain or with tomato sauce— | | |
| 1-pound tins..... | per dozen.. | .040 |
| 2-pound tins..... | do..... | .075 |
| 3-pound tins..... | do..... | .085 |
| Potted and deviled meat— | | |
| ½-pound tins..... | do..... | .022 |
| 1-pound tins..... | do..... | .042 |
| Potted and deviled poultry and poultry and meat combined— | | |
| ½-pound tins..... | per dozen.. | .042 |
| 1-pound tins..... | do..... | .072 |
| Soup and bouilli— | | |
| 2-pound tins..... | do..... | .101 |
| 6-pound tins..... | do..... | .244 |
| Tamales, chicken— | | |
| ½-pound tins..... | do..... | .051 |
| 1-pound tins..... | do..... | .080 |
| Tongues of every description— | | |
| ½-pound tins..... | do..... | .098 |
| 1-pound tins..... | do..... | .204 |
| 1½-pound tins..... | do..... | .287 |
| 2-pound tins..... | do..... | .333 |
| 2½-pound tins..... | do..... | .445 |
| 3-pound tins..... | do..... | .515 |
| 3½-pound tins..... | do..... | .545 |
| All other canned meats, including game, of every description, with or without vegetables— | | |
| ½-pound tins..... | per dozen.. | .052 |
| 1-pound tins..... | do..... | .063 |
| 2-pound tins..... | do..... | .120 |
| 4-pound tins..... | do..... | .210 |
| 6-pound tins..... | do..... | .370 |
| 14-pound tins..... | do..... | .810 |
| Canvas and cotton duck, not exceeding 36 inches wide..... | per yard.. | .010 |
| Capoor cutchery..... | 5 per ct. | |
| Cardamoms: | | |
| Superior, and amomums..... | per picul.. | 10.000 |
| Inferior, or grains of paradise..... | do..... | 1.000 |
| Husk..... | do..... | .250 |
| Cards, playing..... | 5 per ct. | |

| | | |
|--|------------------------|-------|
| Cassia: | | |
| Buds..... | per picul.. | .750 |
| Lignea..... | do..... | .920 |
| Twigs..... | do..... | .170 |
| Cement..... | per cask of 3 piculs.. | .150 |
| Cereals and flour (including barley, maize, millet, oats, paddy, rice, wheat, and flour made therefrom; also buckwheat and buckwheat flour, corn flour and yellow corn meal, rye flour, and hovis flour, but not including arrowroot and arrowroot flour, cracked wheat, germea, hominy, pearl barley, potato flour, quaker oats, rolled oats, sago and sago flour, shredded wheat, tapioca and tapioca flour, and yam flour)..... | | Free. |
| Chairs, Vienna bent-wood..... | per dozen.. | .800 |
| Charcoal..... | per picul.. | .030 |
| Cheese..... | 5 per ct. | |
| Chestnuts..... | per picul.. | .180 |
| China root, whole, sliced, or in cubes..... | do..... | .650 |
| China ware, coarse and fine..... | 5 per ct. | |
| Chloride of lime..... | per picul.. | .300 |
| Chocolate sweetened..... | per pound.. | .012 |
| Cigarettes: | | |
| First quality (value exceeding 4.50 taels per thousand)..... | per thousand.. | .500 |
| Second quality (value not exceeding 4.50 taels per thousand)..... | do..... | .090 |
| Cigars..... | do..... | .500 |
| Cinnabar..... | per picul.. | 3.750 |
| Cinnamon..... | do..... | 4.000 |
| Clams, dried..... | do..... | .550 |
| Clocks of all kinds..... | 5 per ct. | |
| Cloves..... | per picul.. | .630 |
| Cloves, mother..... | do..... | .360 |
| Coal: | | |
| Asiatic..... | per ton.. | .250 |
| Other kinds..... | do..... | .600 |
| Asiatic, briquettes..... | do..... | .500 |
| Cochineal..... | 5 per ct. | |
| Cockles: | | |
| Dried..... | per picul.. | .500 |
| Fresh..... | do..... | .050 |
| Cocoa..... | per picul.. | 3.600 |
| Coffee..... | do..... | 1.000 |
| Coir canes: | | |
| 1 foot long..... | do..... | .200 |
| 5 feet long..... | per thousand.. | .300 |
| Coke: | | |
| Asiatic..... | per ton.. | .500 |
| Other kinds..... | do..... | .900 |
| Compoy..... | per picul.. | 2.000 |
| Coral..... | per catty.. | 1.110 |
| Coral beads..... | do..... | .750 |
| Coral, broken and refuse..... | do..... | .550 |
| Cordage of all kinds..... | 5 per ct. | |
| Cornelian beads..... | per picul.. | 7.000 |
| Cornelian stones, rough..... | per hundred.. | .300 |
| Corundum sand..... | per picul.. | .195 |
| Cotton piece goods: | | |
| Gray shirtings or sheetings, not exceeding 40 inches wide and not exceeding 40 yards long— | | |
| (a) Weight 7 pounds and under..... | per piece.. | .050 |
| (b) Weight over 7 pounds and not over 9 pounds..... | do..... | .080 |
| (c) Weight over 9 pounds and not over 11 pounds..... | do..... | .110 |
| (d) Weight over 11 pounds..... | do..... | .120 |
| Imitation native cotton cloth (hand-made), gray or bleached— | | |
| (a) Not exceeding 20 inches wide and not exceeding 20 yards long; weight 3 pounds and under..... | per piece.. | .027 |
| (b) Exceeding 20 inches wide..... | 5 per ct. | |
| White shirtings, white Irishes, white sheetings, white brocades, and white striped or spotted shirtings: not exceeding 37 inches wide and not exceeding 42 yards long..... | per piece.. | .135 |

Cotton piece goods—Continued.

Drills, gray or white: not exceeding 31 inches wide and not exceeding 40 yards long—

- (a) Weight 12 $\frac{3}{4}$ pounds and under per piece.. .100
 (b) Weight over 12 $\frac{3}{4}$ pounds do..... .125

Jeans, gray or white—

- (a) Not exceeding 31 inches wide and not exceeding 30 yards long per piece.. .090
 (b) Not exceeding 31 inches wide and not exceeding 40 yards long per piece.. .120

T cloths, gray or white—

- (a) Not exceeding 34 inches wide and not exceeding 24 yards long per piece.. .070
 (b) Not exceeding 34 inches wide and exceeding 24 yards, but not exceeding 40 yards long per piece.. .135
 (c) Exceeding 34 inches but not exceeding 37 inches wide and not exceeding 24 yards long per piece.. .080

Crimp cloth and crape, plain—

- (a) Not exceeding 30 inches wide and not exceeding 6 yards long, per piece027
 (b) Not exceeding 30 inches wide, exceeding 6 yards but not exceeding 10 yards long per piece.. .035
 (c) Not exceeding 30 inches wide but exceeding 10 yards long, per yard003 $\frac{1}{2}$

White muslins, white lawns: and white cambrics: not exceeding 46 inches wide and not exceeding 12 yards long per piece.. 0.032

Mosquito netting, white or colored: not exceeding 90 inches wide, per yard010

Lenos and balzarines, white, dyed, or printed: not exceeding 31 inches wide and not exceeding 30 yards long per piece.. .090

Leno brocades and balzarine brocades, dyed 5 per ct.

Prints—

- (a) Printed cambrics, lawns, or muslins: not exceeding 46 inches wide and not exceeding 12 yards long per piece.. .037
 (b) Printed chintzes, printed crapes, printed drills, printed furnitures, printed shirtings, printed T-cloths (including those goods known as blue and white printed T-cloths), printed twills: but not including goods mentioned in (e) and (h)—
 1. Not exceeding 20 inches wide 5 per ct.
 2. Exceeding 20 inches but not exceeding 31 inches wide and not exceeding 30 yards long per piece.. .080
 (c) Printed crimp cloth—
 1. Not exceeding 30 inches wide and not exceeding 6 yards long per piece.. .027
 2. Not exceeding 30 inches wide, exceeding 6 yards but not exceeding 10 yards long per piece.. .035
 3. Not exceeding 30 inches wide but exceeding 10 yards long, per yard003 $\frac{1}{2}$
 (d) Printed lenos and balzarines: not exceeding 31 inches wide and not exceeding 30 yards long per piece.. .090
 (e) Printed sheetings: not exceeding 36 inches wide and not exceeding 43 yards long per piece.. .185
 (f) Printed Turkey reds: of all kinds, not exceeding 31 inches wide and not exceeding 25 yards long per piece.. .100
 (g) Printed sateens, printed satinets, printed reps, printed cotton lastings, including all cotton piece goods which are both dyed and printed, except those specified in (f) and (h), and including any special finish such as mercerized finish, schreiner finish, gassed finish, silk finish, or electric finish: not exceeding 32 inches wide and not exceeding 32 yards long per piece.. .250
 (h) Duplex prints or reversible cretonnes (not including those goods known as blue and white printed T-cloths) 5 per ct.

Dyed cottons—

- (a) Dyed plain cottons, *i. e.*, without woven or embossed figures (including plain Italians, lastings, reps, and ribs, and all other dyed plain cottons not otherwise enumerated, and including any special finish, such as mercerized finish, schreiner finish, gassed finish, silk finish, or electric finish: not exceeding 36 inches wide and not exceeding 33 yards long per piece.. .240

Dyed cottons—Continued.

| | | |
|---|----------------|-----------|
| (b) Dyed figured cottons, <i>i. e.</i> , with woven or embossed figures (including figured Italians and lastings, figured reps, and figured ribs, and all other dyed figured cottons not otherwise enumerated, and including any special finish, such as mercerized finish, schreiner finish, gassed finish, silk finish, or electric finish): not exceeding 36 inches wide and not exceeding 33 yards long | per piece..... | .150 |
| (c) Dyed crimp cloth— | | |
| 1. Not exceeding 30 inches wide and not exceeding 6 yards long | per piece..... | 0.027 |
| 2. Not exceeding 30 inches wide, exceeding 6 yards but not exceeding 10 yards long | per piece..... | .035 |
| 3. Not exceeding 30 inches wide but exceeding 10 yards long | per yard..... | .003½ |
| (d) Dyed drills, not exceeding 31 inches wide and not exceeding 43 yards long | per piece..... | .170 |
| (e) Dyed lenos and balzarines, not exceeding 31 inches wide and not exceeding 30 yards long | per piece.. | .090 |
| (f) Dyed leno brocades | | 5 per ct. |
| (g) Dyed muslins, lawns, and cambrics, not exceeding 46 inches wide and not exceeding 12 yards long | per piece.. | .037 |
| (h) Dyed shirtings and sheetings, not exceeding 36 inches wide and not exceeding 43 yards long | per piece.. | .150 |
| (i) Hongkong-dyed shirtings, not exceeding 36 inches wide and not exceeding 20 yards long | per piece.. | .100 |
| (j) Dyed cotton cuts, not exceeding 36 inches wide and not exceeding 5¼ yards long | per piece.. | .022½ |
| (N. B.—The pro rata rule does not apply.) | | |
| (k) Dyed T cloths (including dyed alpaccianos), dyed real and imitation Turkey reds of all kinds, not exceeding 32 inches wide and not exceeding 25 yards long— | | |
| 1. Weight 3¼ pounds and under | per piece.. | .060 |
| 2. Weight over 3¼ pounds | do..... | .100 |
| Flannelets and cotton Spanish stripes: | | |
| (a) Cotton flannel, Canton flannel, swan's-down, flannelets, and raised cotton cloths of all kinds, plain, dyed, and printed— | | |
| 1. Not exceeding 36 inches wide and not exceeding 15 yards long | per piece..... | .065 |
| 2. Not exceeding 36 inches wide, exceeding 15 yards but not exceeding 30 yards long | per piece.. | .130 |
| (b) Dyed cotton Spanish stripes— | | |
| 1. Not exceeding 32 inches wide and not exceeding 20 yards long | per piece.. | .085 |
| 2. Exceeding 32 inches but not exceeding 64 inches wide and not exceeding 20 yards long | per piece.. | .170 |
| Colored woven cottons, <i>i. e.</i> , dyed in the yarn, except crimp cloth..... | | 5 per ct. |
| Crimp cloth: | | |
| (a) Not exceeding 30 inches wide and not exceeding 6 yards long, per piece | | .027 |
| (b) Not exceeding 30 inches wide and exceeding 6 yards but not exceeding 10 yards long | per piece..... | .035 |
| (c) Not exceeding 30 inches wide but exceeding 10 yards long, per yard | | .003½ |
| Velvets and velveteens, velvet cords, and fustians: | | |
| (a) Velvets and velveteens, plain— | | |
| 1. Not exceeding 18 inches wide | per yard.. | .006 |
| 2. Exceeding 18 inches but not exceeding 22 inches wide, per yard | | .007 |
| 3. Exceeding 22 inches but not exceeding 26 inches wide, per yard | | .008 |
| (b) Velvets and velveteens, printed or embossed, not exceeding 30 inches wide | per yard..... | .015 |
| (c) Dyed velvet cords, dyed velveteen cords, dyed corduroys, dyed fustians of any description, not exceeding 30 inches wide, per yard | | .015 |
| Blankets, cotton, plain, printed, or jacquard | per piece.. | .030 |

Velvets and velveteens, velvet cords, and fustians—Continued.

| | | |
|---|--------------|-------|
| Handkerchiefs, cotton— | | |
| (a) Plain, dyed, or printed, not embroidered, hemstitched, or initialled, not exceeding 1 yard square | per dozen .. | .020 |
| (b) All other handkerchiefs | 5 per ct. | .125 |
| Singlets or drawers, cotton | per dozen .. | .125 |
| Socks, cotton (including lisle thread)— | | |
| First quality (i. e., valued at 1 tael or over per dozen pairs), per dozen pairs | | .075 |
| Second quality (i. e., valued at less than 1 tael per dozen pairs), per dozen pairs | | .032 |
| Towels, cotton— | | |
| (a) Honeycomb or huckaback, plain or printed (dimensions exclusive of fringe)— | | |
| 1. Not exceeding 18 inches wide and not exceeding 40 inches long | per dozen .. | .020 |
| 2. Exceeding 18 inches wide and not exceeding 50 inches long | per dozen .. | .030 |
| (b) All other towels | 5 per ct. | .600 |
| Cottons, unclassified | 5 per ct. | .600 |
| Cotton, raw | per picul .. | .600 |
| Cotton thread: | | |
| Ball thread, dyed or undyed | do .. | 3.000 |
| On spools— | | |
| 50 yards | per gross .. | .040 |
| 100 yards | do .. | .080 |
| 200 yards | do .. | .160 |
| Cotton yarn: | | |
| Gray or bleached | per picul .. | .950 |
| Dyed | 5 per ct. | .950 |
| Gassed | 5 per ct. | .950 |
| Mercerized | 5 per ct. | .950 |
| Wooloa or berlinet | per picul .. | 3.500 |
| Cow bezoar, Indian | 5 per ct. | .600 |
| Crabs' flesh | per picul .. | .600 |
| Crocodile (including armadillo) scales | do .. | 2.725 |
| Currants | do .. | .500 |
| Cutch | do .. | .300 |
| Cuttlefish | do .. | .667 |
| Dyes, colors, and paints: | | |
| Aniline | 5 per ct. | .600 |
| Blue— | | |
| Paris | per picul .. | 1.500 |
| Prussian | do .. | 1.500 |
| Bronze powder | do .. | 2.200 |
| Carthamin | 5 per ct. | .600 |
| Chrome yellow | 5 per ct. | .600 |
| Cinnabar | per picul .. | 3.750 |
| Gamboge | do .. | 2.700 |
| Green— | | |
| Emerald | per picul .. | 1.000 |
| Schweinfurt, or imitation | do .. | 1.000 |
| Indigo— | | |
| Dried, artificial or natural | 5 per ct. | .600 |
| Liquid— | | |
| Artificial | per picul .. | 2.025 |
| Natural | do .. | .215 |
| Paste, artificial | do .. | 2.025 |
| Lead— | | |
| Red, dry or mixed with oil | do .. | .450 |
| White, dry or mixed with oil | do .. | .450 |
| Yellow, dry or mixed with oil | do .. | .450 |
| Logwood extract | do .. | .600 |
| Ocher | do .. | .600 |
| Smalt | do .. | 1.600 |
| Ultramarine | do .. | .500 |
| Vermilion | do .. | 4.000 |
| Imitation | 5 per ct. | .600 |

Dyes, colors, and paints—Continued.

| | |
|--|---------------------------|
| White zinc | 5 per ct. |
| Paints, unclassified | 5 per ct. |
| Elephants' teeth (other than tusks) and jaws, whole or part... per picul.. | 3. 000 |
| Elephants' tusks, whole or parts | per catty.. .170 |
| Emery cloth and sandpaper (sheets not exceeding 144 square inches), per ream | .250 |
| Emery powder | 5 per ct. |
| Enameled ironware: | |
| Mugs, cups, basins, and bowls, 9 inches or under in diameter, decorated or not decorated | per dozen.. .050 |
| Basins and bowls, over 9 inches in diameter, agate, blue and white, gray, mottled, not decorated | per dozen.. .090 |
| Basins and bowls, over 9 inches in diameter, decorated (with gold), per dozen | .175 |
| Basins and bowls, over 9 inches in diameter, decorated (without gold), per dozen | .125 |
| Enamel ware, unclassified | 5 per ct. |
| Fans: | |
| Palm-leaf— | |
| Coarse | per thousand.. .280 |
| Fine | do..... .450 |
| Fancy | do..... 1. 000 |
| Paper or cotton, of all kinds | do..... 1. 400 |
| Silk | 5 per ct. |
| Feathers: | |
| Kingfisher— | |
| Part skins (<i>i. e.</i> , wings, tails, or backs) | per hundred.. .250 |
| Whole skins | do..... .600 |
| Peacock | 5 per ct. |
| Files. <i>See</i> Tools. | |
| Fire clay | per picul.. .050 |
| Firewood | do..... .010 |
| Fish: | |
| Cuttle | do..... .667 |
| Dried or smoked, in bulk (including stockfish but not including cuttlefish) | per picul.. .315 |
| Fresh | do..... .137 |
| Maws | do..... 4. 250 |
| Salt | do..... .160 |
| Stock | do..... .315 |
| Fishskins | do..... .600 |
| Flints | do..... .040 |
| Flour. <i>See</i> Cereals. | |
| Flour, arrowroot, potato, sago, tapioca, yam | 5 per ct. |
| Fungus or agaric | per picul.. 1. 750 |
| Fungus, white | per catty.. .250 |
| Galangal | per picul.. .170 |
| Gambier | do..... .300 |
| Gambier, false or cunao (yam-root dyestuff) | do..... .150 |
| Gamboge | do..... 2. 700 |
| Gasoline or stove naphtha | per 10-gallon drum.. .150 |
| Ginseng: | |
| Crude— | |
| First quality (value exceeding 2 taels per catty) | per catty.. .220 |
| Second quality (value not exceeding 2 taels per catty) | do..... .072 |
| Clarified or cleaned— | |
| First quality (value exceeding 11 taels per catty) | do..... 1. 100 |
| Second quality (value exceeding 6 taels but not exceeding 11 taels per catty) | per catty.. .375 |
| Third quality (value exceeding 2 taels but not exceeding 6 taels per catty) | per catty.. .220 |
| Fourth quality (value not exceeding 2 taels per catty) | do..... .080 |
| Glass: | |
| Plate— | |
| Silvered | per square foot.. .025 |
| Unsilvered | 5 per ct. |

Glass—Continued.

| | | |
|--|-----------------------------|-------|
| Window— | | |
| Colored, stained, ground, or obscured. | per box of 100 square feet. | .350 |
| Common, not stained, colored, or otherwise obscured. | do. | .170 |
| Glass powder (<i>see</i> Match-making materials) | per picul. | .110 |
| Glue | do. | .830 |
| Gold thread, imitation. <i>See</i> Thread. | | |
| Groundnuts | per picul. | .150 |
| Gum arabic | do. | 1.000 |
| Gum benjamin | do. | .600 |
| Gum benjamin, oil of | 5 per ct. | |
| Gum dragon's blood | per picul. | 4.000 |
| Gum myrrh | do. | .465 |
| Gum olibanum | do. | .450 |
| Gum resin | do. | .187 |
| Gutta-percha. <i>See</i> India rubber. | | |
| Hair, horse | do. | 1.400 |
| Hair, horsetails | do. | 2.500 |
| Hams | 5 per ct. | |
| Handkerchiefs. <i>See</i> Cotton piece goods. | | |
| Hartall or orpiment | per picul. | .450 |
| Hemp | 5 per ct. | |
| Hessians or burlaps, all weights | per 1,000 yards. | 2.850 |
| Hide poison or specific | 5 per ct. | |
| Hides, buffalo and cow | per picul. | .800 |
| Hollow ware: cast, coated, or tinned | per picul. | .500 |
| Hoofs, animal | do. | .125 |
| Hops | 5 per ct. | |
| Horns: | | |
| Buffalo and cow | per picul. | .350 |
| Deer | 5 per ct. | |
| Rhinoceros | per catty. | 2.400 |
| Hosiery. <i>See</i> Cotton piece goods (socks). | | |
| India-rubber and gutta-percha articles (other than boots and shoes) | 5 per ct. | |
| India-rubber and gutta-percha, crude | per picul. | 3.140 |
| India-rubber boots | per pair. | .080 |
| India-rubber shoes | do. | .020 |
| India-rubber, old (fit only for remanufacture) | per picul. | .250 |
| Indigo: | | |
| Dried, artificial or natural | 5 per ct. | |
| Liquid— | | |
| Artificial | per picul. | 2.025 |
| Natural | do. | .215 |
| Paste, artificial | do. | 2.025 |
| Ink, printing | 5 per ct. | |
| Isinglass (fish glue) | per picul. | 4.000 |
| Isinglass, vegetable | do. | 1.750 |
| Jams and jellies in tins, bottles, or jars: | | |
| 1-pound | per dozen. | .060 |
| 2-pound | do. | .118 |
| Joss sticks | per picul. | .640 |
| Kerosene oil cans and cases, empty | per 2 cans in 1 case. | .005 |
| Lace open work or insertion work of cotton, machine made: | | |
| (a) Not exceeding 1 inch wide, outside measurement, per 12 dozen yards | | .050 |
| (b) Exceeding 1 inch but not exceeding 2 inches wide, outside measurement, per 12 dozen yards | | .100 |
| (c) Exceeding 2 inches but not exceeding 3 inches wide, outside measurement, per 12 dozen yards | | .166 |
| (d) Exceeding 3 inches wide, outside measurement | do. | .216 |
| Lace open work or insertion work of any fibrous material except silk or cotton or imitation gold or silver thread: | | |
| (a) Machine made | per catty. | .500 |
| (b) Handmade (including cotton) | do. | 2.400 |
| Lacquer ware | 5 per ct. | |
| Lamps and their accessories | 5 per ct. | |
| Lamp wick | per picul. | 2.000 |
| Lard, pure or compound | do. | .600 |
| Lead, red, white, yellow, dry, or mixed with oil | do. | .450 |

| | |
|--|---------------------------------|
| Leather: | |
| Belting | 5 per ct. |
| Calf | per picul .. 7. 000 |
| Colored | do .. 7. 000 |
| Cow | do .. 2. 500 |
| Harness (not including enameled or pigskin) | do .. 3. 000 |
| Kid | do .. 7. 000 |
| Sole | do .. 2. 500 |
| Patent | do .. 7. 000 |
| All other kinds | 5 per ct. |
| Lichees, dried | per picul .. .450 |
| Lily flowers, dried | do .. .325 |
| Lily seed (i. e., lotus nuts without husks) | do .. 1. 000 |
| Lime, chloride of | do .. .300 |
| Linen | 5 per ct. |
| Liqueurs. <i>See</i> Wines, etc. | |
| Licorice | per picul .. .500 |
| Logwood extract | do .. .600 |
| Lotus nuts (i. e., lily seeds with husks) | do .. .400 |
| Lucraban seed | do .. .350 |
| Lung-ngan pulp | do .. .550 |
| Lung-ngans, dried | do .. .450 |
| Macaroni and vermicelli, and similar pastes | do .. .325 |
| Mace | 5 per ct. |
| Machines, sewing, hand or foot | 5 per ct. |
| Madeira. <i>See</i> Wines, etc. (vins de liqueur). | |
| Malaga. <i>See</i> Wines, etc. (vins de liqueur). | |
| Malt | per picul .. .370 |
| Mangrove bark | do .. .073 |
| Manure, chemical | 5 per ct. |
| Margarin, in tins, jars, or kegs | per picul .. 1. 400 |
| Marsala. <i>See</i> Wines, etc. (vins de liqueur). | |
| Matches: | |
| Rainbow or brilliant | per 50 gross boxes .. 1. 500 |
| Wax vestas: not exceeding 100 in a box | per 10 gross boxes .. 1. 600 |
| Wood, safety, or other— | |
| Large: boxes not exceeding 2½ by 1½ by ¾ inches, per 50 gross boxes .. | . 630 |
| Small: boxes not exceeding 2 by 1⅝ by ⅝ inches, per 100 gross boxes .. | . 920 |
| Boxes exceeding above sizes | 5 per ct. |
| Match-making materials: | |
| Glass powder | per picul .. .110 |
| Phosphorus | do .. 4. 125 |
| Splints | do .. .088 |
| Wax, paraffin | do .. .500 |
| Wood shavings | do .. .113 |
| Mats: | |
| Coir (door) | per dozen .. 1. 000 |
| Formosa, grass (bed) | each .. .050 |
| Rush | per hundred .. .500 |
| Straw | do .. .225 |
| Tatami | each .. .045 |
| Matting: | |
| Coir: not exceeding 36 inches wide | per roll of 100 yards .. 2. 750 |
| Straw: not exceeding 36 inches wide | per roll of 40 yards .. .250 |
| Meats, in bulk: | |
| Beef, corned, pickled in barrels | per picul .. .375 |
| Dry-salted meat, in boxes and barrels | do .. .475 |
| Dry sausages | do .. .808 |
| Hams and breakfast bacon, in boxes or barrels | 5 per ct. |
| Lard, pure or compound | per picul .. .600 |
| Melon seeds | do .. .250 |
| Metals: | |
| Antifriction | 5 per ct. |
| Antimony | per picul .. .700 |
| Brass and yellow metal— | |
| Bars and rods | per picul .. 1. 150 |
| Bolts and nuts and accessories | do .. 1. 150 |
| Foil | do .. 1. 675 |

Metals—Continued.

Brass and yellow metal—Continued.

| | | |
|----------------------------------|-------------|-------|
| Nails | per picul.. | 1.150 |
| Screws | 5 per ct. | 1.150 |
| Sheets, plates, and ingots | per picul.. | 1.150 |
| Tubes | do. | 1.150 |
| Wire | do. | 1.150 |

Copper—

| | | |
|--|-------------|-------|
| Bars and rods | do. | 1.300 |
| Bolts, nuts, rivets, and washers | 5 per ct. | 1.175 |
| Ingots | per picul.. | 1.300 |
| Nails | do. | 1.300 |
| Sheets and plates | do. | 1.300 |
| Slabs | do. | 1.175 |
| Tacks | 5 per ct. | 1.175 |
| Tubes | 5 per ct. | 1.300 |
| Wire | per picul.. | 1.300 |

Dross—

| | | |
|--------------------|-----|------|
| Iron | do. | .160 |
| Iron and tin | do. | .300 |
| Tin | do. | .500 |

German silver—

| | | |
|--------------|-----|-------|
| Sheets | do. | 2.200 |
| Wire | do. | 1.500 |

Iron and mild steel, new—

| | | |
|---|-------------|------|
| Anchors, and parts thereof; mill iron; mill and ship's cranks; and forgings for vessels, steam engines, and locomotives (weighing each 25 pounds or over) | per picul.. | .265 |
| Angles | do. | .140 |
| Anvils and parts of | do. | .400 |
| Bar | do. | .140 |
| Bolts and nuts | 5 per ct. | .140 |
| Castings, rough | per picul.. | .265 |
| Chains, and parts of | do. | .130 |
| Cobbles and wire shorts | do. | .140 |
| Hoops | do. | .075 |
| Kentledge | do. | .140 |
| Nail rod | do. | .200 |
| Nails— | | |
| Wire | do. | .075 |
| Other kinds | 5 per ct. | .110 |
| Pig | per picul.. | .140 |
| Pipes and tubes | 5 per ct. | .125 |
| Plate cuttings | per picul.. | .250 |
| Plates and sheets | do. | .140 |
| Rails | do. | .250 |
| Rivets | do. | .140 |
| Screws | 5 per ct. | .400 |
| Sheets and plates | per picul.. | .250 |
| Tacks, blue, of all sizes | do. | .250 |
| Wire | do. | |

Iron, galvanized—

| | | |
|-------------------------------|-------------|------|
| Bolts and nuts | 5 per ct. | .130 |
| Cobbles and wire shorts | per picul.. | .275 |
| Sheets— | | |
| Corrugated | do. | .275 |
| Plain | do. | .130 |
| Tubes | 5 per ct. | .250 |
| Wire | per picul.. | .130 |
| Wire, shorts | do. | |

Iron, old and scrap, of any description (fit only for remanufacture), per picul.....

| | | |
|------------------------------|-------------|-------|
| Lead— | | |
| Pigs | per picul.. | .285 |
| Sheets | do. | .330 |
| Lead pipes | do. | .375 |
| Nickel, unmanufactured | do. | 2.600 |
| Quicksilver | do. | 4.280 |
| Spelter | do. | .375 |

Metals—Continued.

| | | |
|---|--------------------------------------|---------------|
| Steel— | | |
| Bamboo | per picul | .250 |
| Bars | do | .250 |
| Plates and sheets | do | .250 |
| Tool, and cast | do | .750 |
| Wire and wire rope | do | .750 |
| Steel, mild. | <i>See Iron.</i> | |
| Tin— | | |
| Compound | | 5 per ct. |
| Foil | | 5 per ct. |
| Sheets and pipes | per picul | 1.725 |
| Slabs | do | 1.500 |
| Tacks, blue, of all sizes | do | .400 |
| Tinned plates— | | |
| Decorated | do | .350 |
| Plain | do | .290 |
| White metal— | | |
| Sheets | do | 2.200 |
| Wire | do | 1.500 |
| Yellow metal. | <i>See Brass.</i> | |
| Zinc— | | |
| Boiler plates | per picul | .600 |
| Powder | do | .400 |
| Sheets, including perforated | do | .520 |
| Milk, condensed, in tins | per case of 4 dozen 1-pound tins | .250 |
| Mineral waters | per 12 bottles or 24 half bottles | .050 |
| Mirrors | | 5 per ct. |
| Morphia, in all forms | per ounce | 3.000 |
| Molding | per thousand feet | 1.050 |
| Mushrooms | per picul | 1.800 |
| Musical boxes | | 5 per ct. |
| Musk | per catty | 9.000 |
| Mussels, dried | per picul | .400 |
| Needles: | | |
| No. 7-0 | per 100 mille | 1.800 |
| No. 3-0 | per 100 mille | 1.500 |
| Assorted, not including 7-0 | do | .985 |
| Nutgalls | per picul | .870 |
| Nutmegs | do | 1.500 |
| Oakum | do | .500 |
| Oil: | | |
| Castor— | | |
| Lubricating | do | .510 |
| Medicinal | do | 1.000 |
| Clove | per catty | .150 |
| Cocoanut | per picul | .400 |
| Colza | per American gallon | .050 |
| Engine— | | |
| (a) Wholly or partly of mineral origin | do | .015 |
| (b) All other kinds (except castor) | do | .025 |
| Ginger | per picul | 6.750 |
| Kerosene | per case of 10 American gallons | .070 |
| In bulk | per 10 American gallons | .050 |
| Olive | per imperial gallon | .062 |
| Sandalwood | per catty | .240 |
| Wood | per picul | .500 |
| Oil cans and cases (kerosene) empty | per 2 cans in 1 case | .005 |
| Olives, fresh, pickled, or salted | per picul | .180 |
| Opium | per picul | {duty 30.000 |
| | | {likin 80.000 |
| Husk | per catty | .062 |
| Orange peel | per picul | .800 |
| Oysters, dried | | 5 per ct. |
| Packing, asbestos. | <i>See Asbestos.</i> | |
| Packing, engine and boiler, all other kinds | | 5 per ct. |
| Paints. | <i>See Dyes, colors, and paints.</i> | |

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|--|-----------------------------------|-----------|
| Paper: | | |
| Cigarette, not exceeding 2 by 4 inches | per 100,000 leaves | . 125 |
| Printing— | | |
| Calendered and (or) sized | per picul | . 700 |
| Not calendered or unsized | do | . 300 |
| Writing or foolscap | do | 1. 200 |
| All other kinds | 5 per ct. | . 800 |
| Peel, orange | per picul | . 800 |
| Pepper: | | |
| Black | do | . 760 |
| White | do | 1. 330 |
| Perfumery | | 5 per ct. |
| Phosphorus | per picul | 4. 125 |
| Pitch | do | . 125 |
| Plushes and velvets: | | |
| (a) Plushes and velvets of pure silk | per catty | . 650 |
| (b) Silk seal (with cotton back) | do | . 200 |
| (c) Plushes and velvets of silk mixed with other fibrous materials (with cotton back) | per catty | . 150 |
| (d) Plushes, all cotton (including mercerized) | do | . 110 |
| (e) Velvets, cotton. See Cotton piece goods. | | |
| Pork rind | per picul | . 500 |
| Prawns, dried (see also Shrimps) | per picul | 1. 000 |
| Preserved fruits, in glass bottles, jars, cardboard or wooden boxes, including weight of immediate package | per picul | . 650 |
| Purses, leather (not including silver or gold mounted) | per gross | . 500 |
| Putchuck | per picul | . 715 |
| Raisins and currants | do | . 500 |
| Rattan: | | 5 per ct. |
| Chairs | | . 225 |
| Core | per picul | . 225 |
| Skin | do | . 750 |
| Rattans: | | |
| Split | do | . 325 |
| Whole | do | . 225 |
| Resin | do | . 187 |
| Ribbons, silk, silk and cotton, silk and other fibers, with or without imitation gold or silver thread | per catty | . 550 |
| Rope | | 5 per ct. |
| Rose maloes | per picul | 1. 000 |
| Safflower | do | . 525 |
| Sake: | | |
| In barrels | do | . 400 |
| In bottles | per 12 bottles or 24 half bottles | . 110 |
| Saltpeter and nitrate of soda | per picul | . 325 |
| Sand, red | do | . 045 |
| Sandalwood | do | . 400 |
| Sapan wood | do | . 112 |
| Sea-horse teeth | | 5 per ct. |
| Seaweed: | | |
| Cut | per picul | . 150 |
| Long | do | . 100 |
| Prepared | do | 1. 600 |
| Seed: | | |
| Lily (<i>i. e.</i> , lotus nuts without husks) | do | 1. 000 |
| Lotus nuts (<i>i. e.</i> , lily seeds with husks) | do | . 400 |
| Lucraban | do | . 350 |
| Melon | do | . 250 |
| Pine, or fir nuts | do | . 200 |
| Sesamum | do | . 200 |
| Sharks' fins: | | |
| Black | do | 1. 608 |
| Clarified or prepared | do | 6. 000 |
| White | do | 4. 600 |
| Shellac | do | 2. 500 |

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| Shells: | | |
| Mother-of-pearl | per picul .. | . 700 |
| Other kinds | | 5 per ct. |
| Sherry. <i>See</i> Wines, etc. (vins de liqueur). | | |
| Shoes and boots, india-rubber, for Chinese: | | |
| Boots | per pair .. | . 080 |
| Shoes | do .. | . 020 |
| Shrimps, dried (<i>see also</i> Prawns) | per picul .. | . 630 |
| Silk piece goods, all silk (including crape): | | |
| (a) Plain | per catty .. | . 325 |
| (b) Brocaded or otherwise figured | do .. | . 700 |
| Silk piece goods, mixtures (i. e., silk and cotton, or silk and other materials) (including crape, but not including mixtures with real or imitation gold or silver thread): | | |
| (a) Plain | per catty .. | . 250 |
| (b) Brocaded or otherwise figured | do .. | . 500 |
| Silver thread, imitation. (<i>See</i> Thread.) | | |
| Sinews: | | |
| Buffalo and cow | per picul .. | . 550 |
| Deer | do .. | 1. 050 |
| Singlets or drawers: | | |
| Cotton | per dozen .. | . 125 |
| Mixture | | 5 per ct. |
| Skins: | | |
| Fish | per picul .. | . 600 |
| Sharks | | 5 per ct. |
| Smalt | per picul .. | 1. 600 |
| Snuff | | 5 per ct. |
| Soap: | | |
| Household and laundry (including blue mottled), in bulk, bars, and doublets weighing not less than one-half pound each | per picul .. | . 240 |
| Toilet and fancy | | 5 per ct. |
| Socks, cotton (including lisle thread): | | |
| First quality (i. e., valued at 1 tael or over per dozen pairs), per dozen pairs | | . 075 |
| Second quality (i. e., valued at less than 1 tael per dozen pairs), per dozen pairs | | . 032 |
| Soda: | | |
| Ash | per picul .. | . 150 |
| Bicarbonate | do .. | . 150 |
| Caustic | do .. | . 225 |
| Crystals | do .. | . 120 |
| Crystals, concentrated | do .. | . 140 |
| Soy | do .. | . 250 |
| Spirits. (<i>See</i> Wines, etc.) | | |
| Spirits of wine. (<i>See</i> Wines, etc.) | | |
| Stick-lac | do .. | . 700 |
| Stout. (<i>See</i> Wines, etc.) | | |
| Sugar: | | |
| Brown, up to No. 10 Dutch standard | do .. | . 190 |
| Candy | do .. | . 300 |
| White No. 11 Dutch standard and over, including cube and refined | per picul .. | . 240 |
| Sulphur and brimstone: | | |
| Crude | do .. | . 150 |
| Refined | do .. | . 250 |
| Sulphuric acid | do .. | . 187 |
| Sunshades. (<i>See</i> Umbrellas.) | | |
| Telescopes, binoculars, and mirrors | | 5 per ct. |
| Thread: | | |
| Cotton— | | |
| Balls, dyed or undyed | per picul .. | 3. 000 |
| Spools (50 yards) | per gross .. | . 040 |
| Gold and silver— | | |
| Imitation (on silk) | | 5 per ct. |
| Real | | 5 per ct. |
| Gold, imitation (on cotton) | per catty .. | . 125 |
| Silver, imitation (on cotton) | do .. | . 090 |

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| Tiles 6 inches square | per hundred .. | .600 |
| Timber: | | |
| Beams— | | |
| Hard wood | per cubic foot .. | .020 |
| Soft wood (including Oregon pine and California redwood; on a thickness of 1 inch) | per 1,000 superficial feet .. | 1.150 |
| Teak wood | per cubic foot .. | .081 |
| Laths | per thousand .. | .210 |
| Masts and spars— | | |
| Hard wood | 5 per ct. | |
| Soft wood | 5 per ct. | |
| Piles and piling (including Oregon pine and California redwood; on a thickness of 1 inch) | per 1,000 superficial feet .. | 1.150 |
| Planks— | | |
| Hard wood | per cubic foot .. | .020 |
| Teak wood | do .. | .081 |
| Planks and flooring— | | |
| Soft wood (including Oregon pine and California redwood; and allowing 10 per cent of each shipment to be tongued and grooved; on a thickness of 1 inch) | per 1,000 superficial feet .. | 1.150 |
| Soft wood (tongued and grooved, in excess of above, 10 per cent) .. | 5 per ct. | |
| Railway sleepers | 5 per ct. | |
| Teak-wood lumber, of all lengths and description | per cubic foot .. | .081 |
| Tinder | per picul .. | .350 |
| Tin foil | 5 per ct. | |
| Tobacco: | | |
| Leaf | per picul .. | .800 |
| Prepared— | | |
| In bulk | do .. | .950 |
| In tins or packages under 5 pounds each | 5 per ct. | |
| Tools: | | |
| Axes and hatchets | per dozen .. | .500 |
| Files, file blanks, rasps, and floats, of all kinds— | | |
| Not exceeding 4 inches long | do .. | .040 |
| Exceeding 4 inches and not exceeding 9 inches long | do .. | .072 |
| Exceeding 9 inches and not exceeding 14 inches long | do .. | .168 |
| Exceeding 14 inches long | do .. | .224 |
| Tortoise shell | per catty .. | .450 |
| Trimmings: | | |
| Bead | 5 per ct. | |
| Cotton (pure or mixed with other materials but not silk) | 5 per ct. | |
| Cotton (mixed with silk and imitation gold or silver thread) | 5 per ct. | |
| Tumeric | per picul .. | .185 |
| Turpentine | per gallon .. | .036 |
| Twine | 5 per ct. | |
| Ultramarine | per picul .. | .500 |
| Umbrella frames | per dozen .. | .080 |
| Umbrellas, parasols, and sunshades: | | |
| With handles wholly or partly of precious metals, ivory, mother-of-pearl, tortoise shell, agate, etc., or jeweled | 5 per ct. | |
| With all other handles— | | |
| Cotton | each .. | .020 |
| Mixtures, not silk | each .. | .030 |
| Silk and silk mixtures | do .. | .080 |
| Varnish, crude lacquer, gum lacquer, or oil lacquer | 5 per ct. | |
| Vaseline | 5 per ct. | |
| Vegetables, dried and salted or pickled, in bulk | 5 per ct. | |
| Vermicelli | per picul .. | .325 |
| Vermilion | do .. | 4.000 |
| Vermuth. <i>See</i> Wines, etc. | | |
| Watches of all kinds | 5 per ct. | |
| Waters, aerated and mineral | per 12 bottles or 24 half bottles .. | .050 |
| Wax: | | |
| Bees, yellow | per picul .. | 1.600 |
| Japan | do .. | .650 |
| Paraffin | do .. | .500 |
| Sealing | 5 per ct. | |
| White | 5 per ct. | |

Wines, etc.:

| | |
|---|-----------|
| Champagnes and all other sparkling wines, in bottles, per case of 12 bottles or 24 half bottles | . 650 |
| Still wines, red or white, exclusively the product of the natural fermentation of grapes— | |
| (a) Having less than 14° of alcohol— | |
| 1. In bottles.....per case of 12 bottles or 24 half bottles.. | . 300 |
| 2. In bulk.....per imperial gallon.. | . 025 |
| (b) Having 14° or more of alcohol; also vins de liqueur other than port— | |
| 1. In bottles.....per case of 12 bottles or 24 half bottles.. | . 500 |
| 2. In bulk.....per imperial gallon.. | . 150 |
| Port wine— | |
| In bottles.....per case of 12 bottles or 24 half bottles.. | . 700 |
| In bulk.....per imperial gallon.. | . 175 |
| Vermuth and byrrh | . 250 |
| Sake: | |
| In barrels | . 400 |
| In bottles.....per case of 12 bottles or 24 half bottles.. | . 110 |
| Brandies and whiskies, in bulk.....per imperial gallon.. | . 125 |
| Brandy and cognac, in bottles.....per case of 12 reputed quarts.. | . 500 |
| Whisky, in bottles.....do..... | . 350 |
| Other spirits (gin, rum, etc.)— | |
| In bottles.....do..... | . 200 |
| In bulk.....per imperial gallon.. | . 090 |
| Spirits of wine, in packages of any description | . 028 |
| Ales, beers, cider, and perry— | |
| In bottles.....per case of 12 reputed quarts or 24 reputed pints.. | . 085 |
| In casks.....per imperial gallon.. | . 020 |
| Porters and stouts— | |
| In bottles.....per case of 12 reputed quarts or 24 reputed pints.. | . 100 |
| In casks.....per imperial gallon.. | . 025 |
| Liqueurs..... | 5 per ct. |

Wood:

| | |
|------------------------|-----------|
| Camagon | . 090 |
| Ebony | . 200 |
| Fragrant..... | 5 per ct. |
| Garoo | . 100 |
| Kranjee | 5 per ct. |
| Laka | . 125 |
| Lignum-vitæ | 5 per ct. |
| Puru | . 075 |
| Red.....do..... | . 200 |
| Rose.....do..... | . 200 |
| Sandal.....do..... | . 400 |
| Sapan.....do..... | . 112 |
| Scented | 5 per ct. |
| Shavings, Hinoki | 1. 000 |

Woolen and cotton mixtures:

| | |
|--|-----------|
| Flannel (woolen and cotton), not exceeding 33 inches wide..per yard.. | . 015 |
| Italian cloth, plain or figured, having warp entirely cotton and all one color, and weft entirely wool and all one color, not exceeding 32 inches wide and not exceeding 32 yards long.....per piece.. | . 372 |
| Poncho cloth, not exceeding 76 inches wide.....per yard.. | . 030 |
| Spanish stripes (woolen and cotton), not exceeding 64 inches wide, per yard | . 014 |
| Union cloth, not exceeding 76 inches wide | . 030 |
| Woolen and cotton mixtures, unclassified, including alpacas, lusters, Orleans, Sicilians, etc..... | 5 per ct. |

Woolen manufactures:

| | |
|--|--------|
| Blankets and rugs | . 020 |
| Broadcloth, not exceeding 76 inches wide | . 047½ |
| Bunting, not exceeding 24 inches wide and not exceeding 40 yards long.....per piece.. | . 200 |
| Camlets, Dutch, not exceeding 33 inches wide and not exceeding 61 yards long.....per piece.. | 1. 000 |
| Camlets, English, not exceeding 31 inches wide and not exceeding 61 yards long.....per piece.. | . 500 |

Woolen manufactures—Continued.

| | | |
|---|-------------|-----------|
| Flannel, not exceeding 33 inches wide | per yard.. | .015 |
| Habit cloth, not exceeding 76 inches wide | do.... | .047½ |
| Lastings, plain, figured or craped, not exceeding 31 inches wide and not exceeding 32 yards long | per piece.. | .450 |
| Llama braid | per picul.. | 5.000 |
| Long ells, not exceeding 31 inches wide and not exceeding 25 yards long | per piece.. | .250 |
| Medium cloth, not exceeding 76 inches wide | per yard.. | .047½ |
| Russian cloth, not exceeding 76 inches wide | do.... | .047½ |
| Spanish stripes, not exceeding 64 inches wide | do.... | .021 |
| Woolens (unclassified) | | 5 per ct. |
| Woolen and worsted yarns and cords (not including Berlin wool), per picul. | | 5.300 |
| Berlin wool | do.... | 4.000 |
| Wooloa or berlinette | do.... | 3.500 |
| Worm tablets, in bottles, not exceeding 60 pieces | per dozen.. | .035 |
| Yarn: | | |
| Asbestos | per picul.. | 2.250 |
| Coir | | 5 per ct. |
| Cotton— | | |
| Bleached or gray | per picul.. | .950 |
| Dyed | | 5 per ct. |
| Gray | per picul.. | 0.950 |
| Mercerized or gassed | | 5 per ct. |
| Wooloa or berlinette | per picul.. | 3.500 |
| Wool, Berlin | do.... | 4.000 |
| Woolen and worsted (not including Berlin wool) | do.... | 5.300 |

NOTE.—If any of the articles enumerated in this tariff are imported in dimensions exceeding those specified, the duty is to be calculated in proportion to the measurements as defined.

RULES.

Rule I.

Imports unenumerated in this tariff will pay duty at the rate of 5 per cent ad valorem, and the value upon which duty is to be calculated shall be the market value of the goods in local currency. This market value when converted into haikwan taels shall be considered to be 12 per cent higher than the amount upon which duty is to be calculated.

If the goods have been sold before presentation to the customs of the application to pay duty, the gross amount of the bona fide contract will be accepted as evidence of the market value. Should the goods have been sold on c. f. and i. terms—that is to say, without inclusion in the price of duty and other charges—such c. f. and i. price shall be taken as the value for duty-paying purposes, without the deduction mentioned in the preceding paragraph.

If the goods have not been sold before presentation to the customs of the application to pay duty, and should a dispute arise between customs and importer regarding the value or classification of goods, the case will be referred to a board of arbitration composed as follows:

An official of the customs, a merchant selected by the consul of the importer, and a merchant differing in nationality from the importer, selected by the senior consul.

Questions regarding procedure, etc., which may arise during the sittings of the board shall be decided by the majority. The final finding of the majority of the board, which must be announced within fifteen days of the reference (not including holidays), will be binding upon both parties. Each of the two merchants on the board will be entitled to a fee of 10 haikwan taels. Should the board sustain the customs valuation, or, in the event of not sustaining that valuation, should it decide that the goods have been undervalued by the importer to the extent of not less than 7½ per cent, the importer will pay the fees; if otherwise, the fees will be paid by the customs. Should the board decide that the correct value of the goods is 20 per cent (or more) higher than that upon which the importer originally claimed to pay duty, the customs authorities may retain possession of the goods until full duty has been paid and may levy an additional duty equal to four times the duty sought to be evaded.

In all cases invoices, when available, must be produced if required by the customs.

Rule II.

The following will not be liable to import duty: Foreign rice, cereals, and flour; gold and silver, both bullion and coin; printed books, charts, maps, periodicals, and newspapers; samples in reasonable quantities, and certified to be for show and not for sale; Government stationery for consulates in China; passengers' baggage for bona fide private use; circulars, etc., distributed gratis by mercantile houses; and private effects (not including wines, stores, and tobacco) of individual foreigners imported by themselves for their own personal use and not for sale, provided that the customs authorities are satisfied that the articles in question fulfill these conditions.

A freight or part freight of duty-free commodities (personal baggage of less than twenty passengers and gold and silver bullion and foreign coins excepted) will render the vessel carrying them, though no other cargo be on board, liable to tonnage dues.

Drawbacks will be issued for ships' stores and bunker coal when taken on board.

Rule III.

Except at the requisition of the Chinese Government, or for sale to Chinese duly authorized to purchase them, import trade is prohibited in all arms, ammunition, and munitions of war of every description. No permit to land them will be issued until the customs have proof that the necessary authority has been given to the importer. Infraction of this rule will be punishable by confiscation of all the goods concerned. The import of salt is absolutely prohibited.

SHENG HSÜAN-HUAI.
LÜ HAI-HUAN.

Subject to the approval of His Imp. & Roy.

Apostolic Majesty's Government E. v. HIRSCH.
Ad referendum D. SIFFERT.

DR. BOYÉ.
JAS. L. MACKAY.
E. HIOKI.
M. ODAGIRI.

Ad referendum advocat F. B. v'JACOB.
JOHN GOODNOW.

NOTE.—To accompany slip prints of the treaty between the United States and China for the extension of the commercial relations between them.

Signed at Shanghai, October 8, 1903.

SHANGHAI Aug. 29th 1902.

YOUR EXCELLENCIES,

With reference to the New Tariff which has just been signed, this note puts on record that the following words have been erased from Rule II of the Rules at the end of the Tariff;—"Samples in reasonable quantities & certified to be for show, & not for sale; Government stationery for Consulates in China, passengers' baggage for bonâ fidé private use; circulars, &c, distributed gratis of Mercantile houses; and private effects (not including wines, stores & tobacco) of individual foreigners imported by themselves for their own personal use & not for sale provided that the Custom Authorities are satisfied that the articles in question fulfil these conditions"; and also "personal baggage of less than twenty passengers and"

It is understood between the Foreign & Chinese Commissioners that, though the above words have been eliminated from the Rules, the matter therein referred to will be dealt with by the Inspector General of the Imperial Maritime Customs at his discretion in accordance with

the instructions issued by him subsequent to the Final Protocol of the 7th September 1901.

We have the honour to be,
Your Excellencies' obedient servants

| | |
|----------|----------------|
| (signed) | HIRSCH |
| (signed) | D. SIFFERT |
| (signed) | DR. BOYÉ |
| (signed) | JAS. L. MACKAY |
| (signed) | E. HIOKI |
| (signed) | J. YAMAOKA |
| | Advocaat |
| (signed) | F. B. v' JACOB |
| (signed) | D. SIFFERT |
| (signed) | JOHN GOODNOW |

DUTY FREE LIST.

Vide T. G. Circulars Nos. 979, 984, 1016, 1020, 1022, 1025, 1026.
Instructions received.

- | | |
|--------------------------------|--|
| 12th Oct. 1901. | 1. Foreign Rice, cereals and flour, gold and silver coined and uncoined. |
| 12th Oct. 1901 | 2. Legations supplies from abroad. |
| 7th Nov. 1901 | 3. Supplies for the use of Foreign forces Military and Naval. |
| 19th Apl. 1902 | 4. Official stationary actually transmitted by foreign Government Departments for Foreign Consulates. |
| 1 May, 1902 | 5. Supplies under Government stores Certificates. |
| 31 May, 1902 | 6. Materials for Railways the import of which "free" is provided for by agreements antedating the Peace Protocol. |
| 10th May, 1902 | 7. Samples; in reasonable quantities certified for show and not for sale. |
| 3 June, 1902 | 8. Circulars, etc., distributed gratis by mercantile houses. |
| 12th Oct. 1901 3 June, 1902 | 9. The <i>bona fide</i> baggage of travellers i. e. passengers luggage arriving either with the owner or by a vessel other than that by which the passenger travels. |
| 3 June, 1902 | 10. Clothing, books, pictures and furniture already in use when brought in by residents and not for sale. |
| 31 May, 1902 | N. B. Ships Coal and provisions are entitled to draw-backs. |

The figures in the Import Tariff schedule express amounts in haikwan taels.

RIGHTS OF FOREIGNERS IN PEKING.

Mr. Conger to Mr. Hay.

No. 779.]

LEGATION OF THE UNITED STATES,
Peking, October 16, 1901.

SIR: I have the honor to transmit herewith translations of correspondence between the foreign office and this legation upon the ques-

tion of the continued residence in Peking of foreign merchants who located here during its occupation by the allied forces. * * *

The treaties do not permit the residence of any foreign merchants in the city of Peking, but several years ago permission was given for the opening of stores here by a Dane, a German, and a Frenchman for the especial accommodation of the legations, but their trade soon developed into a very large business with the Chinese. The Hong-kong and Shanghai and the Russo-Chinese banks have also been established here for several years, so that the city has, in fact, by precedent at least, been opened to special if not to general trade.

It is true that the banks and stores mentioned are located within the limits of the legation quarter, but their business extends throughout the city. I have consequently, as have most of my colleagues, thought best to keep the question open, with the hope that its final settlement would result in opening the city generally to foreign trade. Further action will be promptly reported.

I have, etc.,

E. H. CONGER.

[Inclosure 1.—Translation.]

Prince Ch'ing to Mr. Conger.

Last year after the military disasters it became common for merchants of various foreign nationalities to rent or seize houses in all parts of the city and open shops. The allied forces being in possession and control and the local administration not having been handed back, the circumstances were not those of ordinary times, but now that peace negotiations are concluded and friendly relations reestablished, seeing that Peking is not in the list of treaty ports, the shops and hongts established by these foreign merchants ought all be removed to the treaty ports in accordance with the treaty stipulations.

Should there be any who had put buildings in repair, they ought also to take these away immediately, and in order to avoid complications there ought to be no pretext of demanding compensation.

As in duty bound I send this dispatch to your excellency, that on examination you may issue orders accordingly.

Kuanghsu, twenty-seventh year, eighth moon, 22d day (October 4, 1901).

[Inclosure 2.]

Mr. Conger to the President and Ministers of the board of foreign affairs.

LEGATION OF THE UNITED STATES,
Peking, October 10, 1901.

YOUR HIGHNESS AND YOUR EXCELLENCIES: I have the honor to acknowledge the receipt of the dispatch of your highness and your excellencies, dated the 4th instant, in which you call attention to the fact that during the military occupation of Peking this past year many merchants of various nationalities seized or rented houses in different parts of the city and opened shops. You say that the conditions then were exceptional, but that now that the peace negotiations are concluded these shops and hongts ought to remove to the treaty ports in accordance with the treaty stipulations, etc.

In reply I beg to say that I am informed that merchants and other business men of various nationalities have already been given permission to carry on business in Peking.

If this information be correct, then, of course, citizens of the United States have the same right. But if all foreign business is to be excluded from the city, then the United States merchants, if there are any, will be instructed to go out with the others.

I, however, take the liberty to incidentally suggest to your highness and your excellencies that the present is a most opportune time for the Chinese Government to voluntarily place the city on the basis of a treaty port.

Peking should be the great and convenient entrepot for the vast and populous territory behind it, and if so opened Chinese revenue would be increased thereby, the recently reestablished peace and friendly intercourse would be strengthened, and mutual benefits result.

I avail myself, etc.,

E. H. CONGER.

Mr. Hay to Mr. Conger.

No. 416.]

DEPARTMENT OF STATE,
Washington, November 23, 1901.

SIR: I have to acknowledge the receipt of your dispatch No. 779, of the 16th ultimo, inclosing a copy of correspondence between you and the Chinese foreign office upon the question of the continued residence in Peking of foreign merchants who located there during the occupation of that place by the allied forces.

The Department approves your reply to the Chinese foreign office, as given in the inclosure to the dispatch.

I am, etc.,

JOHN HAY.

Mr. Conger to Mr. Hay.

No. 1372.

LEGATION OF THE UNITED STATES,
Peking, August 21, 1903.

SIR: Referring to my No. 779, of October 10, 1901, I have the honor to inclose herewith a copy of a note received by the dean of the diplomatic corps from Prince Ch'ing, advising that henceforth foreign merchants will not be permitted to buy property in Peking for dwellings or to establish places of business thereon. He says that since the occupation of Peking by the allied forces in 1900 such purchases have been agreed to by the Chinese officials as an exceptional arrangement, but that since conditions are now settled the old regulations ought once more to obtain, and such exceptional arrangements will no longer be made. * *

My own opinion is that it were better not to formally agree to their request nor to so flatly reject it as to compel a direct and definite determination. I have, therefore, since the note is addressed to the dean only, thought best to make no reply at present, but leave the matter open for such future discussion as events may require.

I have, etc.,

E. H. CONGER.

[Inclosure.]

Prince Ch'ing to the dean of the diplomatic corps.

I have the honor to call your excellency's attention to the fact that Peking is not by any means a treaty port. According to the treaties, it was originally agreed that merchants of the various nationalities should not be permitted to purchase houses, reside, or establish business houses here.

Since the coming of the allied forces to Peking in 1900, the merchants of their several nationalities have followed them here, have bought houses and opened places

of business in great number. Moreover, some have sent the deeds to the places bought, transmitting them through their ministers in Peking to our board to be forwarded to the prefect of Shun-t'ien Fu with fees for his seal, and our board has in each case made an exceptional arrangement and consented, but now, the general aspect of affairs being settled, we ought naturally to return to the old regulation, so as to conform to the requirements of the treaties, and we must therefore clearly state that henceforth merchants of the various powers will not be permitted to buy any more property in Peking for dwellings or to establish places of business, and should there be any additional purchases of property and request be made for official stamping of the deeds our board will not again agree to any exceptional arrangement in the matter.

As in duty bound, I send this dispatch to your excellency, the dean, and hope that you will transmit it to the various ministers for their information that they may generally instruct the merchants of their several nationalities to take note thereof.

A necessary dispatch.

Kuanghsu, twenty-ninth year, sixth moon, 15th Day (August 7, 1903).

Mr. Hay to Mr. Conger.

No. 718.]

DEPARTMENT OF STATE,
Washington, October 9, 1903.

SIR: I have to acknowledge the receipt of your dispatch No. 1372, of August 21 last, inclosing a copy of a note received by the dean of the diplomatic corps from Prince Ch'ing, advising that thenceforth foreign merchants will not be permitted to buy property in Peking for dwellings or to establish places of business in that city.

The Department approves your course in not making any reply to the note at present, but leaving the matter open for such future discussion as events may require.

I am, etc.,

JOHN HAY.

COLOMBIA.

ATTITUDE OF COLOMBIAN GOVERNMENT TOWARD UNITED STATES MISSIONARY SCHOOLS.^a

Mr. Hart to Mr. Hay.

No. 732.]

LEGATION OF THE UNITED STATES,
Bogotá, March 2, 1903.

SIR: I have the honor to inclose copies and translation of correspondence passed between this legation and the Colombian foreign office, copies of two letters addressed to this legation by the principal of the American School for Boys, located at this capital, and copies of communications addressed to those principals by the ministry of public instruction, in the matter of the reopening, after the usual vacation, of the American School for Boys and the American School for Girls, both established in this city.

The schools in question are conducted by missionaries under the auspices of the Presbyterian Board of Foreign Missions established in the city of New York. The principals of these institutions are citizens of the United States—persons of good character and of good standing in this community.

* * * * *

It should be added that the two American schools in this city are going ahead as usual, the school for boys prospering as never before. In Medellin and Barranquilla are schools under the same auspices.

The translation of the answers of the minister of public instruction to the memorials of the principals of the schools will be found in the translation of the foreign office note of January 17.

I am, etc.,

CHARLES BURDETT HART.

[Inclosure 1.]

Mr. Hart to Dr. Paúl.

LEGATION OF THE UNITED STATES,
Bogotá, January 8, 1903.

SIR: As your excellency is aware, the American School for Boys and the American School for Girls are institutions of learning long established at this capital and are presided over by citizens of the United States of America.

The principals of these schools, desiring according to custom, to reopen them in the present year after the usual holiday season, and in view of the decree of December 31, 1901, issued by the ministry of public instruction, presented to that ministry on the 2d day of December, 1902, their memorials in due form asking the required permission. The requests not having been granted, the principal of the American School for Boys called at the ministry of public instruction on the 3d day, and again on the 5th day of the present month, and was informed that the said memorials will be answered about the middle of the present month in a general resolution covering all such applications.

It does not seem that any consideration of the public welfare makes necessary a longer delay, which, up to this time, has not permitted the principals of the schools

^a See Foreign Relations, 1902, p. 293.

in question to make the necessary arrangements and public announcements for the school year about to begin. For example, the said principals have not felt at liberty to engage teachers, because they have not yet received official permission to continue the lawful business in which they have been occupied.

Since these schools were very properly allowed to continue in operation through the civil war in Colombia, now happily ended, it may be taken for granted that there is no intention on the part of your excellency's Government to treat them with less consideration now. This being true, I trust that your excellency's Government may be pleased to cause to be answered, without further delay, the respectful memorials of the American School for Boys and the American School for Girls, filed more than a month ago.

I improve this opportunity to renew, etc.,

CHARLES BURDETT HART.

[Inclosure 2—Translation.]

Doctor Paúl to Mr. Hart.

MINISTRY FOR FOREIGN AFFAIRS,
Bogotá, January 17, 1903.

SIR: In a communication bearing date the 15th instant my honorable colleague of the ministry of public instruction, who was advised of the contents of the polite note of the 8th instant which your excellency was pleased to address in the matter of the permission asked by the principals of the American School for Boys and the American School for Girls to open their respective establishments, tells me that the matter was determined on the said 15th instant in the following manner:

"In view of the memorial addressed to the ministry of public instruction by Mr. Malbone W. Graham requesting permission to open in this city the American School for boys.

"Considering that article 38 of the present constitution declares that only the Roman Catholic Apostolic religion is the religion of the country, which religion the public authorities shall protect as an essential element of social order.

"On the other hand, if the same fundamental law permits the exercise of all forms of worship not contrary to Christian morals nor to the laws, worship or the series of acts of adoration of the Divinity must not be confounded with the propaganda and teaching of a religious system.

"If it be held that establishing Protestant schools is establishing an industry, it must be remembered also that these industries and the professions will be inspected in their relation to morality, safety, and public health, and that the teaching of doctrines opposed to the Roman Catholic doctrines engenders the social evil of opposition in the minds of citizens and incites division in the country, which brings, clearly, pernicious consequences.

"These statements are proved by the knowledge which the ministry has of the mockery by pupils of the American school of acts of the Roman Catholic worship.

"In the first three articles of the Concordat, which is the law of the Republic, are rather amplified the obligations of the state toward the church, whose canonical legislation is to be respected by the authorities.

"Finally, in view of the foregoing considerations, and in order to leave intact the toleration of individual ideas and paternal rights,

"The ministry resolves:

"The Protestant schools are permitted to open as private establishments in which instruction may be given to the children of Protestant persons, but it will not be permitted to give them the character of public schools by means of advertisements nor in any other similar manner."

With this I beg, etc.,

FELIPE F. PAÚL.

[Inclosure 3.]

Mr. Hart to Doctor Paúl.

LEGATION OF THE UNITED STATES,
Bogotá, January 19, 1903.

SIR: I have the honor to acknowledge receipt of your excellency's polite note of the 17th instant, replying to mine of the 8th instant, in the matter of the reopening of the two institutions of learning known, respectively, as the "American School for Girls" and the "American School for Boys," both established at this capital. In the note which I have the honor to acknowledge your excellency is pleased to

embody the answer of the ministry of public instruction to the memorial of the principal of the American Schools for Boys. The answer of the ministry of public instruction to the memorial of the principal of the American School for Girls, a copy of which is in the possession of this legation, is identical with the answer kindly sent to me by your excellency.

Your excellency will permit me to say, with due respect, that these answers have surprised me beyond expression, not alone by reason of the peculiar conditions imposed, but even more on account of the spirit therein shown as animating the new policy which it has been determined to apply to these institutions.

The resolution of the ministry of public instruction, in answer to the memorials of the principals of the schools in question, reads as follows: "The Protestant schools may be opened as private establishments in which the children of Protestants may be taught, but it will not be permitted to give them the character of public schools by means of public notices nor in any other similar manner."

The American School for Girls has been in operation for more than thirty years, the American School for Boys for twelve years, and not until now has either of these schools been forbidden by the Government of the Republic to announce publicly, by printed advertisement or otherwise, the fact of its existence and its readiness to receive pupils. Nor, hitherto, has the Government of the Republic sought to restrict to "the children of Protestants" the youth who might be admitted as pupils in those institutions.

The resolution giving permission to reopen the schools confines their possible clientele to persons of the Protestant faith. Instruction may be given to "children of Protestants" only. If the principals of these schools were willing to erect themselves into so many inquisitorial tribunals to discover the religious belief of every parent or guardian presenting a child for admission, the answers to their inquiries might be untruthful. Persons not Protestants might declare themselves to be Protestants for the purpose of evading the prohibition of the ministry of public instruction. Who would be held responsible for the deception, the principal of the school or the parent of the child? This exaction is burdensome, unreasonable, and unjust, and any effort of the principals of the schools to draw around their institutions the dead line of exclusion on account of religious belief would be as humiliating as, probably, it would be futile. The right to put this burden upon citizens of the United States of America occupied in, or who desire to occupy themselves in, teaching in Colombia, can not be admitted.

The resolution of the ministry of public instruction forbids, in the most comprehensive way, any and all public announcements concerning these institutions, and this because "it will not be permitted to give them the character of public schools." I do not understand that public notice makes a public school, within the ordinary acceptation of the term "public school," any more than the lack of public notice would convert a public school into a private school. The purpose of the prohibition is clearer than its logic.

The directors of these schools have no desire that their institutions be considered as public schools in the sense of forming part of the system of instruction provided by, or especially encouraged by, the State. The desire of these citizens of the United States of America is to continue the lawful business in which they are engaged and with no more hindrance than their respective institutions were subjected to before it was resolved to discriminate against these schools on account of the religious belief of those who conduct them; and this is their right according to the treaty of peace, amity, navigation, and commerce between the Republic of Colombia and the United States of America.

By Article XIV of the treaty it is especially agreed that "the citizens of the United States residing in the territories of the Republic of New Grenada shall enjoy the most perfect and entire security of conscience, without being annoyed, prevented, or disturbed on account of their religious belief." The foregoing provision, in connection with that of Article XIII of the same treaty—"Both contracting parties promise and engage formally to give their special protection to the persons and property of the citizens of each other, of all occupations, who may be in their territories subject to the jurisdiction of one or the other"—makes clear the fact that the resolution of the ministry of public instruction does not take into account the treaty obligations which apply directly and unmistakably to the case. As I read the constitution of the Republic of Colombia, it is in accord with the treaty guaranties above cited.

I would be glad to be informed by your excellency whether the above-quoted resolution of the ministry of public instruction represents correctly the present attitude of the Government of the Republic in respect of the schools in question and of all other institutions of learning within the Republic of Colombia conducted by citizens of the United States of America who do not profess the Roman Catholic Apostolic religion. I shall feel honored to have opportunity to include your excel-

ency's reply in the correspondence relating to this matter, copies of which correspondence I shall transmit to my Government at the earliest opportunity.

Meanwhile I expressly reserve to Miss Jessie Scott, principal of the American School for Girls, and to the Rev. Malbone W. Graham, principal of the American School for Boys, citizens of the United States of America, all the rights that they, or either of them, may have in the premises.

I embrace this opportunity, etc.,

CHAS. BURDETT HART.

[Inclosure 4.]

Mr. Hart to Doctor Pérez.

LEGATION OF THE UNITED STATES,
Bogotá, February 23, 1903.

EXCELLENCY: I beg to call your excellency's attention to my note of January 19, 1903, addressed to his excellency Dr. Felipe F. Paúl, minister for foreign affairs of the Republic of Colombia.

In that note I had the honor to ask whether a certain resolution of the ministry of public instruction, communicated to this legation by his excellency the minister for foreign affairs, under date of January 17, 1903, "represents correctly the present attitude of the Government of the Republic in respect of the schools in question and of all other institutions of learning within the Republic of Colombia conducted by citizens of the United States of America who do not profess the Roman Catholic Apostolic religion."

I shall appreciate the courtesy of a reply to my note in question.

I embrace, etc.,

CHAS. BURDETT HART.

[Inclosure 5.]

Mr. Graham to Mr. Hart.

COLEGIO AMERICANO PARA VARONES,
Bogotá, February 2, 1903.

HONORABLE AND DEAR SIR: On Tuesday afternoon, January 27, you informed me that the vice-president of the Republic of Colombia had promised you that the two American schools of this city would be granted an unconditional permission to open for the current school year. At 10 o'clock on Wednesday, the 28th, I had an interview with the minister of public instruction at his office, and stated to him that you had informed me that such permission would be granted to us upon returning to the ministry the answers originally given to our petitions. The minister said that we had already received permission to open. I replied that the permission given was accompanied by conditions that were inconvenient and unbearable, and that the promise of Vice-President Marroquin was that the permission should be entirely free from restrictions. The minister then told me to present the answers to the subsecretary, and ask him to put the original petitions in the course of business to be dispatched on Thursday, and that the answers to be given us would clear up the subject. At 1 o'clock on Wednesday afternoon I delivered to the subsecretary the answers as sent, and told him of the minister's order. I asked him to prepare the business that day, if possible, to which he replied that he must follow the minister's instructions.

On Friday, January 30, I arrived at the minister's office at 10.15 a. m., and after twenty minutes' waiting saw the minister, who stated that he had spent the whole of the preceding day, since 8 a. m., in the cabinet meeting, and consequently had been unable to attend to the matter, and asked me to return for the answers on Saturday afternoon. At 3.30 p. m. on Saturday I presented myself at the office of the minister, who expressed surprise that the answers were not ready, and gave as an excuse a lack of paper on which to prepare the replies. He said the replies would be given at once if two sheets of stamped paper were brought for the purpose.

Upon leaving the office to purchase the paper I met the subsecretary, who assured me that the cause of the delay was the failure of the minister to dictate the answers. I was told that the answers would be ready next Tuesday. I then purchased the stamped paper and left it with the doorkeeper, as the subsecretary had suggested.

The delays seem to be uncalled for, and we have therefore published our announcements and shall open the schools to-morrow.

Respectfully, yours,

MALBONE W. GRAHAM.

[Inclosure 6.]

Mr. Graham to Mr. Hart.

BOGOTÁ, February 6, 1903.

HONORABLE AND DEAR SIR: I beg to inform you that on Tuesday, February 3, I went to the ministry of public instruction to receive the answer promised me. The hour was 3.45 p. m., but the subsecretary had gone, and I was told that the minister was not there, although some people were waiting to see him, and I had found him at the same hour on other occasions. The doorkeeper suggested that the best time was between 8.30 and 9 a. m. On Wednesday, at 8:45, I found the subsecretary, who told me that the minister had not come to the department for a day or two, and hence the answer was not ready. A well-known official of one of the other departments told me that the minister had left the office at 5 p. m. on Tuesday.

On Thursday morning I again visited the office, and upon inquiring of the subsecretary as to the progress of my affair, I was told that it had been attended to, that the minister had said that nothing more was necessary, and that I was entitled to have my papers returned to me. After withdrawing, I examined the papers, and found that the stamped paper had not been used, but that the answer originally given had been amended by striking out certain words and inserting others, but that the sense had not been altered, and therefore the subject had not been made clearer or more satisfactory.

I am, therefore, left in doubt as to the status of the case. Either I have an answer to my petition, in which event the decision of the ministry remains the same as before, or I have no answer, in which case I lack the written permission promised by the vice-president of the Republic. I think that we are, in justice, entitled to the distinct and full permission in due form.

Respectfully, yours,

MALBONE W. GRAHAM.

Mr. Hay to Mr. Beaupré.

No. 8.]

DEPARTMENT OF STATE,

Washington, May 4, 1903.

SIR: I have to acknowledge the receipt of Mr. Hart's No. 732, of March 2 last, reporting the attitude of the Colombian Government in regard to the American schools in Bogota.

You will continue to act in the same line as your predecessor in endeavoring to obtain the just recognition of the American schools.

I am, etc.,

JOHN HAY.

MOB ATTACKS ON SYRIANS, NATURALIZED CITIZENS OF THE UNITED STATES.

Mr. Beaupré to Mr. Hay.

No. 131.]

LEGATION OF THE UNITED STATES,

Bogotá, September 8, 1903.

SIR: I have the honor to report that during the last year or so there has been growing in this Republic a great hostility toward the Syrians, "Turks," as they are generally known. About a year ago there was a hostile demonstration made against them at Girardot, resulting in the destruction of considerable property.

There are about 1,800 Syrians in Colombia, located in the various centers of trade, and by their energy and business capacity they have succeeded in controlling a vast amount of traffic. It is their keen business qualifications which has caused the enmity of Colombian merchants, for their methods secured the trade as against Colombian competition.

Some of these Syrians are American citizens, by naturalization, but I have not been called upon to intervene in their behalf until recently.

On the night of the 18th of July, 1903, a mob of natives attacked the Syrian colony in Honda. The doors of dwellings and stores were broken open, furniture destroyed, and a large amount of merchandise stolen. The buildings were injured by rifle and revolver shots, stones and other missiles. Several of the Syrians were badly wounded, and all of them were forced to flee from the city and seek shelter in the forest. Anarchy reigned for a day or two, when the authorities were able to regain control. Among those who suffered was Simon Chemas, and his brother, citizens of the United States. I have asked our consular agent at Honda to furnish me with a report as to the damages sustained by these American citizens, but as they have not returned to Honda since the night of the attack, the report is not yet prepared. I have certain information, however, that their losses are trifling, and no claim for damages is likely to be made.

Upon receipt of telegraphic information from Honda, I addressed a note to the minister for foreign affairs, to which he afterwards replied. (Copies and translation inclosed.)

The occurrence in Honda has excited the populace in various parts of the country where the Syrians are located, and there is almost a certainty of similar attacks. Mr. Ricardo Deeb, an American citizen, owns a large store in Chiquinquirá, and upon receipt of news that a hostile demonstration was expected there I sought an interview with the minister for foreign affairs and asked his intervention to the end that protection should be extended to Mr. Deeb. This he promised, and said that orders would be sent at once to the local authorities.

To-day I was shown a telegram from Chiquinquirá, saying that on the night of the 6th instant the house of Mr. Deeb had been stoned and that he was without protection. I at once addressed a note to the minister for foreign affairs, copy of which is inclosed.

There are not more than four or five Americans in the Syrian colony, which is fortunate, for there is certain to be more trouble.

I am, etc.,

A. M. BEAUPRÉ.

[Inclosure 1.]

Mr. Beaupré to Doctor Rico.

LEGATION OF THE UNITED STATES,
Bogotá, August 20, 1903.

SIR: It is with profound regret that I am compelled to call to your excellency's attention the case of Simon Chemas, Wehbe Chemas, and Abdalla Chemas, Syrians by nativity, but citizens of the United States of America by naturalization, who, according to telegraphic advices just received from Honda, have suffered mob violence, resulting in the destruction of much property, the probable breaking up of their business, and, without the active interposition of your excellency, they may be banished from their houses.

This attack occurred on the night of the 18th instant, at Honda, and I have but incomplete information of the affair, and must beg that your excellency will cause an investigation to be made with the view of determining the full facts.

Your excellency is probably aware that there exists in Colombia a strong feeling of hostility to all resident Syrians, some of whom are American citizens. Because of this, and the outbreak at Honda, I have reason to fear that unless some measures are adopted to protect them there may be other similar or deplorable events.

In view of this I deem it my duty to make an earnest appeal to your excellency for the employment of means to secure to these American citizens the protection to their lives, their homes, and their property which is guaranteed to them by the treaty between our two governments.

I avail, etc.,

A. M. BEAUPRÉ.

[Inclosure 2.—Translation.]

*Doctor Rico to Mr. Beaupré.*MINISTRY FOR FOREIGN AFFAIRS,
Bogotá, August 21, 1903.

MR. MINISTER: From the first moment in which notice was received in this capital of the riot which took place in Honda on the 18th of the present month, and to which your excellency refers in your polite note of yesterday, it was ordered that the guard at that place be reinforced with troops sufficient to reestablish order. It has also been ordered that they take the necessary measures to investigate the case and punish those responsible.

The part of your excellency's communication to which I have had the honor to refer, which treats of the complaint of the Syrians Simon Chemas, Wehbe Chemas, and Abdalla Chemas, naturalized citizens of the United States, for acts of violence enacted against them in that riot, has been called to the attention of the minister of government, in order that all measures may be taken that are deemed necessary to prevent a repetition of acts such as those mentioned.

I beg, etc.,

LUIS CARLOS RICO.

[Inclosure 3.]

*Mr. Beaupré to Doctor Rico.*LEGATION OF THE UNITED STATES,
Bogotá, September 8, 1903.

SIR: Referring to the conversation which I had the honor of having with your excellency a few days ago, concerning the American citizens who were outraged by a mob at Honda on the night of the 18th ultimo, and in which I earnestly called your excellency's attention to a similar danger which threatened an American citizen at Chiquinquirá, I have now the honor to inform you that according to telegraphic advices just received, the house of Mr. Ricardo Beeb, at Chiquinquirá, was stoned on the night of the 6th instant, and there are grave fears that the local authorities may not be able to protect him from mob violence.

Chiquinquirá being one of the principal cities of the republic, and within a short distance of this capital, I must insistently urge upon your excellency the necessity of immediate measures to effectually prevent this apprehended trouble.

I fully appreciate the friendly disposition of the Colombian Government toward the citizens of my country who may be temporarily residing within its limits, and I know that your excellency sincerely regrets the occurrence at Honda. I am equally sure that in compliance with its obligations your excellency's Government will strenuously assert its power to secure the protection of my countrymen within its jurisdiction.

I avail, etc.,

A. M. BEAUPRÉ.

Mr. Beaupré to Mr. Hay.

No. 137.]

LEGATION OF THE UNITED STATES,
Bogotá, September 17, 1903.

SIR: Referring to my No. 131, of September 8, 1903, concerning the hostility shown towards the Syrians in this country, I have the honor to inclose herewith a copy and translation of a note from the minister for foreign affairs in answer to mine of the 8th instant.

I am, etc.,

A. M. BEAUPRÉ.

[Inclosure.—Translation.]

*Doctor Rico to Mr. Beaupré.*MINISTRY OF FOREIGN RELATIONS,
Bogotá, September 15, 1903.

MR. MINISTER: It has been ascertained from the information given us by the minister of war, that as soon as notice was received, on the 19th of August last, of what had happened in Honda on the two days preceding, against the Turks residing there, orders were given for the guard at Guaduas to immediately reinforce the battalion of

260 men at that place, to give their aid to the civil authorities in the suppression of the riot.

Notice has been given to the minister of government as well as the minister of war of the representations made by your excellency and the other foreign representatives in this matter, and means have continued to be employed for the reestablishment and preservation of peace and order in that place.

The second of said ministries has ordered, through the medium of an employee of the national police, the investigation of the criminal acts which have been committed against the Turks in Honda, with a view to punishing those to blame and recovering and protecting the property which said foreigners say they have lost. The local authority states that some of said property has already been recovered, and that several persons who were present at the riot and were imprisoned have been set at liberty under a heavy bond, promising not to again attempt a riot against the Syrian colony and to present themselves to the authorities each time they are ordered.

In presenting what I have said to your excellency, I refer to your polite notes of the 20th of August and the 8th of the present month, the first relative to the complaints of Simon Chemas, Wehbe Chemas, and Abdalla Chemas, and the second to Ricardo Deeb, Syrians by birth, to whom your excellency gives protection as naturalized citizens of the United States. I ought to add that, to Chiquinquirá, where the first of said individuals lives, the ministry of government has been informed that the president of the tribunal of Tunja has gone to investigate what happened in that place.

If it be considered that, already arriving in the country temporarily, or with a desire of permanent residence in it, foreigners have always been well received in Colombia, whose laws favor and protect them in their persons and property equally with natives, and that, notwithstanding that manifestations against the Turks have been suppressed from the very beginning, these have been occurring frequently, it is plainly recognized that there exists and grows in society a spirit of repulsion against these individuals, as stated in the first of said notes, in which your excellency asks the employment of means to secure to the Syrian citizens of the United States the protection of their lives, their homes, and their property, guaranteed by the treaty between the two nations.

The government regrets that sentiments adverse to the Turks should have been produced in the country, and is always disposed to protect them in their persons and interests; but, notwithstanding precautions which were taken to prevent conflicts of the character of those which happened in Honda and Girardot, those manifestations may perhaps continue, and are made inevitable, by appearing suddenly in places where there is not sufficient guard, or in places separated from those points where forces exist to give protection and reestablish order, and it ought to be borne in mind that if such should happen, it could not be imputed to a failure to comply with the treaty except in the cases in which, being able to give such protection, it should not be done with complete efficiency.

I beg, etc.,

LUIS CARLOS RICO.

Mr. Hay to Mr. Beaupre.

DEPARTMENT OF STATE,

Washington, October 9, 1903.

SIR: I have to acknowledge the receipt of your No. 131, of the 8th ultimo, reporting the hostile demonstration on the part of Colombians against the Syrian "Turks."

The Department approves your course in requesting the protection of the Colombian Government for such of them as are naturalized citizens of the United States.

I am, etc.,

JOHN HAY.

ADOPTION OF GOLD STANDARD BY COLOMBIA.

Mr. Beaupré to Mr. Hay.

No. 194.]

LEGATION OF THE UNITED STATES,

Bogotá, October 30, 1903.

SIR: I have the honor to report that one of the most important measures presented for the consideration of the present extraordinary

session of the Colombian Congress passed during the last week and has been signed by the President. It is with regard to the free stipulation in currency (*libre estipulación*), under the title of "for the regulation of the monetary system and the redemption of the paper money."

This law has not been published in the *Diario Oficial*, so that I am unable to furnish a complete copy and translation in time for the next mail, but its principal features are as follows:

The monetary unit of the country to be the gold dollar of 1,672 milligrams of weight and .900 fine, to wit, the gold dollar of the United States of America.

The gold coinage of other nations may circulate freely, as well as silver coins .835 and .900 fine.

Future emission of paper money, whether by central or departmental governments, absolutely prohibited.

The paper money heretofore legally emitted by the national and departmental governments to preserve its character of a forced currency and its liberatory power in those places where it now circulates according to the following rules:

(a) In public or private transactions contracts may be made at the will of the parties either in the gold unit or in paper money.

(b) When payment has been contracted for in gold, the obligation can be carried out by the payment of an equivalent sum of paper money at the rate of exchange ruling on the day of payment.

(c) In the departments and provinces where silver has hitherto been current that coinage shall keep its character of circulating medium, in relation to the gold unit, according to the price of silver in the market, and contracts may be made in that currency.

(d) Obligations contracted, or which may be contracted, with foreign houses or interests, shall be carried out in accordance with the terms of article 203 of the commercial code.

(e) Obligations contracted in legal tender (*moneda corriente*) in which a particular coinage is not expressed will be understood as contracted for and payable in the forced paper currency.

A council to be created, known as the council of national amortization, to be composed of five members, two nominated by the senate, two by the chamber of representatives, and one by the executive power. They are to be chosen from the most distinguished members of commerce, known for their rectitude and competency.

(a) The gold which the council collects to be sold in lots of \$1,000 at public auction for paper money.

(b) The paper money which the council shall collect by the above-mentioned sales and by contribution to be publicly burned.

(c) The council shall have the full management of the funds confided to it and of its own constitution.

(d) The council to fix, day by day, the rate of exchange, based upon the actual transactions in the open market, and that rate will hold good in all judicial matters. The council to appoint sectional councils in the country for the changing of deteriorated bills, buying up paper money, and burning the same.

The following sources of income to be at the disposal of the council for the amortization of the paper money: The rent from the emerald mines of Muzo and Cosquez; from the mines of Santa Ana, La Manta, Supia, and Marmato; from the pearl fisheries of the Republic; from the produce of the exploitations of the national forests; harbor and light-house dues, tonnage, etc. The product coming from the export

duties to include those on vegetable ivory, which, it is proposed, shall be made the same as levied by the Republic of Ecuador. The council authorized to rent the Muzo and Cosquez mines for the period of ten years. Estimates of income and expenditure to be fixed in the gold unit heretofore mentioned (the United States dollar).

(a) Customs duties to be levied in gold, or in bills at the exchange of the day.

(b) The rents of national property, such as the mines of Muzo, etc., to be levied exclusively in gold.

(c) Rents not mentioned above to be fixed in gold, but levied in paper, in periods of three months.

(d) For the fixing of exchange, in the periods of three months, the figure of the national council of amortization will be taken, but for the first three months liquidations will be made at 10,000 per cent.

The personnel of the national council to be reappointed every four years, but the members appointed this year to hold office until September 30, 1908.

The national council to cause a new edition of bills to be printed, to be exchanged for those deteriorated. For this purpose they may appropriate the sum of \$250,000 gold, to be taken from the funds they shall receive for the purposes of amortization.

I am, etc.,

A. M. BEAUPRÉ.

CORRESPONDENCE CONCERNING THE CONVENTION BETWEEN THE UNITED STATES AND COLOMBIA FOR THE CONSTRUCTION OF AN INTEROCEANIC CANAL ACROSS THE ISTHMUS OF PANAMA.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES, TRANSMITTING A REPORT FROM THE SECRETARY OF STATE, WITH ACCOMPANYING PAPERS, CONCERNING THE CONVENTION BETWEEN THE UNITED STATES AND COLOMBIA FOR THE CONSTRUCTION OF AN INTEROCEANIC CANAL ACROSS THE ISTHMUS OF PANAMA.

To the Senate and House of Representatives:

I transmit, for the information of the Congress, in connection with the correspondence already transmitted relating to the recent revolution on the Isthmus of Panama, and contained in House Document No. 8, Fifty-eighth Congress, first session, parts 1 and 2,^a a report from the Secretary of State, with accompanying papers concerning the convention between the United States and Colombia for the construction of an interoceanic canal across the Isthmus of Panama.

THEODORE ROOSEVELT.

WHITE HOUSE,
Washington, December 18, 1903.

The PRESIDENT:

The undersigned, Secretary of State, has the honor to lay before the President, with a view to their transmission to Congress for the information of that body, in connection with the correspondence already transmitted, relating to the recent revolution on the Isthmus of Panama and contained in House Document No. 8, Fifty-eighth Congress, first session, parts 1 and 2, copies of the correspondence between the Department of State and the legation of the United States

at Bogotá concerning the convention between the United States and Colombia for the construction of an interoceanic canal across the Isthmus of Panama.

Respectfully submitted.

JOHN HAY.

DEPARTMENT OF STATE,
Washington, December 18, 1903.

Mr. Loomis to Mr. Beaupré.

[Telegram.]

DEPARTMENT OF STATE,
Washington, March 18, 1903.

Inform Colombian Government Senate yesterday approved canal convention without amendment.

LOOMIS, *Acting.*

Mr. Hay to Mr. Beaupré.

[Telegram.]

DEPARTMENT OF STATE,
Washington, April 7, 1903.

Referring to requests of Colombia to canal and railroad companies for appointment of agents to negotiate cancellation of the present concessions, et cetera, if the subject arises inform the Colombian Government that the treaty covers entire matter, and any change would be in violation of Spooner law and not permissible.

HAY.

Mr. Beaupré to Mr. Hay.

No. 741.]

LEGATION OF THE UNITED STATES,
Bogotá, March 30, 1903.

SIR: The matter of the ratification of the Panama Canal convention is intensely interesting to the people of this capital, and there is much public discussion of it. Without question public opinion is strongly against its ratification, but, of course, public opinion in Colombia is not necessarily a potent factor in controlling legislation.

It is quite impossible to come to a definite conclusion as to the outcome until the result of the recent elections for members of Congress is known. It has been generally thought that the Government would be able to control the elections and that the members returned would be favorable to the administration's view on the canal question; but there has been serious disappointment to the governmental party in the result of some of the elections heard from, prominent and able members of the National party, opposed to the Marroquin administration and to the canal convention, have been elected. Ex-President Caro and Gen. Pedro Nel Ospina, Nationalists, are to represent the Department of Antioquia in the Senate. It seems altogether probable

that unless the Government is thoroughly in earnest in its desire to have the convention ratified, it will not be done; and there is a possibility that it may not go through in any event.

There is no public information as to the date at which the Congress will be called, but from private source I am given to understand that it will be about the 20th of May, owing to the slowness of returns from remote election districts.

It is apparent lately that the French Canal Company is to take a decided interest in securing the ratification of the convention, and that its influence to that end will be of much importance.

I am, sir, your obedient servant,

A. M. BEAUPRÉ.

Mr. Beaupré to Mr. Hay.

No. 6.]

LEGATION OF THE UNITED STATES,
Bogotá, April 15, 1903.

SIR: I have the honor to advise you that within the last month there has been such a sudden outburst of controversy, both in the Bogotá press and among the public in this city, with regard to the Panama Canal convention that I feel it my duty to report on what I regard as the chances for and against its passing Congress.

During the long revolution which has but lately come to an end the measures employed by the Government to prevent public discussion of affairs of state had the effect of destroying anything like public opinion. It may have been for this reason that when, in the early part of February last, news came of the signing of the canal convention complete apathy on the subject seemed to reign, as far as the general public was concerned. The financial crisis had, previous to this announcement, reached a most acute stage, and the only feeling expressed was that of relief at the prospect of receiving \$10,000,000, which was then considered sufficient to put in reasonably good condition the finances of the country. I am convinced I am right in saying that the public had never expected better terms. The proof is that when the news of the signing of the convention came foreign exchange ran down from 10,000 per cent to 6,300 per cent, and when it was rumored that the United States Senate had refused its assent a panic immediately ensued on the market, and exchange at once rose again to over 10,000 per cent.

This was the state of affairs until General Fernandez, the minister of Government in charge of the ministry of finance, issued a circular to the Bogotá press (which had suddenly sprung into existence), inviting discussion on the canal convention. The circular was to the effect that the Government had no preconceived wishes for or against the measure; that it was for Congress to decide, and Congress would be largely guided by public opinion. At the same time what purported to be a translation of the text of the convention was published.

Since then a complete revolution in feeling has taken place. From approbation to suspicion and from suspicion to decided opposition have been the phases of change in public sentiment during the last month. The newspapers of the city are full of strongly worded articles denouncing the convention, and, in general, these articles show the most bitter hostility to a scheme which they represent as being the

attempt of a strong nation to take an unfair advantage of the crisis through which Colombia is passing, and, for a paltry sum, rob her of one of the most valuable sources of wealth which the world contains. So ridiculous are the facts brought forward by these journalists in support of their arguments that they are not even worth comment. As, for instance, I may mention that one of the most widely read of the newspapers states, and brings forward a whole collection of figures in support of its statement, that on the initial deal alone the United States starts with a clear profit of \$180,000,000. Absurd as such statements are, they voice the opinions and convictions of the Bogotá public.

This fact is clear, that if the proposed convention were to be submitted to the free opinion of the people it would not pass. The Congress about to assemble has been elected under the supervision of Government officials, and a system of quite indigenous wire-pulling has undoubtedly been used; and yet, if Congress as now constituted were allowed to give a free vote, I feel convinced the convention would not be ratified.

This, then, is the present state of affairs. As to what will happen it is impossible to predict; yet this much seems certain to me, if it is the wish of the Government that the convention be ratified it will be done.

It now seems likely that Congress will be convened about the 25th of May next for twenty days.

I am, sir, your obedient servant,

A. M. BEAUPRÉ.

Mr. Beaupré to Mr. Hay.

No. 10.]

LEGATION OF THE UNITED STATES,
Bogotá, April 24, 1903.

SIR: I have the honor to refer to your telegram of the 7th instant, confirmed elsewhere, in regard to the negotiations for the cancellation of the present concessions of the Panama canal and railroad companies.

The subject had not arisen, within my knowledge, but I deemed it best, in two interviews with the minister for foreign affairs, to bring the conversation as cautiously as possible to a point that would enlighten me. I can not say that his excellency showed any disposition to be entirely frank in the matter, but sufficient was said to elicit from him the information that such negotiations were at least under the consideration of the Colombian Government, if not actually started. I then imparted to the minister the purport of your telegram of the 7th instant, whereupon he requested me to convey those instructions officially. This I did in a note, copy of which I herewith transmit.

I am, sir, your obedient servant,

A. M. BEAUPRÉ.

[Inclosure.]

LEGATION OF THE UNITED STATES,
Bogotá, April 24, 1903.

His Excellency Dr. LUIS CARLOS RICO,
Minister for Foreign Affairs of the Republic of Colombia, etc.

SIR: Referring to the two interviews I have had with your excellency, in which the question of the negotiations for the cancellation of the present concessions of the

Panama Canal and Railroad companies and other matters were brought up, I have the honor to inform your excellency that I am in receipt of instructions from my Government on the subject.

I am directed to inform your excellency, should the subject arise, that the entire matter above referred to is covered by the recently signed convention between the Republic of Colombia and the United States on the 22d of January last. Moreover, that any change would be in violation of the Spooner law and therefore not permissible.

I avail myself of this opportunity to renew to your excellency the assurances of my highest consideration.

A. M. BEAUPRÉ.

Mr. Beaupré to Mr. Hay.

No. 13.]

LEGATION OF THE UNITED STATES,
Bogota, April 27, 1903.

SIR: I have the honor to advise you that it seems quite impossible to tell just when the Congress will be convened. Forty days' notice is required, and no notice has as yet been given.

In a conversation with the minister for foreign affairs I ascertained that the session would probably commence at some time between the middle of June and the 1st of July, but this is no more definite than the dates I have mentioned in my previous dispatches.

The Government is evidently "mending fences" in many election districts. It is said that owing to the disordered condition of the interior of the country, especially in the department of the Tolima, elections were illegally conducted, for which reason new elections were necessary. Hence the delay in calling Congress.

I am, sir, your obedient servant,

A. M. BEAUPRÉ.

Mr. Hay to Mr. Beaupré.

No. 6.]

DEPARTMENT OF STATE,
Washington, April 28, 1903.

SIR: I confirm to you my dispatch by cable of the 7th instant in the following terms:

WASHINGTON, April 7, 1903.

AMERICAN MINISTER, *Bogotá:*

Referring requests Colombia to canal and railroad companies for appointment agents negotiate cancellation present concessions, etc.

If subject arises, inform Colombian Government that treaty covers entire matter and any change would be in violation of Spooner law and not permissible.

HAY.

and I now inclose to you copies of the notices given by the minister of hacienda of the Republic of Colombia to the New Panama Canal Company and the Panama Railroad Company, respectively.

You will observe that by these notices the Colombian Government contemplates the formal grant to these companies by the Colombian Congress of a further permission to transfer their concessions to the United States besides that contained in the treaty which is to be ratified by that Congress. You will also note that as a preliminary to this permission the companies are expected to enter into agreements with Colombia for the authorization and canceling of all obligations of Colombia to either of them contracted by Colombia under the concession.

Such action on the part of Colombia or on that of the companies would be inconsistent with the agreements already made between this Government and the canal company, with the act of June 28, 1902, under the authority of which the treaty was made, and with the express terms of the treaty itself.

By the act of June 28, 1902, the President was authorized to acquire, at a cost not exceeding \$40,000,000, "the rights, privileges, franchises, concessions," and other property of the New Panama Canal Company, and an agreement to that end was made by him with the company. It was, of course, known to the President, to the company, and to the Government of Colombia that, by articles 21 and 22 of the Salgar-Wyse concession of 1878, the company could not transfer to the United States its "rights, privileges, franchises, and concessions" without the consent of Colombia. Therefore, and before entering upon any dealings with the New Panama Canal Company, the present treaty with Colombia was negotiated and signed.

The first article of that treaty provides as follows:

The Government of Colombia authorizes the New Panama Canal Company to sell and transfer to the United States its rights, privileges, properties, and concessions, as well as the Panama Railroad and all the shares or parts of shares of said company.

The authorization thus given, it will be observed, covers expressly the "rights, privileges, * * * and concessions" of the company, as well as its other property.

Colombia, now, by these notices, indicates a purpose not only of disregarding the authorization thus explicitly given (a matter to which I shall refer more at length later on), but to destroy a great part of the subject-matter to which it refers. She states an intention of requiring the company to cancel all obligations of Colombia to it, and thus to deprive the United States of the rights, privileges, and concessions which she has expressly authorized the company to transfer to them, and which the canal company has contracted to sell and convey to the United States.

This Government can not approve such a transaction either by Colombia or by the company. If the company were to accede to the demands of Colombia, the President would be unable to consummate the proposed purchase from it, for it would have surrendered to Colombia a material part of the property for which he is authorized to make payment. Nor could the treaty itself be carried out, inasmuch as the payments to Colombia for which it provides are, by the express terms of Article XXV of the treaty itself, to be made in compensation, not only for the right to use the canal zone and to indemnify Colombia for the annuity which she renounces and the greater expenses which she may incur, but also "in compensation for other rights, privileges, and exemptions granted to the United States." Among these other rights and privileges, one of the most important is the right of acquiring the rights, privileges, and concessions of the New Panama Canal Company, secured by Article I of the treaty, and if these rights, privileges, and concessions were to be canceled, it would fundamentally change the terms of purchase.

The act of June 28, 1902, requires the President, if he should make the purchase of the New Panama Canal Company, to acquire its "rights, privileges, franchises, concessions." This act is annexed to the treaty, and the provisions of Article I of the treaty are framed

expressly so as to enable this part of the law to be carried out. The action proposed by Colombia would constitute pro tanto an annulment of Article I, would render impossible the execution of the law, and is wholly inadmissible. Equally inadmissible would be any action by the canal company in the direction indicated which would destroy rights which it has agreed to convey to the United States.

Nor, upon the question of an authorization by Colombia of the transfers proposed, can it be admitted that any further or other authorization than that contained in Article I of the treaty is required or would be proper.

So far as the Panama Railroad Company is concerned, it is enough to point out that Articles XXVIII and XXIX of its contract with Colombia, and which contain the only provisions which impose any restriction upon any alienations of property connected with that company, have no bearing upon any transaction now in contemplation. These articles declare that "the present privilege can not be ceded or transferred to any foreign government," under penalty of forfeiture. No transfer of this privilege by the company is contemplated, nor, indeed, any transfer by the company of anything. The purchase by the United States from the New Panama Canal Company of certain shares of the railroad company is the only operation now proposed, and this does not affect the railroad company itself. To this transfer of shares the railroad company is not a party and in it the company has no part. It neither makes it nor can it prevent it. Plainly, therefore, the provisions of the company's contract with the Colombian Government can have no application to such a transaction. This is irrespective of the rights in relation to the railroad property and concessions which the United States acquires under and pursuant to the provisions of the treaty itself.

With regard to the New Panama Canal Company the situation is different in this respect, for that company will make a direct transfer of all its property and concessions to the United States, and such a transfer was originally forbidden by articles 21 and 22 of the Salgar-Wyse concession of 1878.

Passing, for the moment, the terms of the treaty by which consent is given, the consent of the Colombian Government to the proposed sale has been given so repeatedly and in so many different ways, and has been so frequently and officially brought to the notice of this Government by the ministers plenipotentiary of Colombia, duly accredited to the United States, as to make it impossible for the Executive Government of that Republic to retract it. The entire action of this Government upon the subject has been taken in reliance upon these official assurances of the consent of Colombia, and any withdrawal or qualification of that consent would be wholly inconsistent with such assurances.

In a memorandum presented by Doctor Martinez-Silva, then minister plenipotentiary of Colombia to the United States, to this Department on March 27, 1901, this Government was officially assured that the Republic of Colombia would authorize the canal company to transfer its concessions to the United States, provided only that the latter agree with Colombia upon the terms on which the canal is to be constructed and operated by the United States.

On April 29, 1901, the Colombian minister wrote M. Maurice Hutin, then president of the canal company, requesting him to state generally

the basis on which the company would transfer its property to the United States, assuming that the consent of Colombia be given.

This letter M. Hutin answered on May 1, 1901, and a copy of his answer was by the minister handed to Admiral Walker, president of the Isthmian Canal Commission. M. Hutin thereupon took up negotiations directly with Admiral Walker, of which fact he notified the minister by a letter of May 6, 1901. In answer to this letter the minister wrote M. Hutin on May 7, 1901, approving his action and stating to him the fact that it was stated that in the memorandum submitted by him to this Department "no condition is formulated relative to the sale of the private rights and interests of the company."

It is in reliance upon these assurances, either made directly to this Government by the duly accredited minister of Colombia or communicated to it through his act, that the action resulting in the present treaty has been taken, and to raise new conditions and impose new terms upon the consent thus freely tendered or to cancel any provisions of the concessions would be a complete departure from them. The Government of Colombia initiated the negotiations, and it can not be conceived that it should now disclaim its own propositions, nor can this Government acquiesce in such a course.

It is further to be noted that the Republic of Colombia is the second largest shareholder in the New Panama Canal Company. At the meeting of the shareholders of this company held on December 21, 1901, at which the board of directors was authorized to make the proposal of sale to the United States which has been accepted, the Republic was represented by M. Uribe, her consul-general at Paris, specially accredited for that purpose, who was one of the officers of the meeting and voted the shares of Colombia in favor of the sale. Similarly at the meeting of the board of directors of the company on December 23, 1901, M. Samper, the representative of the Colombian Government on the board, voted in favor of the sale.

It is not to be supposed that these representatives of Colombia acted without or contrary to instructions, nor has their action ever been disavowed by their Government.

These various considerations show that the Republic of Colombia is fully committed to the United States, wholly apart from her express agreement by the treaty, to consent fully and freely to the acquisition of the property of the New Panama Canal Company by the United States without other terms or conditions than those embodied in the treaty. It is not necessary here to consider the questions of good faith toward the canal company which would be raised by new exactions of that company at this time.

The foregoing considerations, however, though sufficient in themselves to justify this Government in declining to recognize any right in the Republic of Colombia to limit the consent given by Article I of the treaty by any terms or conditions of any kind, are less important than others arising from the actual negotiations attending the making of the treaty. These other considerations render it impossible that any such new limitations should even be considered and give any attempt by Colombia in that direction the character of a serious departure from the agreement reached between the Executive Governments of the two nations.

The treaty in its present form is the result of certain modifications in an original form presented to the Department of State by Mr. José

Vicente Concha, minister plenipotentiary of Colombia to the United States, on March 31, 1902. This form of treaty represented the original proposal of Colombia to the United States, and was presented by Mr. Concha shortly after the recall of the former minister, Dr. Martínez Silva. In this draft the terms of Article I, by which Colombia authorizes the sale by the New Panama Canal Company to transfer its property to the United States, were the same as in the actual treaty. In fact, this article has undergone no change in any of the negotiations and it now expresses Colombia's original proposal.

No change in it was ever even suggested by Colombia, in all the discussions by which the presentation of the original treaty was followed, until November 11, 1902. On that day Mr. Concha submitted to this Department a memorandum of certain changes which he desired made in the treaty as it then stood. In this memorandum a modification of Article I was proposed in the following terms:

This same article shall clearly state that the permission accorded by Colombia to the canal and the railroad companies to transfer their rights to the United States shall be regulated by a previous special arrangement entered into by Colombia with the said company, and for which they have been notified that they are to appoint an attorney at Bogota.

To this proposal this Department answered that "the United States considers this suggestion wholly inadmissible." The proposition was then abandoned by Colombia, and the treaty, as has been said, was signed by authority of her Government, without any modification of the absolute authorization to the company to sell.

It will thus be seen that this proposition to make Colombia's consent to the sale dependent upon an agreement between that country and the canal company is not new; that it has already been made to this Government and rejected, and that it was only upon the abandonment of it that the treaty was signed. It is impossible that this Government should even discuss the matter any further or permit this rejected and abandoned proposition to be put in force under any form.

The argument which it is understood has been advanced by Colombia in support of her pretensions upon this point (that the concession of the canal company, by its approval by the Colombian Congress, has become a law of Colombia, and must be obeyed as it stands until by another law it has been amended) can be allowed no force. The contract of concession was approved by the Colombian Congress in obedience to the provisions of Title VI, article 76, of the constitution of Colombia. The present treaty is to be ratified by the Congress of Colombia under the provisions of the same title and the same article in the same way. If every force be allowed to the constitution of Colombia, it can not be admitted that the approval of the treaty by the Congress should not be as effectual as approval by the same body of a new contract between the company and Colombia.

But the considerations which led to the rejection of the proposal of the Colombian minister in his memorandum of November 11, 1902, are of themselves decisive of the point.

The consent of Colombia to the sale of the canal company's property and concessions to the United States is a matter of agreement between the two nations. It has not been granted by Colombia to the company alone, but also to the United States. To that agreement neither the canal nor the railroad company is or can be a party; nor can the United States permit its international compacts to be dependent in any

degree upon the action of any private corporation. Such a course would be consistent neither with the dignity of either nation nor with their interests. To make the effectiveness of the agreement between Colombia and the United States depend upon the willingness of the canal company to enter into arrangements with Colombia, of a character satisfactory to that country, would not only give that company an influence which it can never be permitted to exercise in the diplomatic affairs and international relations of this country, but would enable it to control the acquisition by the United States of the rights granted by Colombia and the enjoyment by Colombia of the equivalent advantages secured to her by the United States.

It may be noted further that such a course would practically nullify Article I of the treaty. That article grants an unconditional consent to the sale. But if there be added the condition of an agreement between Colombia and the canal company this consent is wholly nugatory. No such arrangement may be reached, and in that case Article I of the treaty would never practically take effect. Such a possibility alone renders any such plan wholly impossible.

Upon every ground, therefore, the present proposals of the Colombian Government to make its consent to the sale to the United States of the property and rights of the New Panama Canal Company, contained in Article I of the present treaty, dependent upon arrangements between it and either the canal or the railroad company, is wholly inadmissible, and if the subject arises you will inform that Government that the United States can approve no dealings between either of these companies and Colombia relating either to that consent or to the sale.

I am, sir, your obedient servant,

JOHN HAY.

[Inclosures.]

1. Mr. José Ramon Lago to the president of the New Panama Canal Company, December 24, 1902.
2. Mr. Lago to the attorney of the Panama Railroad Company, December 27, 1902.

[Republic of Colombia, ministry of finance, No. 36. First section, Panama Canal and Railroad division.]

BOGOTÁ, December 24, 1902.

MR. PRESIDENT OF THE NEW PANAMA CANAL COMPANY,
7 Rue Louis-le-Grand, Paris.

The congress of this country being about to meet shortly to consider among other matters that relative to the permission which the Government of Colombia is to grant, should occasion arise, to the New Panama Canal Company to make a transfer of its concessions to the Government of the United States of America in consequence of the negotiations which have begun and are going on upon the subject, this department has thought it its duty to inform the company over, which you worthily preside, of this fact, in order that it may appoint in this capital, if it think fit, a representative of it who should be present when the sessions of that high body take place, provided with ample and sufficient authority and power to deal with all the points which are to be settled with the company concerning the rights and obligations existing between it and this Republic; an appointment which may be conferred upon its present agent, Mr. Alexander Mancini, if the same company thinks fit.

It will not be superfluous to inform you that the government of my country, in view of the great interests which the French people have in this colossal enterprise, will not in any way oppose, and on the contrary, will support and second the granting of the permission for the transfer of the concession; but it will demand and require from the concessionary company, if this be done, by way of return, a sum of

money which shall be previously agreed upon, and the cancellation on the part of the company of every (accion) undertaking or obligation which the Government of Colombia has contracted by virtue of the concession for the opening of the Isthmus of Panama, up to the date on which it passes to the new concern.

I am, your very obedient, faithful servant,

JOSÉ RAMON LAGO.

[Republic of Colombia, ministry of finance, No. 38. First section, Canal and Panama Railroad division.]

BOGOTÁ, December 27, 1902.

Mr. Dr. ELADIO GUTIERREZ,
Attorney Panama Railroad Company, E. L. C.:

The congress of Colombia being about to meet shortly to consider among other matters that, relative to the permission which the Government of this Republic is to grant, should occasion arise, to the New Panama Canal Company, to make a transfer of its concession to the Government of the United States of America, in consequence of the negotiations which have been begun and are going on upon the subject, this ministry has thought it its duty to inform the company, worthily represented by you, of this fact, in order that it may appoint in this capital, if it think fit, a representative who should be present at the time when the sessions of that high body take place, provided with ample and sufficient authority and power to deal with all the points which are to be settled with the company concerning the rights and obligations existing between it and this Republic.

It will not be superfluous to inform you, in order that you may so notify the Panama Railroad Company, if you think fit, that the government will not in any way oppose and, on the contrary, will second and support the granting of the permission for the transfer of the concession, but it will demand and require, if there shall be occasion for it, a sum of money which shall be previously agreed upon and the cancellation, on the part of the same company, of every (accion) undertaking and obligation which the Government of Colombia has contracted by virtue of the concession for the construction of the Panama Railroad up to date on which it passes to the new concern.

I am your obedient, faithful servant,

J. R. LAGO.

Mr. Beaupré to Mr. Hay.

No. 17.]

LEGATION OF THE UNITED STATES,
Bogotá, May 4, 1903.

SIR: I have the honor to advise that the opposition to the ratification of the canal convention is intensifying. The press is teeming with articles rancorous in enmity to the proposed treaty, while public opinion is veering into a current of extreme bitterness against the authors of the pact, especially Mr. Herran.

A gentleman of my acquaintance prepared an article favorable to the convention and sent it to the publisher of a newspaper here. The article was declined, and the writer admonished that it would be to his welfare, with his views, to keep out of the controversy.

Mr. Mancini, the representative of the French Canal Company at the capital, says that he is emphatically of the opinion that the Congress will refuse to ratify the convention, and that he has written to his company to that effect. He also said that while there was a moral obligation clearly upon the Government to defend a contract of its own making, it had not done so, and evidently did not intend to do so. It is entirely impossible to convince these people that the Nicaragua route was ever seriously considered by the United States; that the negotiations concerning it had any other motive than the squeezing of an advantageous bargain out of Colombia; nor that any other than

the Panama route ever will be selected. Therefore, it is contended, and generally believed, that there is no immediate necessity of confirming the Hay-Herran convention; that the negotiations can be safely prolonged, in the end securing very much better terms for Colombia.

The public discussion is largely along the lines of the loss of the national honor by the surrender of sovereignty; that the clause in the convention guaranteeing sovereignty means nothing, because the lease is perpetual; that the whole contract is favorable to the United States and detrimental to Colombia.

Private discussion, which perhaps more clearly reflects the real situation, is to the effect that the price is inadequate; that a much greater sum of money can be obtained, and that the United States can be obligated to guarantee the sovereignty of Colombian ports outside the department of Panama against the invasion or seizure by foreign enemies. The one great determining point, however, is the belief that the price can be greatly augmented.

The Congress has not been called, but it is still thought that the session will commence about the 1st of July.

I am, sir, your obedient servant,

A. M. BEAUPRÉ.

Mr. Beaupré to Mr. Hay.

No. 18.]

LEGATION OF THE UNITED STATES,
Bogotá, May 5, 1903.

SIR: I have the honor to advise you that information has reached me through a private source to the effect that within a week or two the Colombian Government will send Gen. Marcellano Vargas, a son-in-law of Vice-President Marroquín, to Washington, to negotiate for better or different terms in connection with the Panama Canal convention.

I am, sir, your obedient servant,

A. M. BEAUPRÉ.

Mr. Beaupré to Mr. Hay.

[Telegram.]

UNITED STATES LEGATION,
Bogotá, May 7, 1903.

May 7, 4 p. m.: Special session of Congress has been called for June 20.

BEAUPRÉ.

Mr. Beaupré to Mr. Hay.

No. 19.]

LEGATION OF THE UNITED STATES,
Bogotá, May 7, 1903.

SIR: I have the honor to advise you that in the course of a conversation I had yesterday with one of the ablest and most distinguished

of Colombians, who is in close touch with the vice-president and his administration, the question of the Panama Canal convention opportunely and confidentially arose.

His views are interesting and entitled to consideration, and from them I gather that the tremendous tide of public opinion against the canal treaty is appalling to the Government, and there is, in consequence, a diversity of opinion among its members as to the proper course to pursue. Some are in favor of forcing confirmation through Congress, while others, dreading the effect of such action in the present state of the public mind, counsel moderation and delay, and the adoption of measures to change public sentiment into a more favorable channel.

All of the enemies of the Government are united in an onslaught upon the canal convention. Many of them are sincere, of course, in their opposition to the proposed treaty as such, but many more, regarding it as an administration measure and at present unpopular, are assailing it with the indirect object of undermining the Government.

My informant is of the opinion that the convention may eventually be confirmed, but only after much discussion and maneuvering in Congress. The probabilities are that when the measure is presented to Congress there will be a lengthy debate and an adverse vote. Then the representatives of the coast departments of the Cauca, Panama, and Bolivar will ask for a reconsideration, and urge a ratification of the convention as the only means of preventing the secession of those departments and the attempt to constitute of their territories an independent republic. The debate will be resumed and in the end the friends of the Government and of confirmation will prevail.

My informant is on such intimate terms with the chief officers of the Government that I deem it best to transmit his statements for your consideration.

I am, sir, your obedient servant,

A. M. BEAUPRÉ.

Mr. Beaupré to Mr. Hay.

No. 24.]

LEGATION OF THE UNITED STATES,

Bogotá, May 12, 1903.

SIR: In my No. 17, of the 4th instant, I referred to the abuse which the authors of the Panama Canal convention were receiving at the hands of the press of the country. Apropos of this, I have the honor to give you an extract from an article written by Dr. Juan B. Perez y Sota, a senator in the coming Congress from the Department of Panama, which appeared in *El Correo Nacional* of yesterday. The article is long, abounds in vituperation, and closes as follows:

The Herran treaty will be rejected, and rejected by a unanimous vote in both chambers. That is what I hope, since there will not be a single representative of the nation who will believe the voice of people who have sold themselves; who have had the brazenness to recommend the shameful compact. The insult, however, which Herran has cast upon the Colombian name will never be wiped out.

The gallows would be a small punishment for a criminal of this class.

I am, sir, your obedient servant,

A. M. BEAUPRÉ.

Mr. Beaupré to Mr. Hay.

[Telegram.]

UNITED STATES LEGATION,
Bogotá, May 28, 1903. (Received 9.28 p. m., 29.)

May 28, 10 a. m. Am informed that the President has received a telegram relating to large number United States employees lately arrived at Isthmus. If explanation should be asked, what answer shall I make? If it is true, it will intensify opposition to the ratification of the convention.

BEAUPRÉ.

Mr. Beaupré to Mr. Hay.

No. 37.]

LEGATION OF THE UNITED STATES,
Bogotá, May 28, 1903.

SIR: Referring to my telegram of this date, elsewhere confirmed, I have the honor to advise you that there was considerable excitement about the Government palace yesterday upon the receipt of news that about 150 employees of the United States had arrived at the Isthmus, and a cable was sent to the Governor of Panama asking for information.

While the better informed seemed to understand that such employees were but necessary to the commission in the work it was engaged upon, others were disposed to take a more unfriendly view, and all were of the opinion that in the present excitable condition of the public mind the news, if it proved true, would have an unfavorable effect upon the ratification of the canal convention.

I am, sir, your obedient servant,

A. M. BEAUPRÉ.

Mr. Hay to Mr. Beaupré.

[Telegram.]

DEPARTMENT OF STATE,
Washington, May 30, 1903.

The report that there is a large number of United States officials or citizens on isthmus absolutely false. Deny it promptly and emphatically. This Government has three engineers there inspecting canal work. Also there may be a few engineers sent by private contractors.

HAY.

Mr. Hay to Mr. Beaupré.

No. 15.]

DEPARTMENT OF STATE,
Washington, June 2, 1903.

SIR: I have to acknowledge the receipt of your No. 6, confidential, of April 15, last, in regard to the Panama Canal Convention.

Your report has been read with much interest.

The Department expects you to keep it fully informed respecting the situation in Bogotá and Colombia, so far as the ratification of the treaty is concerned.

From your long residence there you ought to be in a position to be in close touch with every phase of the situation and to know and understand the intricacies of Colombian politics as they may bear upon the very important question at issue. The Department desires all of the pertinent, accurate information that it can obtain, and wants it promptly. You should, when the time seems opportune, in so far as you discreetly and properly may, exert your influence in favor of ratification. It is also expected that you will know what hostile influences, if any, are at work against the ratification of the treaty, and whether or not there is opposition to it from European sources. The situation is seemingly a grave one, but the Department has confidence that you will rise to the full measure of its requirements.

I am, sir, your obedient servant,

JOHN HAY.

Mr. Hay to Mr. Beaupré.

[Telegram.]

DEPARTMENT OF STATE,
Washington, June 9, 1903.

The Colombian Government apparently does not appreciate the gravity of the situation. The canal negotiations were initiated by Colombia, and were energetically pressed upon this Government for several years. The propositions presented by Colombia, with slight modifications, were finally accepted by us. In virtue of this agreement our Congress reversed its previous judgment and decided upon the Panama route. If Colombia should now reject the treaty or unduly delay its ratification, the friendly understanding between the two countries would be so seriously compromised that action might be taken by the Congress next winter which every friend of Colombia would regret. Confidential. Communicate substance of this verbally to the minister of foreign affairs. If he desires it, give him a copy in form of memorandum.

HAY.

Mr. Beaupré to Mr. Hay.

No. 44.]

LEGATION OF THE UNITED STATES,
Bogotá, June 10, 1903.

SIR: Referring to the Department's No. 6 of April 28, 1903, concerning the request of the Colombian Government to the Panama Canal and Railroad companies for the appointment of agents to negotiate the cancellation of present concessions, etc., and considering that the subject had arisen, as reported in my No. 10 of April 24, 1903, I have the honor to report that I have this day addressed a note to the minister for foreign affairs pursuant to the Department's instructions.

Herewith I transmit a copy of said note.

I am, sir, your obedient servant,

A. M. BEAUPRÉ.

[Inclosure.]

LEGATION OF THE UNITED STATES,
*Bogotá, June 10, 1903.*His Excellency LUIS CARLOS RICO,
Minister for Foreign Affairs of the Republic of Colombia.

SIR: Referring to the note which I had the honor to address to your excellency on April 24, 1903, concerning the requests of the Colombian Government to the Panama Canal and Railroad companies for the appointment of agents to negotiate the cancellation of present concessions, etc., I now inclose to you copies of the notice given by the minister of hacienda of the Republic of Colombia to the New Panama Canal Company and the Panama Railroad Company.

Your excellency will observe that by these notices the Colombian Government contemplates the formal grant to these companies by the Colombian Congress of a further permission to transfer their concessions to the United States besides that contained in the treaty which is to be ratified by that Congress. Your excellency will also note that, as a preliminary to this permission, the companies are expected to enter into agreements with Colombia for the authorization and cancelling of all obligations of Colombia to either of them contracted by Colombia under the concessions.

Such action on the part of Colombia or on the part of the companies would be inconsistent with the agreements already made between my Government and the canal company, with the act of June 28, 1902, under the authority of which the treaty was made, and with the express terms of the treaty itself.

By the act of June 28, 1902, the President of the United States was authorized to acquire, at a cost not exceeding \$40,000,000, "the rights, privileges, franchises, concessions," and other property of the New Panama Canal Company, and an agreement to that end was made by him with the company. It was, of course, known to the President, to the company, and to the Government of Colombia that, by articles 21 and 22 of the Salgar-Wyse concession of 1878, the company could not transfer to the United States its "rights, privileges, franchises, and concessions" without the consent of Colombia. Therefore, and before entering upon any dealings with the New Panama Canal Company, the present treaty with Colombia was negotiated and signed.

The first article of that treaty provides as follows:

"The Government of Colombia authorizes the New Panama Canal Company to sell and transfer to the United States its rights, privileges, properties, and concessions, as well as the Panama Railroad and all the shares or parts of shares of said company."

The authorization thus given, it will be observed, covers expressly the "rights, privileges, * * * and concessions" of the company, as well as its other property.

Colombia, now, by these notices, indicates a purpose not only of disregarding the authorization thus explicitly given (a matter to which I shall refer more at length later on), but to destroy a great part of the subject-matter to which it refers. She states an intention of requiring the company to cancel all obligations of Colombia to it, and thus to deprive the United States of the rights, privileges, and concessions which she has expressly authorized the company to transfer to them, and which the canal company has contracted to sell and convey to the United States.

My Government can not approve such a transaction either by Colombia or by the company. If the company were to accede to the demands of Colombia, the President of the United States would be unable to consummate the proposed purchase from it, for it would have surrendered to Colombia a material part of the property for which he is authorized to make payment. Nor could the treaty itself be carried out, inasmuch as the payments to Colombia, for which it provides, are, by the express terms of Article XXV of the treaty itself, to be made in compensation, not only for the right to use the canal zone and to indemnify Colombia for the annuity which she renounces and the greater expenses which she may incur, but also, "in compensation for other rights, privileges, and exemptions granted to the United States." Among these other rights and privileges, one of the most important is the right of acquiring the rights, privileges, and concessions of the New Panama Canal Company, secured by Article I of the treaty; and if these rights, privileges, and concessions were to be canceled, it would fundamentally change the terms of purchase.

The act of June 28, 1902, requires the President of the United States, if he should make the purchase of the New Panama Canal Company, to acquire its "rights, privileges, and franchises and concessions." This act is annexed to the treaty, and the provisions of Article I of the treaty are framed expressly so as to enable this part

of the law to be carried out. The action proposed by Colombia would constitute pro tanto an annulment of Article I, would render impossible the execution of the law, and is wholly inadmissible. Equally inadmissible would be any action by the canal company in the direction indicated which would destroy rights it has agreed to convey to the United States.

Nor upon the question of an authorization by Colombia of the transfers proposed can it be admitted that any further or other authorization than that contained in Article I of the treaty is required or would be proper.

So far as the Panama Railroad is concerned, it is enough to point out that articles 28 and 29 of its contract with Colombia, and which contain the only provisions which impose any restrictions upon any alienations of property connected with that company, have no bearing on any transaction now in contemplation. These articles declare that "the present privilege can not be ceded or transferred to any foreign Government" under penalty of forfeiture. No transfer of this privilege by the company is contemplated, nor, indeed, any transfer by the company of anything. The purchase by the United States from the New Panama Canal Company of certain shares of the railroad company is the only operation now proposed, and this does not affect the railroad company itself. To this transfer of shares the railroad company is not a party, and in it the company has no part. It neither makes it nor can it prevent it. Plainly, therefore, the provisions of the company's contract with the Colombian Government can have no application to such a transaction. This is irrespective of the rights in relation to the railroad property and concessions which the United States acquires under and pursuant to the provisions of the treaty itself.

With regard to the New Panama Canal Company the situation is different, in this respect, for that company will make a direct transfer of all its property and concessions to the United States, and such a transfer was originally forbidden by articles 21 and 22 of the Salger-Wyse concession of 1878.

Passing, for the moment, the terms of the treaty by which consent is given, the consent of the Colombian Government to the proposed sale has been given so repeatedly and in so many different ways and has been so frequently and officially brought to the notice of my Government by the ministers plenipotentiary of Colombia duly accredited to the United States, as to make it impossible for the executive government of that Republic to retract it. The entire action of my Government upon the subject has been taken in reliance upon these official assurances of the consent of Colombia, and any withdrawal of qualification of that consent would be wholly inconsistent with such assurances.

In a memorandum presented by Dr. Martinez-Silva, then minister plenipotentiary of Colombia to the United States, to the Department of State at Washington on March 27, 1901, my Government was officially assured that the Republic of Colombia would authorize the canal company to transfer its concessions to the United States, provided only that the latter agree with Colombia upon the terms on which the canal is to be constructed and operated by the United States.

On April 29, 1901, the Colombian minister wrote M. Maurice Hutin, then president of the canal company, requesting him to state generally the basis on which the company would transfer its property to the United States, assuming that the consent of Colombia be given.

This letter M. Hutin answered on May 1, 1901, and a copy of his answer was by the minister handed to Admiral Walker, president of the Isthmian Canal Commission. M. Hutin thereupon took up negotiations directly with Admiral Walker, of which fact he notified the minister by a letter of May 6, 1901. In answer to this letter the minister wrote M. Hutin on May 7, 1901, approving his action and stating to him the fact that it was stated in the memorandum submitted by him to the Department of State "no condition is formulated relative to the sale of the private rights and interests of the company."

It is in reliance upon these assurances, either made directly to my Government by the duly accredited minister of Colombia, or communicated to it through his act, that the action resulting in the present treaty has been taken, and to raise new conditions and impose new terms upon the consent thus freely tendered, or to cancel any provisions of the concessions, would be a complete departure from them. The Government of Colombia initiated the negotiations, and it can not be conceived that it should now disclaim its own propositions, nor can my Government acquiesce in such a course.

It is further to be noted that the Republic of Colombia is the second largest shareholder in the New Panama Canal Company. At a meeting of the shareholders of this company held on December 21, 1901, at which the board of directors was authorized to make the proposal of sale to the United States, which has been accepted, the Republic was represented by M. Uribe, her consul-general at Paris, specially accred-

ited for that purpose, who was one of the officers of the meeting and voted the shares of Colombia in favor of the sale. Similarly, at the meeting of the board of directors of the company on December 23, 1901, M. Samper, the representative of the Colombian Government on the board, voted in favor of the sale.

It is not to be supposed that these representatives of Colombia acted without or contrary to instructions, nor has their action ever been disavowed by their Government.

These various considerations show that the Republic of Colombia is fully committed to the United States, wholly apart from her express agreement by the treaty, to consent fully and freely to the acquisition of the property of the New Panama Canal Company by the United States, without other terms or conditions than those embodied in the treaty. It is not necessary here to consider the questions of good faith toward the canal company which would be raised by new exactions of that company at this time.

The foregoing considerations, however, though sufficient in themselves to justify my Government in declining to recognize any right in the Republic to limit the consent given by article 1 of the treaty by any terms or conditions of any kind, are less important than others arising from the actual negotiations attending the making of the treaty. These other considerations render it impossible that any such new limitations should even be considered and give any attempt by Colombia in that direction the character of a serious departure from the agreement reached between the Executive Governments of the two nations.

The treaty in its present form is the result of certain modifications in the original form presented to the Department of State by Mr. José Vicente Concha, minister plenipotentiary of Colombia to the United States, on March 31, 1902. This form of treaty represented the original proposal of Colombia to the United States, and was presented by Mr. Concha shortly after the recall of the former minister, Mr. Martínez-Silva. In this draft the terms of article 1, by which Colombia authorizes the sale of the New Panama Canal Company to transfer its property to the United States, were the same as in the actual treaty. In fact, this article has undergone no change in any of the negotiations, and it now expresses Colombia's original proposal.

No change in it was ever even suggested by Colombia, in all the discussions by which the presentation of the original treaty was followed, until November 11, 1902. On that day Mr. Concha submitted to the Department of State a memorandum of certain changes which he desired made in the treaty as it then stood. In this memorandum a modification of article 1 was proposed in the following terms:

"This same article shall clearly state that the permission accorded by Colombia to the canal and railroad companies to transfer their rights to the United States shall be regulated by a previous special arrangement entered into by Colombia with the said company, and for which they have been notified that they are to appoint an attorney at Bogota."

To this proposal the Department of State answered that "the United States considers this suggestion wholly inadmissible." The proposition was then abandoned by Colombia, and the treaty, as has been said, was signed by authority of her Government, without any modification of the absolute authorization to the company to sell.

It will thus be seen that this proposition to make Colombia's consent to the sale dependent upon an agreement between that country and the canal company is not new; that it has already been made to my Government and rejected, and that it was only upon the abandonment of it that the treaty was signed. It is impossible that my Government should even discuss the matter any further or permit this rejected and abandoned proposition to be put in force under any form.

The argument which it is understood has been advanced by Colombia in support of her pretensions upon this point (that the concession of the canal company, by its approval by the Colombian Congress, has become a law of Colombia, and must be obeyed as it stands, until by another law it has been amended) can be allowed no force. The contract of concession was approved by the Colombian Congress in obedience to the provisions of Title VI, article 76, of the constitution of Colombia. The present treaty is to be ratified by the Congress of Colombia under the provisions of the same title and the same article in the same way. If every force be allowed to the constitution of Colombia, it can not be admitted that the approval of the treaty by the Congress should not be as effectual as approval by the same body of a new contract between the company and Colombia. But the considerations which led to the rejection of the proposal of the Colombian minister in his memorandum of November 11, 1902, are of themselves decisive of the point.

The consent of Colombia to the sale of the canal company's property and concessions to the United States is a matter of agreement between the two nations. It has not been granted by Colombia to the company alone, but also to the United States. To

that agreement neither the canal nor railroad companies are or can be a party; nor can the United States permit its international compacts to be dependent in any degree upon the action of any private corporation. Such a course would be consistent neither with the dignity of either nation nor with their interests. To make the effectiveness of the agreement between Colombia and the United States depend upon the willingness of the canal company to enter into arrangements with Colombia of a character satisfactory to that country, would not only give that company an influence which it can never be permitted to exercise in the diplomatic affairs and international relations of my country, but would enable it to control the acquisition by the United States of the rights granted by Colombia and the enjoyment by Colombia of the equivalent advantages secured to her by the United States.

It may be noted further that such a course would practically nullify article 1 of the treaty. That article grants an unconditional consent to the sale. But if there be added the condition of an agreement between Colombia and the canal company, this consent is wholly nugatory. No such arrangement may be reached, and in that case article 1 of the treaty would never practically take effect. Such a possibility alone renders any such plan impossible.

Upon every ground, therefore, the present proposals of the Colombian Government to make its consent to the sale to the United States of the property and rights of the New Panama Canal Company, contained in article 1 of the present treaty, dependent upon arrangements between it and either the canal or railroad company, is wholly inadmissible, and if the subject arises you will inform that Government that the United States can approve no such dealings between either of these companies and Colombia relating either to that consent or the sale.

I avail myself, etc.,

(Signed) A. M. BEAUPRÉ.

Mr. Beaupré to Mr. Hay.

No. 45.]

LEGATION OF THE UNITED STATES,
Bogotá, June 10, 1903.

SIR: Evidently a decided effort is being made to change public opinion into a more favorable consideration of the canal convention. Many strong men are now supporting it who but a short time ago were with the opposition. The great majority of people still continue to believe, however, that the convention will not be ratified.

Mr. Mancini, the local agent of the Panama Canal Company, has informed me that he had received an official note from the Colombian Government, stating that it did not think that the convention would be ratified, because of the opinion that the compensation was insufficient, but that if the canal company would pay to Colombia about \$10,000,000 ratification could be secured. Mr. Mancini has notified his company of this note.

Members of Congress are arriving for the session which commences on June 20 instant.

I am, sir, your obedient servant,

A. M. BEAUPRÉ.

Mr. Beaupré to Mr. Hay.

No. 48.]

LEGATION OF THE UNITED STATES,
Bogotá, June 13, 1903.

SIR: Referring to the Department's telegram of the 9th instant, elsewhere confirmed, I have the honor to advise you that I have had an interview with the minister for foreign affairs, in which I communicated to him the substance of my instructions, and also left with him a memorandum containing a substantial copy of said telegram.

The minister's first question was as to what action by our Congress was contemplated—whether it meant action against Colombia, or the adoption of the Nicaragua route—to which I replied that I had received no other instructions than those contained in the telegram, and that I could not, therefore, aid him in construing it.

He said in substance, that it must be understood that no matter what the Government's actions or desires may have been in the preliminary negotiations, a treaty could not be made without the approval of Congress; that this was true in the United States as well as Colombia; that the Colombian Congress was very soon to meet, and that upon it would devolve the consideration of all these matters.

I replied that his propositions were true enough in the abstract, but that in view of the facts, as outlined in the telegram, it seemed to me that it was incumbent upon the Government to acquaint the Congress with all the circumstances connected with the negotiations up to the signing of the convention, and to use all its influence to secure a ratification.

He said that he would lay the matter before the vice-president for his consideration.

I am, sir, your obedient servant,

A. M. BEAUPRÉ.

Mr. Beaupré to Mr. Hay.

[Telegram.]

UNITED STATES LEGATION,
Bogotá, June 17, 1903. (Received 6.10 p. m., June 25.)

June 17, 4 p. m. Members of Congress arriving. Opposition to the ratifications of the canal convention is very strong. Public opinion is that the convention will not be ratified.

BEAUPRÉ.

Mr. Beaupré to Mr. Hay.

[Telegram.]

UNITED STATES LEGATION,
Bogotá, June 17, 1903. (Received June 25, 1903, 6.15 p. m.)

I can not obtain from the Colombian Government withdrawal of the quarantine at Panama, or any modification of orders. The matter left to governor of Panama, with discretionary power.

BEAUPRÉ.

Mr. Beaupré to Mr. Hay.

No. 55.]

LEGATION OF THE UNITED STATES,
Bogotá, June 20, 1903.

SIR: Referring to my No. 48, of the 13th instant, I have the honor to report that I have received from the minister for foreign affairs a

counter memorandum relating to the Department's telegram of the 9th instant, and to the Panama Canal negotiations.

A copy and translation of the same are herewith inclosed.

I am, sir, your obedient servant,

A. M. BEAUPRÉ.

[Inclosure—Translation.]

DEPARTMENT OF FOREIGN AFFAIRS,
Bogotá, June 18, 1903.

COUNTER MEMORANDUM.

In the memorandum presented to this department by the minister of the United States, personally, on the 13th of the present month, he says he has received instructions from his Government, by cable, to state that it seems that the Government of Colombia does not appreciate the gravity of the situation; that the negotiations for the opening of the Panama Canal were initiated by Colombia, and energetically pushed during several years; that the propositions presented by this Republic were finally accepted with slight modifications; that in virtue of the agreement, the Congress of the United States reversed its former judgment and decided for the Panama route, and that if Colombia rejects the treaty or unduly delays its ratification, the friendly understanding between the two countries would be so seriously compromised that the Congress of the United States might take measures which would be regretted by every friend of Colombia.

This ministry deems it indispensable to make the following observations, which it respectfully presents to the minister for transmission to his Government:

The fact of Colombia having initiated the negotiations does not demand the approval of the same by that Government, for the approval of Congress is necessary to the ratification of them, to which is given the constitutional power of approving or disapproving the treaties which the Government makes; this formality was recognized in the beginning by the Government of the United States in the course of the negotiations, as is seen in articles 25, 26, and 28 of the project of the convention signed November 28, 1902.

One of those articles (the twenty-fifth) says, textually, that the convention shall be ratified at a time when it is approved by the legislative bodies of both countries, and that condition is stipulated in articles 25 and 28 of the convention signed in Washington on January 22, 1903, the last of which articles in the part pertaining to this matter is as follows:

"The convention, when signed by the contracting parties, shall be ratified according to the laws of the respective countries, and shall be exchanged at Washington within a term of eight months from this date, or earlier if possible."

The Government of the United States sent the convention to the Senate with the request that it be confirmed, and in that body the debate was so long and vehement that it was not approved until in the following extra session, and if it had been rejected it would have been without any diminution of any right of Colombia, just as its rejection here will be without any diminution of any right of the United States.

Having proposed a negotiation does not necessarily imply that it is to be approved, either in whole or in part, by the legislative body of the country which began it. Among international instances which prove this statement can be cited the instance which occurred between the same United States of America and England over the projection for the abrogation of the Clayton-Bulwer treaty of 1850, which project, if I am not badly informed, was initiated by the Government of the United States, and notwithstanding that the Senate proposed that it be modified in the following terms:

"It is determined, however, that none of the preceding stipulations and modifications in paragraphs 1, 2, 3, 4, and 5 of this article (2) shall apply to the methods which the United States believe it necessary to make to secure with their military forces the defense of the United States and the maintenance of the public order."

The British Government did not accept this modification, and this refusal deferred, for a long time, the approval and ratification of the treaty.

If the initiation of negotiations of a convention should imply the correlative obligation of approval by the legislative body, the submitting of such convention to their decision would be an illusion (superfluous), for the power to make treaties with foreign powers would be in reality vested solely in the executive power, which is openly contrary to the spirit and the letter of the constitution of this Republic.

The Government of Colombia has given to the negotiation all the importance pertaining thereto, on account of the great political and commercial interests involved. This is unmistakably shown in a note which the minister of this department, Hon. Sr. Paul, sent on September 25, 1902, to the governors of the departments, in which he invited them to discuss and study with all freedom, through the press, the project of the treaty and the documents which should be published, with the object that when Congress should meet the country should be sufficiently instructed in that which particularly applied to the patriotic interests, and their representatives in the legislative bodies could easily reach a solution which would harmonize with the rights and benefits of the Republic.

There is a very notable difference between some of the propositions presented by Colombia and the respective modifications introduced by the United States.

That difference is apparent comparing the memorandum presented by the Colombian legation on March 31, 1903, with the proposed bases by the Secretary of State, especially those referring to the sovereignty of the zone, judicial jurisdiction in same, and the price of compensation for the use of the same for the mere proprietorship of the Panama Railroad, and for the rent of \$250,000 demanded for the same railroad, likewise as to the rights, privileges, and exemptions which she gave. It is further to be observed that in the memorandum of the legation the establishment of tribunals in the zone was not mentioned, while the Secretary of State, in a project sent with his note of November 18, 1902, proposed it, and that they be divided into three classes, Colombians, Americans, and mixed; as also in the Colombian memorandum, a sum of \$7,000,000 American gold was asked and an annual sum which was to be determined as a price for the enjoyment of the railroad and fee for use of the zone, and in attention to other circumstances. The Secretary of State only offered a sum of \$7,000,000 and an annual rent of \$100,000, or if preferred, a sum of \$10,000,000 and an annual rent of \$10,000. The Government ordered the legation to ask a sum of \$10,000,000 and an annuity of \$600,000. The Secretary of State, in a note which had the form of an ultimatum, reduced the rent to \$250,000. The diminution of \$350,000 in a period of only one hundred years represents a difference of \$35,000,000, and as the convention will probably last more than a century, it is clear that the difference is no light matter, but of much consideration.

It is also well to make known here what was a motive of substantial difference, that the canal and railroad companies can not transfer their privileges without the authority of the Colombian Government and without arrangement of their pending business.

The broad manner in which the Government of the United States has interpreted the stipulation of the projected convention in this respect has caused the refusal of the companies to enter into arrangements which ought to precede the ratification and exchange, among others, that relative to the shares which Colombia has in the capital of the New Panama Canal Company, a refusal which makes difficult the legislative approval of the pact. This ministry had not known that the United States revoked any law in order to make possible the treaty with Colombia. The Government of the Republic ordered its representative in Washington to sign the pact in the belief that, in conformity with article 4 of the law approved June 28, 1902 (Spooner bill), if the Government of the United States could not obtain from the Government of Colombia dominion over the necessary territory for the work, nor the rights mentioned in articles 1 and 2 of the said law, nor a satisfactory title to the properties of the New Panama Canal Company, the President of the United States, by medium of the Isthmian Canal Commission, would dig and construct a canal for boats by the Nicaragua route. In consequence the Government of Colombia, which has held in view of this law that the base of the treaty on the part of the United States is according as it has been expressed in the introduction accompanying the treaty, has derived the correct conclusion that the only result that can affect adversely the interests of this nation, if their Congress should reject the project of the treaty, is that the Government of the United States will cease negotiations and adopt the Nicaragua route for the construction of the canal.

When is there such an undue delay in the ratification of a treaty which will tend to cause a serious compromise in the friendly relations with the contracting party?

In this country there would be an undue delay if, the ratification having been ordered by the law, the executive power should show a disposition to disregard it with the evident purpose of causing injury to his own country or the other nation interested in the pact.

But as has already been expressed, the previous requisite of legislative approval is indispensable for the exchange of ratifications, and before this is done the treaty is but a project which, according to the law of nations, has no rights or obligations, and for the same reason, according to that law, to reject or delay its ratification

is not cause for the adoption of measures tending to alter the friendly relations between the two countries. If such were the case the preparing of the pact would be the occasion of a serious danger instead of an element of peace and progress, of which Colombia has no fear in that the political relations of the great Republic, which offered the blood of its sons to liberate Cuba, and after having stopped the disintegration of Venezuela, as a result of their boundary dispute with Great Britain, deeds which have been made notorious before the world, in most solemn manner, as showing their determination to procure and preserve the independence, sovereignty, and integrity of the American nations.

If the Congress, using its inherent prerogative of national sovereignty, rejects the pact in question because, in their judgment it is not for the benefit of the Republic, it will be, I am sure, with much regret that it can not comply with the desires of the Government and the Congress of the United States; but feeling confident for reasons of justice that by this act it will not have altered in any particular the friendly relations which fortunately exist between the two Republics, and to the preservation of which Colombia attaches the highest importance.

The Minister:

(Signed)

LUIS CARLOS RICO.

Mr. Beaupré to Mr. Hay.

No. 56.]

LEGATION OF THE UNITED STATES,

Bogotá, June 20, 1903.

SIR: I have the honor to confirm my telegram of this date, which should read as follows:

June 20, 5 p. m. Extra session of Congress convened to-day. Joaquin Velez, president of the Senate; José Medina Calderón, president of the Chamber of Representatives. The President's message deals with canal convention as follows: "To my Government has been presented this dilemma; either it lets our sovereignty suffer detriment or renounces certain pecuniary advantages, to which, according to the opinion of many, we have a right. In the first case to consent to the sacrifice of our sovereignty and not aspiring to great indemnification, the just wishes of the inhabitants of Panama and other Colombians would be satisfied if the canal were opened, but the Government would be exposed to the charge afterwards that it did not defend our sovereignty and that it did not defend the interests of the nation. In the second case, if the canal is not opened by Panama the Government will be accused for not having allowed Colombia that benefit which is regarded as the commencement of our aggrandizement. I have already allowed my wish to be understood that the canal should be opened through our territory. I believe that even at the cost of sacrifices we ought not to put obstacles to such a grand undertaking, because it is an immensely beneficial enterprise for the country, and also because once the canal is opened by the United States our relations will become more intimate and extensive, while our industries, commerce, and our wealth will gain incalculably. I leave the full responsibility the decision of this matter brings with Congress. I do not pretend to make my opinion weigh. When I have given instructions to our representative in Washington it has been coupled with the order that the decision of this important matter must be left with Congress. After years in which the question has been treated in a vague way without precise conditions, it is now presented in a way to obtain practical and positive results. It has been our indisputable diplomatic triumph that the Senate and Government of the United States should declare, notwithstanding every effort to the contrary, the superiority of the Colombian route."

I am, sir, your obedient servant,

A. M. BEAUPRÉ.

Mr. Beaupré to Mr. Hay.

No. 57.]

LEGATION OF THE UNITED STATES,

Bogotá, June 20, 1903.

SIR: I have the honor to report that the National Congress met in extra session on Saturday, the 20th instant, at 1 o'clock p. m.

In the Senate Gen. Joaquin F. Vélez was elected president; Dr. Antonio Gómez Restrepo, first vice-president; Luis A. Mesa, second vice-president, and Miguel A. Peñarredonda, secretary.

In the Chamber of Representatives José Medina Calderón was elected president; Carlos Matamoras, first vice-president; Guillernas Valencia, second vice-president; Dr. Fernando Restrepo Briceño, secretary.

There was not a full attendance, but sufficient for a quorum in each house.

As I have heretofore predicted, there is a full and ample majority of the friends of the Government in both houses of Congress, and such legislation as the Government may seriously desire will be enacted.

Under the laws the officers are elected for one month, and as General Vélez, the president of the Senate, is one of the most vehement and outspoken of the enemies of the canal convention, I take it that there will be no canal legislation undertaken during the first month of Congress.

It is understood that to-morrow a special message will be sent to the Senate upon the canal matter, but that the session will be a secret one.

I am, sir, your obedient servant,

A. M. BEAUPRÉ.

Mr. Beaupré to Mr. Hay.

[Telegram.]

UNITED STATES LEGATION,
Bogotá, June 23, 1903. (Received June 27, 1903.)

Confidential. Friends of the Government have control in Congress. I believe any legislation seriously desired by the Government will pass.

BEAUPRÉ.

Mr. Beaupré to Mr. Hay.

[Telegram.]

UNITED STATES LEGATION,
Bogotá, June 25, 1903. (Received June 27, 1903.)

Opposition Chamber of Representatives opened canal discussion yesterday demanding documents relating to the treaty. The Government objected because it was not ready to present the treaty. The Government was sustained; vote 38 to 5.

BEAUPRÉ.

Mr. Beaupré to Mr. Hay.

[Telegram.]

UNITED STATES LEGATION,
Bogotá, June 26, 1903.

Confidential. Am informed that the treaty will not be presented until the President is confident it will be confirmed. Chamber of Repre-

sentatives is favorable, but unfriendly influence makes the majority in the Senate uncertain. Absentees have been sent for and the Government using influence on Senators here. Do you desire me to telegraph such information?

BEAUPRÉ.

Mr. Beaupré to Mr. Hay.

No. 67.]

LEGATION OF THE UNITED STATES,
Bogotá, July 1, 1903.

SIR: Referring to the Department's No. 6 of April 28, 1903, and to my No. 44 of June 10, 1903, concerning the request of the Colombian Government to the Panama Canal and Railroad companies for the appointment of agents to negotiate the cancellation of present concessions, etc., I have the honor to report that on yesterday I received a note from the minister for foreign affairs in reply to mine of the 10th ultimo, a copy and translation of which I herewith transmit.

I am, sir, your obedient servant,

A. M. BEAUPRÉ.

MINISTRY FOR FOREIGN RELATIONS,
Bogotá, June 27, 1903.

MR. MINISTER: I have the honor to receive the attentive note which your excellency has been pleased to address to me on the 10th of the present month, with the English version of the notes in which the minister of hacienda of Colombia requested the railroad company and the New Panama Canal Company to name agents to represent them in the negotiations relative to the permission which is necessary for the transfer of their respective concessions to the Government of the United States.

The Congress being in session, to which belongs the decision as to the approbation of the treaty between the Republic of Colombia and the United States for the construction of the interoceanic canal between the Atlantic and Pacific oceans, the said note of your excellency will be presented to that body to the end that they may know the construction that the Government of the United States gives to article 1 of that compact.

The Congress of Colombia in determining the meaning, and, at the same time, the scope of article 1 of the treaty, will have to consult the antecedents of the negotiations, among which are found the said notes of the minister of hacienda, which have the dates 25th and 27th of December, 1902, respectively, while the treaty for the opening of the interoceanic Canal was signed January 22, 1903; for this reason they were not interpretations of the pact, but they were destined to prevent certain foreseen eventualities in the course of the negotiations, as is seen in that which the minister of Colombia expressed in his memorial addressed to the Secretary of State in Washington the 22d of November, 1902.

In paragraph b, section A, it says:

"The preceding reasons serve in part also to show the necessity which exists that the Government of Colombia celebrate a special contract with the companies which are to cede their rights;" but to this must be added that the treaty alone between Colombia and the United States can not have the judicial effect of resolving or canceling the legal bonds which exist between the Republic of Colombia and those companies, bonds arising from a perfect contract which can not be dissolved, in conformity with the principles of universal jurisprudence, because one of the parties celebrates a compact, on the same material, with a third, which in this case would be the United States.

As in the same way the United States must celebrate a contract in order to acquire the rights of the said companies, and that negotiation can not be included in the treaty which is to be celebrated between the two countries, neither can the resolution of the obligation between Colombia and the two companies be verified in the treaty.

If such were admitted, it would result that Colombia, relinquishing all her rights in relation with these entities (corporations?), or depriving herself of the means to

make them effective, would leave in force her obligations to them. The very payment of the privileged shares which Colombia possesses in the canal company would not have any guarantee by the omission of a special contract, so much the more so that in the proposed reform by the Department of State to article 1 of the memorandum of April, it was clearly expressed that the United States would not contract any obligation in that respect ("no obligation under this provision is imposed upon or assumed by the United States").

The affirmations of your excellency as to the legality of the sale to a foreign government of the shares of the Panama Railway and by that manner to transfer the control of the work, imposes upon me the duty to call your excellency's attention to a very important circumstance, in that the necessity for the consent of Colombia to that sale is recognized in article 1 of the treaty, and to manifest to your excellency that each share, by representing a certain proportionate value of the privilege, or, that is, of the railroad itself, and the transfer of that to a foreign government being prohibited, the shares can not be sold, because with them they would become copartners in the property of the privilege, which is judicially inadmissible.

The restrictive condition of the contracts of 1850 and 1867 do not exclude from the penalty of forfeiture the sale of portions of the privilege.

This is indivisible as to the rights conceded and the obligations imposed, and if it were not so the result would be that if a foreign government bought the total or a greater part of the shares, it would become, by this means, proprietor of the railroad, or at least of a part so great of its value that it would give to it the administration of the work, and in this way the prohibition of the sale of the privilege to a foreign government would be eluded.

Your excellency knows very well that any interpretation ought to be discarded that makes illusionary that which is stipulated, and in this case the condition in reference would be reached if any proceeding was admitted by which the privilege for the construction and exploitation of the railroad could be transferred to a foreign government.

I avail myself, etc.,

(Signed)

LUIS CARLOS RICO.

To His Excellency, Hon. A. M. BEAUPRÉ,

Minister Plenipotentiary of the United States, etc.

Mr. Loomis to Mr. Beaupré.

[Telegram.]

DEPARTMENT OF STATE,
Washington, July 1, 1903.

Have you fully acquainted Colombian Government with Department instruction of April 28? Keep Department informed as to situation.

LOOMIS.

Mr. Beaupré to Mr. Hay.

No. 68.]

LEGATION OF THE UNITED STATES,
Bogotá, July 2, 1903.

SIR: I have the honor to confirm my telegram of this date, which should read as follows:

"July 2, 9 a. m. Confidential. Have received information, privately, that the President had a meeting of senators at the palace yesterday, urging the necessity of the ratification of the treaty. Heated discussion ensued, the majority declaring in opposition to the treaty. At present the majority in the senate seem against ratification."

I am, sir, your obedient servant,

A. M. BEAUPRÉ.

Mr. Beaupré to Mr. Hay.

[Telegram.]

UNITED STATES LEGATION,
Bogotá, July 5, 1903. (Received July 9.)

I have fully acquainted Colombian Government with your instructions of April 28. The reply of ministry for foreign affairs I have the honor to transmit. Summary of reply as follows:

My note will be referred to Congress that it may know the construction given article 1 by the Government of the United States. To determine meaning article 1 Congress will take into consideration all negotiations prior to signing the treaty, including the notices minister hacienda to companies, which, antedating the treaty, are not explanatory thereof, intended in anticipation of foreseen events in the negotiations. See paragraph B, section A, memorial Colombian minister to the Department, 22d last November. The treaty alone can not cancel obligations between Colombia and companies as well. The United States must make contract to acquire rights of the companies which can not be included in the treaty. Were this not so Colombia, while relinquishing her rights, would yet be bound by obligations to companies. To omit contract Colombia would have no guarantee for the payment of her shares in canal company, especially as in article 1 of the memorandum of April obligation of this kind is waived by the United States. Necessity for consent of Colombia to sale of shares Panama Railway recognized in article 1 the treaty. The minister affirms the prohibition extends to purchase of one or more shares, as by this means control could be secured and the prohibition eluded.

BEAUPRÉ.

Mr. Beaupré to Mr. Hay.

[Telegram.]

UNITED STATES LEGATION,
Bogotá, July 5, 1903. (Received July 12, 1903.)

Confidential. Have received information privately that a paraphrase of your cipher telegram June 9 was read in the Senate secret session. Created sensation. Construed by many as a threat of direct retaliation against Colombia in case the treaty is not ratified. This, and the statement of just-arrived members of Congress from Panama that this department would revolt if the treaty is not ratified, caused alarm, and the effect is favorable. Unusual honors extended legation of the United States 4th of July.

BEAUPRÉ.

Mr. Beaupré to Mr. Hay.

No. 72.]

LEGATION OF THE UNITED STATES,
Bogotá, July 6, 1903.

SIR: Referring to my No. 60 of June 24, 1903, with which I transmitted a copy of the President's message to Congress, I now have the honor to inclose herewith a translation of said message.

I am, sir, your obedient servant,

A. M. BEAUPRÉ.

Honorable Senators and Representatives:

Full of joy and smiling hopes I see to-day fulfilled the greatest of my desires in that I see reunited the National Congress. The afflicted country hopes through your intelligence and your love of it a remedy for the ills which oppress it. And I hope to see myself, for the greater part, relieved of the immense responsibility which has weighed over me, that of caring personally for the salvation of the institutions and the administration of the public business, by the meeting of the legislators.

The profound disturbance of the public order, which began in 1899, prevented the fulfillment of the laws in regard to elections, and consequently the reunion of Congress which ought to have taken place in 1900 and 1902.

Therefore there arose a political situation unforeseen by the constitution and the law, in that the Government was forced to assume the functions of legislation as well as to protect itself against those who sought to destroy it by force, and to attend to the satisfaction of many necessities of all classes.

One of these necessities was that the National Congress should be formed and reunited, but this could not be attended to during the war, because many of the cities of the Republic were occupied, either continuously or for short times, by the forces of the rebels, and on this account the legal authorities could not reside in them nor exercise their proper functions.

I was authorized to call Congress in extraordinary session, but I could not have an election for members of the House of Representatives, nor was there a complete number of Senators. Such being the circumstances, I resolved that as soon as the battles had ceased or been made insignificant I would see that an election was held for members of the departmental assemblies and for representatives, designating for each one of the acts prescribed by the election laws a different date from the one fixed by them.

In doing this I was moved by the fact that the Congress would owe its existence to this, and would not fail to approve it, and also that the question of the opening of an interoceanic canal by way of Panama demanded a more prompt solution than could be given by the Congress which ought to reunite on the 20th of July, 1904. For in this light it was possible that the deferring of the solution which the Government of the United States hoped from Colombia would be equivalent to a definite renunciation of the project of the contract.

Neither could I refuse to call Congress, having offered on various solemn occasions and in important documents, and having contracted to do so in my name, by agents as authorized and as respectable as those who signed the surrenders at the end of the war.

At the same time that I have hoped that the legislature, in the session of this year, would solve that question, I have desired and hoped also that it would solve others of supreme importance, and that it would take measures to remedy the infinite evils caused by the late war, and prepare and open for Colombia an era of greatness, prosperity, and peace.

The constitution, which authorized me to take measures which in time of peace could not have been exercised without consent of Congress, imposes on those governing the duty to give to that body, peace being declared, a reasonable account of the acts executed in the exercise of those extraordinary powers. This account ought to be prepared and completed in the forms which, according to the constitution, the ministers of Government have to give to Congress in their ordinary sessions. The ministers of my Government have made efforts to have ready the said reports; but they have only been able to prepare the main proofs, and at present it is impossible to make it complete. The disorder in which, on account of the last revolution, the public administration of all branches have been thrown for the last three years, and the lack of communications which in all that time was almost total, and which is still so, have made, and now make it impossible to collect the necessary data which have to be gotten in all the offices of the Republic—data which can not, without great labor, be collected before July of next year.

The ministers of Government will give you all the information necessary for the study and investigation of these points, and which they have acquired in many cases not without great study of these same questions and great difficulty.

A continuation of this message would require the placing therein the data of the ministers, data which I have not cared to include in this document because they would give to it excessive length.

The ministers will submit to you for your consideration the businesses for which it is urgent that you provide legislation.

In my proclamation addressed to my fellow-citizens on the 1st of January of this year, I set forth most of the views that I should state now. Allow me to transcribe here some fragments of that document.

[NOTE.—This message of the vice-president to the nation I will give a summary of rather than a translation.]

Doctor Marroquin begins by congratulating the country on the conclusion of peace, which is owing, he says, to the unselfish patriotism of so many Colombians who gratuitously lent their services. He refers to the revolution which broke out in 1899 as being the severest which this country has yet experienced, owing to the dissensions among the members of the Conservative party; the open support given by foreigners; secret machinations in the countries of Europe and America with the object of impeding the acquisition of munitions of war; of a foreign press placed at the service of the disturbers of order; and sickness, the child of war, which ravaging entire army corps, has frustrated plans and embarrassed operations. The result has been to bring about immense suffering, and to place the finances of the country, which were already in a bad condition, in the most critical situation the country has ever known. At the same time a spirit of speculation has been rife, and unfortunately many of those who ought to have done their utmost to bring about a restoration of peace, have for this very reason desired the continuance of hostilities.

After enumerating the many evils which the country has suffered, he refers to the interoceanic canal, on the results of which undertaking he builds his hopes for future prosperity. He justifies the arbitrary action of the executive power by the results, i. e., by an honorable peace. The war has had this advantage, that it has taught the people, to their cost, the blessings inseparable from peace. He desires henceforth to rule as the chief not of a party but of the entire nation. His excellency then goes on to the policy to be adopted in the future. He frankly acknowledges the errors committed in the past, which were the cause of continuous revolutions. Colombians must set out to work, each in their own particular sphere. It must be work and not politics. Politics, as this country has up to now considered the term, has nothing less than the furthering of personal interests at the expense of the public welfare. He refers with satisfaction to the approaching elections, to the fact that this country will henceforth be ruled by a constitutional government. Attention must be directed toward the improvement of the means of communication, and he trusts that this is a matter which will be seriously considered by the legislative chambers. The questions between this and other countries he expresses himself willing to settle and refers favorably to recourse to arbitration. He sympathizes with the troubles of his sister country, Venezuela, but states at the same time that such troubles are the action of a short-sighted government which does not know how to respect the rights of others. He speaks passingly of the troubles between Colombia and Venezuela, but the solution of such differences lies in the railway. Better communications will lead to better knowledge of neighboring States, and smooth all disagreements. Also when this country is networked with railroads the energy of a large part of the population, which is at present expended in fomenting discord, will be turned into channels more profitable to themselves and to the country.

The vice-president then turns to the financial situation. He states frankly that the Government will have to continue as before, having recourse to emissions of paper money. The solution of the economic question lies in the gradual enrichment of the country. Every facility must be given to exports, so that in time their value shall exceed that of imports. Industry must be encouraged, so as to lessen the necessity of importing articles from abroad. To further this it will be necessary to push with all energy the construction of railways, which, he says, have under similar circumstances been the salvation of Chile, the Argentine Republic, and Mexico. Then there comes the question of revenues, which have become completely disorganized. Fresh taxes will have to be imposed, which he trusts the country will pay with good will. With the adoption of these measures the economic problem will resolve itself and the paper money will obtain its normal value; i. e., it will be at par with silver. This is the only solution, which can be attained neither by theories nor original plans of economists, nor laws, decrees, nor foreign loans. He congratulates himself that all his efforts to obtain a loan abroad have resulted in failure, as now none of the revenues of the country are burdened. He regrets being able to present no more prompt plan for remedying the financial situation.

With regard to the question of the completion of the interoceanic canal, the vice-president says as follows:

"Incidentally at the beginning of this address I touched on the question of the opening of the interoceanic canal. I feel it, however, my duty to explain to you more fully the opinion of the Government on this important matter. My Government is faced with this dilemma: We must either allow our sovereign rights to suffer and renounce certain pecuniary advantages to which, as many opine, we have a right, or we must rigorously stand up for our sovereign rights and claim peremptorily the pecuniary indemnization to which we have a right to consider ourselves entitled. In the first case—that is, should we consent to the curtailment of our sovereignty and not aspire to the full indemnity, should the canal be opened through Panama, the just wishes of the inhabitants of that department and of all Colombians will be

satisfied; but the Government lays itself open to being charged in the future with not having duly defended our sovereignty and with having sacrificed the interests of the nation. In the second case, should the canal not be opened through Panama it will be laid to the charge of the Government that it did not allow Colombia to benefit by this undertaking which is regarded as the foundation of our future greatness. I have already expressed my desire that the interoceanic canal should be opened through our territory. I think that, even at the cost of making sacrifices, we should put no obstacle in the way of so great an undertaking, for it means an enormous material improvement for our country, and, should the canal once be opened by the people of the United States, our relations with that people would be drawn closer. The result would be an incalculable gain to our industry, our commerce, and our wealth. Happily for me, the immense responsibility of coming to a decision falls to Congress. That is the body which has to give its approbation or disapprobation of the agreement proposed by the Government of the United States."

The vice-president, at the conclusion of his address, expresses his regret at not being able to place a more cheering outlook before the country, but it is as well it should realize the difficulties which the people will have to aid him to overcome.

More than once I have solemnly promised to lay again before Congress the message that I addressed in 1898 about reforms. Some of said reforms were passed that year. Such as were neither considered nor embodied in our legislation I now submit to your consideration, recommending them as proper in their nature and conducive to the very material and paramount purpose of conciliating the aspirations of our political parties, thus arriving at an accord among the Colombians and assuring that tranquillity which more than ever is necessary under the circumstances.

A printed copy of the above-mentioned message will be presented to you.

At the beginning of this year I asserted that, owing to the action taken by the Government, the effects of peace had commenced to be appreciated. With stronger reason can I assure it to-day. It was feared that to the disarmament of the enemies of the Government, vengeance and brutal violence would ensue; but owing to the Christian feelings that still animate our people, we had not seen such horrors realized. Industrial and mercantile movement has revived in every visible way, and in every quarter of the nation we can see such as were yesterday fetching their gain through violence and depredation devoted to their usual occupations. Let this consoling spectacle be a lesson to the Colombians and make them understand how great the power of peace is, and how much we should expect when it is solid and lasting.

But if private individuals have begun to enjoy that supreme and long-wished-for benefit; if their enterprises are again prosperous; if they see that the day is not distant when they shall successfully crown their effort, for the public powers the termination of the combats did not, and could not, produce immediately those advantageous results.

I shall not mention unimportant engagements in which the Government troops have recently been compelled to punish obstinate rebels, nor shall I mention either those acts showing that the danger of an invasion into our territory has not altogether disappeared; but I will point out the fact that public administration in the capital, departments, and municipalities is still encumbered by greater obstacles than such as in any other period of our independent life. Owing to the financial and economical situation, from which we scarcely begin to disengage, the difficulties to govern Colombia are now not less serious than those we had to combat in the roughest period of the war, and if in order to conquer the enemy under arms the Government was compelled to make use of such powers with which all of us are invested to defend life, not less legitimate and necessary was the use that after the actual fighting the Government made similar powers in order to defend and maintain social and political life—the life of the Republic.

Although fighting was almost over toward the end of November last, nevertheless public order was not on that account restored. The authorities were unable to discharge their duties in a regular way; communications with the several sections of the Republic remained as difficult as they were during the war. If it is true that the enemies of the institutions showed themselves unanimously anxious to keep peace, those who defended or did not combat them being divided into numerous antagonistic and political groups, however ready they may be to take arms anew for the defense of the same institutions in case it should be necessary, have not offered the Government the assistance through which it could have restored to the country in a short time the repose and welfare that it is so much in want of. The Government received early this year from different quarters of the Republic alarming communications and intelligence respecting new plans to disturb public order and on facts making the possibility of the continuance of our differences with two of the neighboring Republics patent.

Notwithstanding the foregoing, the Government, desirous to inspire the Colombians with the assurance that they may rely upon the guaranties offered them by the constitution and laws, has declared public order restored and has abdicated such authorities as under the martial law have permitted it to provide for its own defense and existence.

Between this declaration and the disarmament of the adversary much shorter space has elapsed than it has been the case between the end of any of our other revolutions and the return to a normal state of affairs. Whoever takes into consideration that none of our previous wars lasted so long as the recent one, which has shaken the country with confusion, disturbances, ruin, and disorder, would repute that period much shorter still than the others.

To what I set forth in the proclamation, fragments of which I have inserted in this message, as to the necessity of constructing railways and as to the canal question, I have likewise to add what I hereafter suggest.

If the remedy to our evils lies in the construction of roads to promote industry and trade, that work is to-day more necessary than before, for the purpose of offering a scope to the activity of our people, now impoverished and demoralized by the recent disturbance. Such work should also be a remedy to stop the difficulties which oppress trade in the northern part of the Republic. The construction of a railway to connect that section of the country with the Magdalena River is of imperative necessity. Our disputes with Venezuela can not definitely come to an end until trade in Santander can make use of an independent route. Perhaps in a short time, and such is my desire, we will be able to come to an understanding with the Republic; but such Government can not assure us that the succeeding ones would respect our rights.

When I took upon myself the responsibility of the government of my country, I had made up my mind to impede to the utmost that for the construction of railways and for any other undertakings of that kind we should negotiate with foreigners. The unpleasant impressions resulting from certain contracts had led me to form that resolution; and in my quality of supreme magistrate I have to feel more earnestly than before, and more than the rest of my fellow-citizens, those impressions. To the contracts alluded to are owing in a great part the conflicts and misfortune that we have endured during the recent war, as well as the difficulties that we have with great trouble to combat.

Still, I have been compelled to change my mind in that respect. On the one hand I have come to the conclusion that the construction of railways is but the necessity of a self-preservation; on the other hand I have realized the impossibility of carrying out any works of such magnitude with the resources obtained by the Government so long as our treasure, credit, and revenues are in the condition in which they are at present. In the same manner I have realized the impossibility for private Colombian associations to take over and carry out the scheme above referred to.

In other Spanish-American nations railways have been constructed through contracts made with foreign companies. Why should we not be able to do the same in our country? The bad result of certain contracts was only owing to the fact that the concessions were granted to parties who were not fit for the purpose, or that said concessions have been approved without proper study, care, and precaution. The same disasters emanated therefrom are abundant warnings for us, and we ought not to judge ourselves so incapable as not to profit thereby.

The minister for foreign affairs will lay before you the project of a convention proposed by the Government of the United States of America, set forth the antecedents thereof, and give such explanations as may seem interesting in connection with the canal.

I think it unnecessary to state that since I have thrown upon you all the responsibility that the decision of this negotiation brings it is not my intention to allow my opinion to weigh in the matter. Whenever I have transmitted instructions to our representatives in Washington, I have directed them to formally express my resolution to submit the study and decision of this most serious affair, in its general sense and its details, to the supreme Congress.

Fortunately for transacting business with the American Government in connection with the canal the present time is more propitious than that, in which, being inundated with difficulties and dangers, we could not work on behalf of our interest with serenity and liberty. On the other hand, after many years, during which that matter had been dealt with in a vague manner and without any precise conditions, to-day it is presented to us in such a light that the discussion thereof can not but lead to practical and positive results.

Indeed, it has been one of our indisputable diplomatic triumphs that the Senate and Executive of the United States, in spite of the strong efforts made to the contrary, declared the superiority of the Colombian route.

As I have already said to you and all my fellow-citizens, I attribute the happy conclusion of the last war to the intervention of the Divine Providence, to whom I equally attribute the fact that the remedy to those evils which gave origin to that war has been able to commence, and from whom I expect for you the honor that your name may appear in our history by those of the legislators, who at an epoch of the greatest decay and backwardness, were clever enough to procure to Colombia, if not the immediate possession, at least the sure hope of the boons that her founders had devised.

Mr. Beaupré to Mr. Hay.

[Telegram.]

UNITED STATES LEGATION,
Bogotá, July 9, 1903. (Received July 12, 1903.)

Confidential. General Reyes has requested me to say to you he does not think the treaty can be ratified without two amendments: To article 1, stipulating payment ten millions by the canal company for the right to transfer; to article 25, increasing payment to fifteen millions, and says that the treaty can be ratified at once with these amendments. He asks your views confidentially.

BEAUPRÉ.

Mr. Beaupré to Mr. Hay.

[Telegram.]

UNITED STATES LEGATION,
Bogotá, July 11, 1903.

Confidential. The majority in the Senate are opposed to treaty. Apparently the Government is not defending the treaty, although it may intend to later. Its fear public opinion and the criticism of the Liberal party very great. The danger is delay, which opposition fights for. I think strong intimation from you through the Colombian minister or this legation that unnecessary delay should be avoided would be effective. Otherwise debate may continue until September, necessitating instructions communicated by telegraph for exchange of ratifications.

BEAUPRÉ.

Mr. Beaupré to Mr. Hay.

No. 78.]

LEGATION OF THE UNITED STATES,
Bogotá, July 11, 1903.

SIR: I have the honor to report that the Colombian Congress has occupied itself with unimportant and preliminary matters since it convened on June 20 last. Really nothing has been done.

The most important and really only question relating to the canal treaty has been the motion made by the opposition to the Government party to the effect that the vice-president must sign the treaty before it can be considered by the Senate. The debate on this question has been going on for many days and the end is not yet.

Ex-President Caro has been the leader of the opposition in this debate and has made many brilliant speeches. He has charged the Government with lack of good faith and consistency, both to the United States and Colombia, in not defending a treaty of its own making and for endeavoring to throw the whole responsibility upon Congress.

The theory of the discussion is to the effect that if the vice-president signs the treaty the entire responsibility for its making rests with the executive power, while if the vice-president does not sign and the treaty is either ratified or rejected no responsibility can attach to the Executive.

The vice-president has positively declined to sign, and if the motion as presented should prevail, and he still refuses his signature, the Senate will not consider the treaty at all, and in all probability Congress will be dissolved.

It is understood that a final vote on the motion will be taken on Tuesday next. As near as I can determine, the Government is likely to have a majority of one or two votes, in which case something of a more definite nature can be undertaken.

As I informed the Department to-day, in a telegram elsewhere confirmed, there is every prospect of the debates continuing without any decision until September, so that there will be only time to cable Washington just before the 22d of that month of the final action of Congress; and as cablegrams from this capital have often been delayed a month or more, as the Department is aware, there is grave danger in this.

If one could know just what would be the attitude of the Government later on, it would be easy enough to predict the outcome, for I still adhere to my oft-repeated opinion that if the Government shall seriously desire it the treaty will be ratified. Its present attitude of washing its hands of the whole matter will not do, for while the House is favorable, there is a declared majority in the Senate against ratification, and only the influence of the Government can win it over.

I am inclined to believe, from information obtained at different times, some of which I have reported to the Department, that the Government intends to use its influence later on, and at what it shall deem the proper time, in favor of the treaty. If so, the treaty will be ratified; if not, then it will be defeated.

I am, sir, your obedient servant,

A. M. BEAUPRÉ.

Mr. Hay to Mr. Beaupré.

[Telegram.]

DEPARTMENT OF STATE,
Washington, July 13, 1903.

Neither of the proposed amendments mentioned in your telegram^a received to-day would stand any chance of acceptance by the Senate of the United States, while any amendment whatever or unnecessary delay in the ratification of the treaty would greatly imperil its consummation.

HAY.

^aDated July 9.

Mr. Beaupré to Mr. Hay.

[Telegram.]

UNITED STATES LEGATION,
Bogotá, July 15. (Received July 27, 1903.)

Confidential. The situation is a little more favorable for the treaty. It is generally believed that it will be ratified, but with amendments. It is possible it can be passed without amendments; but as the belief prevails that additional concessions can be secured, I consider it important that this Government be informed through the Colombian minister or me of your position as to the matter. In any event, I would appreciate secret instructions as a guide in case of emergency.

Yesterday the treaty was submitted to a special committee of nine in the Senate, four, and probably more, of whom are for ratification.

BEAUPRÉ.

Mr. Beaupré to Mr. Hay.

No. 83.]

LEGATION OF THE UNITED STATES,
Bogotá, July 21, 1903.

SIR: As I had the honor to report by cable on the 15th instant, the canal treaty was submitted to a special Senate committee of nine members, four of whom were known to be favorable to ratification. This committee is to report on or before the 31st instant.

The Government has continued to triumph on every important question brought forward in Congress. On the 18th instant officers were elected in both houses for the ensuing thirty days. Señor Quientero Calderón, formerly minister of government in Vice-President Marroquin's cabinet, and a staunch Government man, was elected president of the Senate; Gen. Pedro Nel Ospina, now identified with the Government forces, and certainly in favor of the canal treaty, first vice-president. In the House Señor Juan B. Valencia was chosen president.

Gradually, but certainly, the situation is growing more favorable for the canal treaty, and while I am not yet prepared to state the positive belief that it will be ratified, I see no reason to be discouraged by the present outlook. The great danger is that there may be enough members of the Senate to carry certain amendments.

I have endeavored, not only to keep in touch with the current events, but to create favorable sentiment for the treaty.

It has been most difficult to overcome the at one time almost general belief that the United States did not seriously intend to adopt the Nicaragua route should this Congress fail to ratify the treaty, and to make it understood that the great benefit Colombia expected to realize from the construction of the canal depended upon prompt action and could never be secured by future diplomatic negotiations.

At times I have thought, from the tone of the conversation of certain opponents, that foreign hostile influences were at work, but I have never been able to be certain of this. If there be opposition from this source, it is of too secret a nature to be discovered, and can not, therefore, be particularly effective. On the whole, I am inclined

to believe that no direct hostile influence is being used here, but that, if any exists, it comes through Colombian legations or consulates in Europe.

I have certain, but private, information that Doctor Uricoechea, a member of the special Senate committee heretofore referred to, and who lived a great many years in Germany, called on Baron Grünau, the German chargé d'affaires, to inquire what would be the attitude of the German Government in case of trouble arising out of the matter, and whether it would be willing to undertake or aid the construction of the canal in case the treaty with the United States should not be ratified. Baron Grünau replied that he had no instructions bearing upon the subject, but that he was of the positive opinion that, considering how desirous his Government was at the present moment to remain on friendly terms with the United States, it would not take any steps with reference to the construction of the canal or to any controversy growing out of the present negotiations; that he would, however, submit the matter to his Government.

My English colleague, with whom I have the most pleasant personal relations, and whose attitude I know has been one of unswerving friendliness to our interests in this matter, informs me that one of the deputies of the Chamber of Representatives called on him with an inquiry similar to the one above mentioned. To this he replied that this question was thoroughly considered by His Majesty's Government at the time the modifications were made in the Bulwer-Clayton treaty, and that his Government was of the opinion that the safeguards contained in the Hay-Pauncefote arrangement formed a sufficient guaranty for the commerce of the world and was; therefore, willing now to leave the United States quite free as regards any further negotiations with reference to the construction of a canal.

The generality of the legislators here have thought that further and greater concessions could be obtained from the United States, and that in this particular the treaty could be amended with safety to the interests of Colombia. This has been and is the most stubborn stronghold of the enemy—at all times the most dangerous to us—and to it I have given more attention than to all else. It was because of this that I cabled the Department of the importance of informing the Colombian Government, through its minister at Washington or this legation, of its views. To be able to make an official representation would have far greater weight than an expression of opinion.

I have reason to know that the Government understands—at any rate, the vice-president does—that amendments are not to be thought of, but I hope to receive instructions from you, when cable communication is reestablished, to bolster up and strengthen this understanding.

I have believed that I could, with discretion and propriety, use my influence in creating a favorable sentiment, making the interests of Colombia the basis of my arguments; and I have not hesitated to do this whenever circumstances would permit a conversation with men whose influence would be of avail.

I have the satisfaction of knowing that I have accomplished a certain amount of good, and that, whatever be the result, all of the ability and energy which I possess shall be given to the consummation of the Department's desires.

I am, sir, your obedient servant,

A. M. BEAUPRÉ.

Mr. Loomis to Mr. Beaupré.

No. 23.]

DEPARTMENT OF STATE,
July 21, 1903.

SIR: At the instance of the Hon. John T. Morgan, I have to request that you will forward two copies of the proclamation of Acting President Marroquin, calling the session of Congress to consider the canal treaty, and two copies of the law under which the proclamation was issued.

I am, sir, your obedient servant,

FRANCIS B. LOOMIS,
Acting Secretary.

Mr. Beaupré to Mr. Hay.

No. 85.]

LEGATION OF THE UNITED STATES,
Bogotá, July 22, 1903.

SIR: Referring to the Department's telegram of April 7, 1903, to my No. 10 of April 24, 1903, and No. 44 of June 10, 1903, concerning the proposed cancellation of the present concessions of the Panama Canal and Railroad companies, I have the honor to transmit herewith a copy and translation of a note received from the minister for foreign affairs on the subject, together with a copy of my reply thereto. As soon as cable communication is reestablished I propose to telegraph the Department the substance of this correspondence.

I am, sir, your obedient servant,

A. M. BEAUPRÉ.

[Inclosure 1.—Translation.]

MINISTRY OF FOREIGN RELATIONS,
Bogotá, July 21, 1903.

MR. MINISTER: In your polite note of the 24th of April last, your excellency was pleased to inform me, in accordance with the instructions of your Government, that all that referring to the cancellation of the actual shares of the Panama Canal and Railroad companies, was included in the convention between Colombia and the United States, signed on the 22d of January last, for the opening of the canal.

I shall be obliged by your excellency's telling me, as early as possible, if modifications, which, according to the final part of the note referred to, are considered as violating the Spooner law, are only those which concern the concessions of each of the companies, or if they are such also as may be adopted with regard to the (treaty itself) convention spoken of.

With this motive, etc.,

(Signed) LUIS CARLOS RICO.

To his excellency A. M. BEAUPRÉ,
Envoy Extraordinary and Minister Plenipotentiary of the United States, etc.

[Inclosure 2.]

Mr. Beaupré to Doctor Rico.

LEGATION OF THE UNITED STATES,
Bogotá, July 22, 1903.

His Excellency Dr. LUIS CARLOS RICO,
Minister for Foreign Affairs of the Republic of Colombia.

SIR: I have the honor to acknowledge the receipt of your excellency's polite note of the 21st instant, referring to my note of April 24, 1903, concerning the requests of

the Colombian Government to the Panama Canal and Railroad companies for the appointment of agents to negotiate the cancellation of present concessions, etc., in which I informed your excellency that my Government considers that the treaty covers the entire matter, and any change would be in violation of the Spooner law, and not permissible.

Your excellency asks me if any modifications in the treaty itself would be considered in violation of the Spooner law, as those other suggestions for special cancellation of the concessions of the companies have been so considered by my Government.

I have the honor to say to your excellency that with the approval by the United States Senate of the treaty between Colombia and the United States, signed on the 22d of January, 1903, the Spooner law, which authorized the making of that treaty, was fully complied with, in the opinion of the Senate, so far as the Panama route is concerned. Hence, the said law went out of active existence with reference to Panama, and can only again become a subject for discussion, and then in reference to the Nicaragua route, in the event of the rejection of the treaty by Colombia.

This is, of course, my personal opinion, which, unfortunately, I am unable at present to confirm by cable reference to my Government. But I consider it my duty to inform your excellency that I have no reason to believe that my Government will consider or discuss again any modifications whatever to the treaty as it stands. This strong impression I gather from a careful reading and study of the notes already in your excellency's possession, for, if in the case of the concessions of the companies my Government would consider their modification as violating the Spooner law, then, with much more reason, it would seem that the treaty itself, as the official interpretation of the law, can not be modified at all without violating that law.

I shall, of course, submit your excellency's note to my Government as soon as it is possible to do so by the reopening of cable communication.

I embrace this opportunity, etc.,

(Signed)

A. M. BEAUPRÉ.

Mr. Loomis to Mr. Beaupré.

[Telegram.]

DEPARTMENT OF STATE,
Washington, July 29, 1903.

Would like information as to present situation.

LOOMIS.

Mr. Hay to Mr. Beaupré.

[Telegram.]

DEPARTMENT OF STATE,
Washington, July 31, 1903.

Instructions heretofore sent to you show the great danger of amending the treaty. This Government has no right or competence to covenant with Colombia to impose new financial obligation upon canal company and the President would not submit to our Senate any amendment in that sense, but would treat it as voiding the negotiation and bringing about a failure to conclude a satisfactory treaty with Colombia. No additional payment by the United States can hope for approval by United States Senate, while any amendment whatever requiring reconsideration by that body would most certainly imperil its consummation. You are at liberty to make discreet unofficial use of your instructions in the proper quarters. The Colombian Government and Congress should realize the grave risk of ruining the negotiation by improvident amendment.

HAY.

Mr. Beaupré to Mr. Hay.

No. 90.]

LEGATION OF THE UNITED STATES,
Bogotá, August 3, 1903.

SIR: Mr. Spencer S. Dickson, British vice-consul at this capital, has prepared for his Government an interesting memorandum relative to the discussions in the Bogota press on the question of the proposed Panama Canal as a business concern, and has been good enough to furnish me with a copy, which I have the honor to inclose herewith.

I am, sir, your obedient servant,

A. M. BEAUPRÉ.

[Inclosure 1.]

Memorandum by Mr. Spencer S. Dickson, relative to the discussions in the Bogota press on the question of the proposed Panama Canal as a business concern.

Since the news of the signing of the Hay-Herran treaty last February, the imagination of the Bogota public, as expressed in the local press, has been occupied with the question as to what is the extent of the pecuniary advantages which the Government of the United States is about to derive from the proposed undertaking. The articles written have so ridiculously exaggerated the possible takings, even from the most optimistic standpoint, as to render themselves unworthy of any notice whatever, were it not for an interesting answer they have called forth from the pen of Mr. J. T. Ford, the manager of the Cartagena Harbor, Railway, and River companies. Mr. Ford's article is principally directed against an article written by a Dr. Novoa Zerda, a prominent Bogota lawyer, who has published an elaborate statement in the Bogota press in which he proves, to his own satisfaction, that the Government of the United States are, by the terms of the Hay-Herran treaty, securing for themselves a net profit of \$1,186,537,377 during the first term of the concession.

My reason for transmitting this memorandum is that the statements made by Mr. Ford in his answer, based, as they are, on long experience and a thorough knowledge of the conditions ruling, merit attention and are, as far as I am aware, of a somewhat novel character, though on a question already so much discussed. Mr. Ford, M. I. C. E., a British subject, holds the position of consulting engineer to the Colombian Government, and has at various times been attached to the Colombian legation at Washington during the course of the negotiations which have taken place respecting the construction of an Isthmian Canal. He has brought his knowledge and experience to prove that the Panama Canal is not a profitable undertaking from a commercial point of view, and is valuable to the United States only because of its naval significance.

Mr. Ford, in estimating the commercial value of the projected Panama Canal, has taken as a basis the experience gained by the Suez Canal. The traffic of the latter is regulated by an international convention, the terms of which the United States and Great Britain adopted when formulating the Hay-Pauncefote treaty, signed to substitute that known as the Clayton-Bulwer. These regulations establish a special tonnage measurement, which is neither the gross nor the net of the ordinary tonnages of Lloyd's. Nor is it the tonnage system of Germany or France. It is the Suez Canal system.

The Suez Canal, in 1900, thirty-two years after being open to trade and with all the extra traffic produced by the Transvaal war and the intervention of the European powers in the Boxer attack on Peking, has a traffic of 3,441 vessels of 13,699,238 gross tons, or 9,738,152 Suez tons.^a

| | |
|--|--------------|
| | Francs. |
| Its gross product in money was..... | 93, 451, 403 |
| Expenses of operation and maintenance..... | 25, 648, 264 |

| | |
|-----------------------------------|--------------|
| Resulting in a net income of..... | 67, 803, 139 |
|-----------------------------------|--------------|

Supposing that Colombia rejects the Hay-Herran treaty and constructs the Panama Canal for its own account, so as to have the full benefit of all the takings. Take also for granted the absurd supposition that, in the first year of its being opened to public traffic, this canal shall be able to show the same tonnage as that of Suez in 1900,

^aThe later returns for 1901 show a still greater increase.

thirty-two years after its opening. Taking the above tonnage only and the gross product of the canal in money, an average for purpose of comparison is deduced of 6.80^a francs per ton (gross), or \$1.36 American gold, by the Suez route. With regard to the question of population served by the two canals, the continents of North and South America together contain but one hundred and fifty million inhabitants. The canal will only be used by a portion of the trade of the western coast of the two continents, with part of the eastern coast, and with Europe. It is evident that trade can not in the first year reach the same figure as the total trade of Suez, which unites the continents of Europe and Asia, with twelve hundred million inhabitants between them. To do this, Panama must take from Suez at least one-half its trade. Suppose this second absurdity be regarded as a possibility, owing to the superiority of the Panama route between certain ports, admitting a certain amount of competition in freights from Europe to Australia, New Zealand, and to the islands of the Pacific, it is a question whether Great Britain would, without a struggle, thus allow the deviation of this important trade from its present established route. The immediate creation of the 3,000 new vessels necessary for the traffic deviated from the trans-continental railroads must also be taken as an accomplished fact. Against these hypotheses there is the following consideration—the shares of the Suez Canal are being sold at nearly ten times their nominal value. It is perfectly evident that this extraordinary company would certainly be well able to attempt to avert its ruin or injury and face competition by making some reduction in its tariff; but supposing that the Panama Canal has, by competing with the Cape Horn route and the trans-continental railroads, created for itself a trade equal to half the trade of Suez; also, that owing to its admitted superiority in certain voyages now made via Suez, Panama has taken away from Suez the half of its total trade, the Panama Canal would then have its 13,699,238 gross tons as above; but also, for the above-mentioned reasons of competition, the rate per ton would have to be reduced, probably, to say \$0.70 gold to obtain that result in tonnage. This trade, on the same basis as above, would give to Panama a gross earning of \$9,589,466.^b

As to the operating cost, the country in which the Suez Canal is situated has a dry climate, without rains, and is so healthy that the same class of invalids as go to the Riviera and other sanatoriums of Europe make it their residence in winter. It is moreover a simple canal in a sandy plain without locks, or any other artificial works of importance. Panama, on the other hand, has a disastrously unhealthy climate. Very high salaries would have to be paid and a much greater number of employees would be required than at Suez. There are unforeseen damages to be provided for, owing to the torrential rains. Difficulties have to be faced in the management of locks and the maintenance of artificial works without parallel up to the present in the entire world, because of their monumental proportions. Mr. Ford, however, to err on the right side, assumes that the cost of operating the Panama canal will be no more than that expended at Suez. The gross cost of operation at Suez for handling the traffic of 1900 was 25,648,264 francs or \$5,129,653 American gold.

The Panama accounts, under these conditions, would be as follows:

| | |
|---|---------------|
| 13,699,238 tons at the above rate of \$0.70 per ton would be..... | \$9, 589, 466 |
| Cost of administration (the same as Suez in 1900) | 5, 129, 653 |
| Net earnings | 4, 459, 813 |

The minimum figure for the cost of construction of the Panama Canal, with locks, including cost of French canal works and other contingencies, may be taken at \$200,000,000, according to the best available estimates. Mr. Ford then assumes another favorable absurdity—that Colombia has a credit equal to the credit of the United States and that she could therefore obtain the \$200,000,000 capital required for the construction at 3 per cent interest without initial discount. She would then have in hand the \$4,459,813, the net earning of the canal, to pay the interest on the invested capital. The account then stands as follows:

| | |
|---------------------------------------|---------------|
| Three per cent on \$200,000,000 | \$6, 000, 000 |
| Net earning..... | 4, 459, 813 |

Colombia would therefore have an annual deficit of..... 1, 540, 187

^a This, of course, is not the actual rate charged at Suez, since Mr. Ford has taken the gross and not the Suez tonnage, and the gross earnings include other charges beside the simple tonnage of the ships, but the above figure fully illustrates the point made.

^b Mr. Ford again uses here his arbitrarily deduced average rate, and not the probable actual rate.

instead of the net sum of \$550,000^a per annum, which she would receive under the Hay-Herran treaty, leaving to the United States the above-mentioned deficit, plus the \$250,000 extra rent paid to Colombia.

Mr. Ford then goes on to point out that should Colombia build a sea-level canal, costing \$400,000,000 instead of \$200,000,000, she would find herself with an annual deficit of \$7,540,187, including the 3 per cent on the extra \$200,000,000.

In the discussions which have taken place, those opposed to the treaty have argued on the fact that in previous concessions made with private parties the terms for the Colombian Government have been much more favorable. To this Mr. Ford opposes the fact that those old contracts were signed in complete ignorance of the Suez undertaking and the enormous natural difficulties and cost of building a canal at Panama which would compare at all points with Suez, and before the experience gained through the working of that canal could throw real light on the profit and loss account of such an undertaking. The natural difficulties inherent to the working of the Isthmus of Panama, which were the cause of the failure of the French, even with their superior contract of 1878, were then all unknown. It is a mistake, says Mr. Ford, to suppose that the United States would make a contract similar to those made formerly when the same ignorance of conditions does not exist.

The canal can not be a paying concern for any country except the United States, and for the United States it is a paying concern, not from a commercial standpoint—it will therein be a loser, but on account of its Navy. To show that this statement as regards its commercial value is not exaggerated, Mr. Ford refers to the map of the continents of America. The cordillera of the Andes, from Patagonia to Panama, the Sierra Madre of Mexico, and the Rocky Mountains of the North, which end in Alaska, are so situated that on the side of the Pacific there is only a small strip of territory, very narrow and comparatively sterile, whereas on the Atlantic disk and in direct communication with Europe (where the Panama Canal will never be needed) are situated seven-eighths of its one hundred and fifty millions of inhabitants and the whole of its productive lands, i. e., the Argentine, Brazil, Mexico, Colombia, Venezuela, the United States, and Canada to one hundred and fifteenth meridian west, approximately. As far as the above countries are concerned, their trade can never reasonably be expected to make use of the Panama Canal to any extent worth considering at present.

SPENCER S. DICKSON,
His Britannic Majesty's Vice-Consul.

Mr. Loomis to Mr. Beaupré.

No. 26.]

DEPARTMENT OF STATE,
Washington, August 3, 1903.

SIR: I have to acknowledge the receipt of your No. 67 of July 1, last, concerning the Panama Canal. It is receiving consideration.

There is an error in translation in the twentieth line of the second page of the note inclosed. "Dos compañías" has been translated "two countries" instead of "companies."

I am, sir, your obedient servant,

FRANCIS B. LOOMIS,
Acting Secretary of State.

Mr. Beaupré to Mr. Hay.

[Telegram.]

UNITED STATES LEGATION,
Bogotá, August 5, 1903. (Received 12.)

Referring to my dispatch of April 24, containing your cipher telegram, April 7, I have received a note from minister for foreign affairs

^aThree per cent on the \$10,000,000 compensation under the treaty, plus the \$250,000 annual rent.

asking if "any modification in the treaty itself would be considered in violation of Spooner law, the same as suggestions for canceling concessions of companies had been considered by the Government of the United States."

I replied July 22 substantially as follows: With the approval of the treaty by the Senate of the United States, the Spooner law, which authorized its making, was fully complied with, so far as the Panama route is concerned. Hence said law went out of active existence with reference to Panama, and can only become a subject of discussion, and then with reference to Nicaragua, in the event of rejection of the treaty by Colombia. This is my personal opinion, which I am unable at present to confirm by cable reference to my Government, but I believe it my duty to inform you that I have no reason to believe my Government will again consider or discuss any modification whatever to the treaty as it stands, which impression I gather from a careful reading and study of the notes already in your possession, for if in case of concessions of the companies my Government would consider their modifications in violation of Spooner law, then with great reason it would seem the treaty itself as the official interpretation of (the law) can not be modified at all without violating that law.

From conversations with prominent Senators I believe the Government does not consider my opinions as final or authoritative. I beg for an emphatic statement from you or instructions under my telegram of July 15. There is much danger that the treaty will be amended.

BEAUPRÉ.

Mr. Beaupré to Mr. Hay.

[Telegram.]

UNITED STATES LEGATION,
Bogotá (dated 5th). (Received August 12, 1903.)

August 5, 10 a. m. It is now apparent that the treaty will not be ratified without amendment, because the positive influence on the part of this Government can not be expected. There are but eight senators of the twenty-four in favor of it, but more than two-thirds are in favor of the report of the committee, which is as follows:

First. In the preamble the references to the Spooner law shall be suppressed.

Second. In article 1 the condition shall be introduced that the Panama Railroad and Canal Company shall be obliged beforehand to make arrangements with Colombian Government in which the conditions shall be established under which that Government will grant consent necessary to enable these companies to transfer their rights to the United States. It shall be expressed that Colombia shall recover ownership of all land grants which are at present in the possession of companies, without excepting any of such lands, to the end that the cities Panama and Colon may remain effectively and completely excluded from zone which is the subject of the concession.

Third. Terms of articles 2 and 3 shall be modified in such a manner as to express clearly that Colombia grants the United States only the right of use of the zone and parts adjacent territory. It should be expressed with precision that the rights granted the United States are in nature of tenancy, excluding the idea of ownership, and establish-

ing in a peremptory manner the perpetuity of the concession. The boundary of zone shall be indicated with the greatest precision, and the necessary properties to which concession extends shall be clearly determined, excluding from the concession, in an unequivocal manner, cities Panama and Colon; besides which it shall be stated that the guaranty of the treaty of 1846-1848 shall not be modified in any way whatever, and shall continue in its application to the whole Department of Panama, inclusive of the zone.

Fourth. In article 7 concession of the right of gratuitous use of the waters of lakes, lagoons, rivers, and the other streams, whether natural or artificial, which may be devoted to the supply of the canal or auxiliary channel, or which may be made use of during its construction, maintenance, or operation, shall be clearly limited, in order that they may be deviated in their course, elevated or lessened in their levels, converted into lakes, widened or narrowed, if necessary, for such purposes. It shall be established that this right is exclusive only in so far as it refers to use of such waters for the supply and maintenance of the canal, or of the auxiliary channels, without allowing that concessions are to prevent utilization of such waters by others in virtue of their legitimate rights for any purpose which is not one of navigation and would not disturb, make difficult, or prejudice employment that the United States may desire to give such waters for the above-mentioned purposes. The use of waters or rivers outside zone of the canal for the transportation materials, etc., shall not be an exclusive right of the United States, but the right shall be given to them to use the waters, without tax or charge of any kind, in so far as the use relates to maintenance and operations of the concession. The natural product property of the Republic which the United States may take for the work shall be determined with the greatest precision possible, limiting this concession to the Department of Panama, and determining that the compensations which may have to take place under article 7 in all things shall be subject to what is provided in article 14.

Fifth. In article 8 uncertainty of the clause shall be corrected under which no duties of any kind shall be collected in the cities Panama and Colon, with the exception of merchandise destined to be introduced for the consumption of the rest of the Republic.

Sixth. In article 13 all relating to establishment of tribunals of the United States and to application of the laws of United States in Colombian territory shall be suppressed, as it is contrary to article 10 of the constitution, and it shall be established that the regulations, police and sanitary, which will be in force in the zone shall be subject to an agreement between the two Governments.

Seventh. Indemnities which the concession mentioned in article 14 will decide upon for the seizures which may have to be made in those cases which are mentioned in the same article shall be determined and paid by the United States, in accordance with valuation at the time.

Eighth. In article 24 a clause of forfeiture shall be introduced fixing termination, which, if exceeded, and if work shall not have been executed, all the concessions must cease to exist and all properties and rights of the undertaking shall revert to Colombia. The last paragraph article 25, beginning "But any delay," shall be suppressed.

Ninth. In an additional clause the tribunal, which must decide upon the differences which may arise between the contracting parties as to the fulfillment of the treaty, shall be indicated.

Mr. Beaupré to Mr. Hay.

[Telegram.]

UNITED STATES LEGATION,
Bogotá, August 5. (Received 16.)

August 5, 10 a. m. I have addressed a note minister for foreign affairs concerning the report of the committee appointed to consider the treaty, to the effect that the proposed modification article 1 is tantamount rejection the treaty. My opinion is that my Government would not consider or discuss the amendment; that the committee has been insufficiently acquainted with my notes, April 24, June 10, or have failed to give them importance they demand as definite expression of opinion and intention of the Government of the United States. The amendment, article 13, suppressing tribunals, will not be accepted in any event, and the other modifications, not so serious in principle, are too little value to Colombia to submit for the discussion of the Senate of the United States. They could be adjusted by assurances or by special legislation when the commission required by the treaty has been appointed. Closing with strong reminder of the dangerous consequences of further unnecessary delay, urging that if Colombia really desires to preserve friendly relations and to secure the advantages of canal, backed by so close an alliance of national interests, the treaty should be ratified without modification.

BEAUPRÉ.

Mr. Beaupré to Mr. Hay, via consulate at Colon.

[Telegram.]

UNITED STATES LEGATION TO COLOMBIA, August 5, 1903.
(From Colon, August 18, 1903.)

No cable received since (the) 13th July, the company having closed Buenaventura office. Government does not allow cables to pass over land lines. Situation critical. American minister Bogotá. August 5.

MALMROS.

Mr. Beaupré to Mr. Hay.

[Telegram.]

UNITED STATES LEGATION,
Bogotá, August 6, 1903. (Received 12.)

August 6, 10 a. m. Confidential. Note reference to treaty 1846 in the committee report. Colombia dreads above all things newspaper reported intention of the United States to denounce the treaty in the event of rejecting canal treaty.

I have additional confirmation the statement of my dispatch No. 49 June 15.

BEAUPRÉ.

Mr. Beaupré to the Secretary of State.

No. 98.]

LEGATION OF THE UNITED STATES,
Bogotá, August 7, 1903.

SIR: I have the honor to report that the telegrams which I had the good fortune to get through yesterday and the day before give a more or less accurate idea of the situation in so far as the canal treaty is concerned.

These telegrams are the only ones thus far passed since the 15th ultimo, and it was only after very earnest interviews with the vice-president, the minister for foreign affairs, the minister of government, and the director-general of mails and telegraphs that I finally succeeded.^a

The report of the special committee of the Senate appointed to consider the treaty presented on the 4th instant, and transmitted in my telegram of the 5th instant, was signed by seven of the nine members of the committee and was in the nature of a compromise. The two other members made independent reports amending nearly every article of the treaty, but as they will have no weight in the ultimate decision of the matter it is not necessary to mention them.

On the morning of the 5th instant I addressed a note to the minister for foreign affairs concerning the committee's report, a copy of which is herewith inclosed.

Early in the afternoon of the same day I received the Department's telegram of the 31st ultimo, and as the instructions therein had a direct bearing upon the question I immediately dispatched another note to the minister for foreign affairs, a copy of which is herewith inclosed. A reference to my telegram of the 6th instant concerning the treaty of 1846 will give a better understanding of the last clause of this note. I have positive information that both notes were read to the Senate in secret session.

The situation is chaotic just now and intense feeling is being manifested in the debates in the Senate. Apparently there is little prospect that the treaty will be ratified without modifications, but I must still hope that a better sentiment will be brought about before the end.

I am, sir, your obedient servant,

A. M. BEAUPRÉ.

[Inclosure 1.]

Mr. Beaupré to Doctor Rico.

LEGATION OF THE UNITED STATES,
Bogotá, August 5, 1903.

His Excellency Dr. LUIS CARLOS RICO,
Minister for Foreign Affairs of the Republic of Colombia.

SIR: I have the honor to inform your excellency that I observe with regret the terms in which the committee of the Senate has seen to frame their report with reference to the Panama Canal treaty, and would earnestly request your excellency to take into consideration the unfortunate circumstance of interrupted cable communication which has prevented my immediate consultation with my Government, and

^aThe telegrams referred to were not received by the Department of State until August 12, 16, and 18, respectively.

which alone has decided me to address another note to your excellency in further interpretation of the instructions I have referred to in my previous notes as having been received from my Government.

It would appear to me that the committee has either been insufficiently acquainted with the contents of my notes dated April 24 and June 10, 1903, or that they have failed to attach to these direct communications the importance they demand as definite expressions of opinion and intention on the part of my Government.

From them it is clear that the committee's proposed modification of article 1 is alone tantamount to an absolute rejection of the treaty. I feel it my duty to reiterate the opinion I have before expressed to your excellency that my Government will not consider or discuss such an amendment at all.

There is another important modification suggested by the committee to article 13, suppressing the forms of tribunals there provided. I deem it my duty again to express very emphatically my opinion that this also will not be acceptable in any case.

The other modifications, though not equally serious in principle, are nevertheless of such slight value to the interests of Colombia that they do not warrant the risk of further discussion by the Senate of the United States; even in the event, which I consider more than doubtful, that they be even submitted to that body by my Government, since all such amplifications or explanatory items can equally well be given, either by separate emphatic assurances of the Government itself, or be the subject of special legislation when the joint commission mentioned in the treaty shall have begun its official existence.

For the moment disregarding the probable correctness, or otherwise, of my convictions, there is one point that I would especially urge upon your excellency, and that is that the Senate should be reminded of the dangerous consequences to the whole negotiations that the undue delay hitherto experienced in arriving at conclusions will undoubtedly produce on the attitude of my Government.

If the present modifications of the committee constitute really the final decision that is likely to be arrived at by the Congress of Colombia, the matter should be voted without any delay, and so give at least a slight opportunity to my Government to consider the matter before the expiration of the time for exchange of ratifications provided in the treaty. Less than this can not be expected by my Government, which in good faith signed the pending treaty more than six months ago, and promptly ratified it without modifications.

I take this opportunity to respectfully reiterate what I have before expressed to your excellency, that if Colombia really desires to maintain the present friendly relations existing between the two countries, and at the same time secure to herself the extraordinary advantages that the construction of the canal in her territory will undoubtedly produce, if backed by so close an alliance of national interests as would supervene with the United States, the pending treaty should be ratified exactly in its present form, without any modifications whatever. I say this from a deep conviction that my Government will not in any case accept amendments.

I avail myself of this opportunity to renew, etc.,

(Signed)

A. M. BEAUPRÉ.

[Inclosure 2.]

Mr. Beaupré to Doctor Rico.

LEGATION OF THE UNITED STATES,
Bogota, August 5, 1903.

His Excellency Dr. LUIS CARLOS RICO,
Minister for Foreign Affairs of the Republic of Colombia.

SIR: I have the honor to inform your excellency that in the matter of the pending treaty for the construction of the Panama Canal it has hitherto been impossible for me to do more than advise you of the construction I have from time to time put upon the instructions received from my Government in more or less general terms, as the various questions involved had not been brought to a definite issue.

Now referring to my several notes on this subject, it is a matter for great satisfaction to me that to-day, together with the publication of the Senate committee's report on the treaty, I have received such definite instructions from my Government as enable me not only fully to confirm, but materially amplify the terms of all my previous notes above alluded to.

I may say that the antecedent circumstances of the whole negotiation of the canal treaty, from official information in the hands of my Government, are of such a nature as to fully warrant the United States in considering any modification what-

ever of the terms of the treaty as practically a breach of faith on the part of the Government of Colombia, such as may involve the very greatest complications in the friendly relations which have hitherto existed between the two countries.

I am instructed to say that my Government has no right to covenant with Colombia to impose new financial obligations upon the canal company, and that the President would not submit to the Senate of the United States any amendment in that sense, but would treat it as voiding the negotiation, and as a failure to conclude a satisfactory treaty with Colombia. The amendment to Article I of the treaty proposed by the Senate committee is clearly in that sense.

I am also instructed to say that no additional payment by the United States can in any case hope for approval by the Senate of the United States. What I said to your excellency in my note of this morning, with reference to the minor amendments proposed by the committee, I can now emphasize in the language of my instructions, that any amendment whatever requiring consideration by that body (the Senate) would most certainly imperil the treaty's consummation. Your excellency's Government and Congress should realize the great risk of ruining the negotiation by improvident amendment.

It is impossible for me to express to your excellency more emphatically the attitude of my Government on this important matter, or to implore more earnestly than I now do the careful consideration by Colombia of the reasons which in the opinion of my Government should impel your excellency's Government to urge upon Congress the necessity of ratifying the treaty in its present form.

It is to be regretted that the reference to the necessity for the practical reenactment of the treaty of 1846-1848 in the Senate committee's report should constitute almost a doubt as to the good faith of the intention of the United States in its compliance therewith. I must assure your excellency that unless that treaty be denounced in accordance with its own provisions my Government is not capable of violating it, either in letter or spirit; nor should there be any fear on the part of Colombia that if ratified the clauses guaranteeing her sovereignty in the pending treaty, couched as they are in still more precise and solemn terms than those of 1846, will ever be disregarded in the slightest degree by the Government of the United States.

I avail myself of this opportunity, etc.

(Signed)

A. M. BEAUPRÉ.

Mr. Beaupré to the Secretary of State.

No. 101.]

LEGATION OF THE UNITED STATES,

Bogotá, August 10, 1903.

SIR: Referring to my No. 98 of the 7th instant, I have the honor to inclose herewith a copy and translation of a note from the minister for foreign affairs, together with a copy of my reply thereto.

I am, sir, your obedient servant,

A. M. BEAUPRÉ.

[Inclosure 1.—Translation.]

Dr. Rico to Mr. Beaupré.

MINISTRY FOR FOREIGN RELATIONS,

Bogotá, August 8, 1903.

MR. MINISTER: One of your attentive communications which your excellency had the pleasure to address to me on the 5th of the present month, relative to the business of the Interoceanic Canal of Panama, contained the part which I take the liberty to quote as follows:

"I may say that the antecedent circumstances of the whole negotiation of the canal treaty, from official information in the hands of my Government, are of such a nature as to fully warrant the United States in considering any modification of the terms of that treaty as practically a breach of faith on the part of the Government of Colombia, such as may involve the very greatest complications in the friendly relations which have hitherto existed between the two countries."

Wishing to give to your excellency as soon as possible the required answer to the two notes to which I refer in the present, I will appreciate it if you will inform me that if among the circumstances alluded to in the paragraph, a version of which I have transcribed, there exist any others not mentioned in the notes which your excellency has seen fit to address to me on this subject.

With this motive I renew to your excellency the assurance of my highest consideration.

(Signed)

LUIS CARLOS RICO.

His Excellency A. M. BEAUPRÉ,
Envoy Extraordinary and Minister Plenipotentiary of the United States.

[Inclosure 2.]

Mr. Beaupré to Doctor Rico.

LEGATION OF THE UNITED STATES,
Bogota, August 8, 1903.

His Excellency Dr. LUIS CARLOS RICO,
Minister for Foreign Affairs of the Republic of Colombia.

SIR: I have the honor to acknowledge receipt of your excellency's courteous note of to-day, quoting a paragraph of my note of the 5th instant, and asking if the statement therein contained is based upon information not mentioned in my previous notes.

In reply I have the honor to inform your excellency that the antecedent circumstances to which I made reference are fully outlined in my previous notes, and particularly in the one of June 10, 1903.

If your excellency will permit me a few words more on this subject I would like to refer to the extraordinary efforts made by my Government to keep faith with Colombia after an agreement had been reached between the executive Governments of the two nations.

As your excellency is aware, when the canal convention was presented to the Senate of the United States it encountered the most violent opposition. Not only were strenuous efforts made to defeat the treaty in its entirety, but many amendments of varying degrees of importance were presented and urged. During all that period the friends of the Government were steadfast in their determination to uphold the action of the Executive and to preserve intact the agreement made with Colombia. It was a momentous struggle, and the final and close victory was secured in the end only by the most stupendous efforts on the part of the Administration, imbued as they were with the idea that such a compact, made after mature and careful consideration by the executive departments of the two Governments, must be ratified as it stood.

In view of the foregoing, it is absolutely believed by my Government, that any modification, as such, to the pending treaty could not be safely submitted to the present Senate.

The intense feeling over large sections of the United States in favor of the Nicaragua route on the one hand and interests on the other hand hostile to any canal at all, and especially the Panama route, are circumstances that, I fear, your excellency's Government and the people of Colombia have not weighed sufficiently to attach to them the importance they deserve.

While my previous notes may have expressed an almost exaggerated desire to impress upon your excellency the dangers of delay or modification of any kind, they were inspired by a full knowledge of conditions in my own country, which I feared would not be fully appreciated in Colombia.

The condition which appears to me to be absolute, at least, is that the proposed treaty should be ratified as it is, in good faith with my Government, or the opportunity will be lost for any later negotiations of any kind whatever.

In my own behalf, I most earnestly desire to assure your excellency that, aside from fulfilling the instructions of my Government, I have the deepest personal concern in the honor and glory of the country to which I am accredited, and in which I have been extended so much kindness and consideration. Every conviction of my mind leads me to the belief that enormous aggrandizement must accrue to Colombia if an interoceanic canal be constructed through her territory, while the desire to bring the two countries into closer and lasting friendship is ever present. Feeling

thus deeply every effort I may have made, or shall make to this end, has or will have as its incentive the ultimate good not only of the country which I represent but of that in which I have the privilege and pleasure of residing.

I avail myself of this opportunity to renew, etc.

(Signed) A. M. BEAUPRÉ.

Mr. Loomis to Mr. Beaupré.

[Telegram.]

DEPARTMENT OF STATE,
Washington, August 10, 1903.

Keep the Department advised and embody date in messages.

LOOMIS.

Mr. Beaupré to Mr. Hay..

[Telegram.]

BOGOTÁ, August 12, 1903. (Received 15.)

August 12, 7 p. m. The treaty was rejected by the Senate to-day in its entirety. Confidential. Do not accept this as final. There is still some hope. Wait for further advices.

BEAUPRÉ.

Mr. Beaupré to Mr. Hay.

[Telegram.]

UNITED STATES LEGATION,
Bogotá, August 12, 1903. (Received 23.)

August 12, 9 p. m. Referring to my telegram of August 12, 7 p. m., I do not believe that rejection of treaty is final, for the following reasons: Yesterday's debate and vote was undoubtedly previously arranged. This I believe both from the tone of the debate and from information which I had already received through persons of high influence. Debate lasted five hours. All communications between myself and the Colombian Government read. The fact that the Government of the United States can not accept modifications or delay was made clear to the Senate. The most important speech made was that of General Ospina. It was to the effect that while desiring canal he could not give his vote for the ratification of the treaty because the terms were contrary to the provisions of the constitution. He implied that to bring negotiations to a conclusion the constitution should be modified, so as to allow negotiations to be brought to a successful conclusion without prejudice to the honor of the country. He stated also that to effect this no delay was necessary, as two debates will be sufficient for the purpose; he intimated that the Congress should be immediately dismissed by a decree for the purpose of modifying the constitution. Upon that a new law will be passed authorizing the Executive, without further recourse to Congress, to conclude a canal treaty with the United States. Should this prove true the text of the

present treaty could be accepted without hesitation. By this means Congress will be able to conclude negotiations without individual senators publicly speaking in favor of it.

BEAUPRÉ.

Mr. Beaupré to Mr. Hay.

[Telegram.]

UNITED STATES LEGATION,
Bogotá, August 12, 1903. (Received 19.)

August 12, 10 p. m. Confidential. General Reyes called to inform me that this day's action of Congress was in accordance with plans perfected by the Government and influential Senators and citizens in the belief that the treaty could not now be passed without amendments, but that within a very short time such a reaction in public sentiment can be created as will enable the President to present the treaty again to the Senate and secure its passage without amendments. I have been aware of such a movement for some days, hence my telegram advising that there was still hope.

General Reyes asks if you will give two weeks more for the consummation of this plan before taking other action, and requests immediate reply. He doubts whether the constitution can be amended in time, and thinks it is not necessary.

BEAUPRÉ.

Mr. Loomis to Mr. Beaupré.

[Telegram.]

DEPARTMENT OF STATE,
Washington, August 13, 1903.

Have you received Department cable of July 31? Amendments suggested in your cable of the 5th would be fatal to treaty.

LOOMIS.

Mr. Beaupré to Mr. Hay.

No. 105.]

LEGATION OF THE UNITED STATES,
Bogotá, August 15, 1903.

SIR: I have the honor to report that the most intensely critical period for the canal treaty seems to have passed, and that now there is some hope for a satisfactory conclusion. Since the rejection of the treaty on the 12th instant there has been an almost hysterical condition of alarm and uncertainty in Bogota as to the future action of the United States. Yesterday there was a widely circulated report that United States troops had landed on the Isthmus. When, finally, large posters were put up all over the city, announcing that because of a desire to maintain the most cordial relations with the United States, a joint committee would be appointed by Congress to confer as to the way and means of an agreement for the construction of a canal, I am certain that there was a genuine feeling of relief.

When the report of the special committee of the Senate was prepared, and I had positive information that twenty of the twenty-seven votes in the Senate had been secured to pass it, I knew at once that such action would be fatal; and there being no cable communication to permit of instructions from you, I determined upon a course of energetic action which, while it might seriously lessen my popularity here, and seem undiplomatic unless viewed in the light of the exigency and the circumstances, resulted in my two notes of the 5th instant and one of the 8th instant to the minister for foreign affairs. These notes were as strong and incisive as I could make them, with no attempt to disguise in suave phrases the fact that there was no probability that the United States Senate would accept the amendments proposed by the committee. Whether or not I was justified in writing such strong notes is best judged in the light of events, for they accomplished what I deemed to be necessary, and no other course could have prevented the adoption of the report of the committee.

Some of the newspapers and members of Congress are expressing dissatisfaction with what they term my dictatorial attitude, but I do not consider this important, provided a satisfactory treaty is finally ratified, which now seems probable.

When action was taken on the 12th instant no one in authority believed that it was final. Aside from the tone of the public debate, which would indicate this to the public, the Senators had come to an agreement some days before as to the policy to be pursued. Because of the apparent fatality of the amendments proposed, it seems to have been thought best by those in charge (and I was so informed about the 10th instant), in view of the present state of public opinion, to reject the treaty in the first debate, and then, believing that there would be a reaction of this public opinion, to resort to some coup to get the treaty again before Congress and pass it.

Apparently the manner of getting at this has not been definitely determined, for there are various ideas of ways and means.

General Ospina, the chairman of the new committee, stated to a friend of mine yesterday that the main objections to the treaty rested upon lawful or constitutional grounds. That the treaty was not unconstitutional, but contrary to law 2 of 1886 and law 153 of 1887. That the committee could recommend an annulment of these laws, which, if done, would permit the ratification of the treaty, with some trivial amendment intended to soothe the apparent inconsistency of the two votes. That the action of the 12th instant was taken on the minority report of the committee, and the majority report could still be called up and a reconsideration had.

General Valencia, a senator and lawyer of reputation, says that the treaty is not unconstitutional, except with reference to the appointment of United States tribunals on the isthmus, which is not highly important; that it is not necessary to annul laws, because the treaty itself would become a superseding law if passed; that the only thing to look to was to get enough votes to pass the treaty when it again came before the Senate.

The feasible scheme, however, and the one most generally talked of as being likely to be adopted, is to frame a law authorizing the executive to continue and finish the negotiations for a canal without further recourse to Congress.

Whatever may be the means determined upon, it is altogether probable that the report of the joint committee will be passed when presented.

There is a seeming of good intentions in this movement, and yet I can not forget that there has never been a favorable word said for the treaty in the Senate, nor in fact has it been discussed at all, and there is little evidence of a desire to treat the matter with open good faith to the United States.

The first weeks of the session were devoted to the discussion of the question as to whether the vice-president must sign the treaty before it was considered by the Senate. In other words, an attempt of the vice president's political enemies to place the responsibility for the negotiations upon him, which he declined to assume. When this point was settled to the satisfaction of the Government and the burden was apparently placed upon Congress, came the appointment of the special committee of one member from each of the nine departments of the Republic, who consumed nearly three weeks in their deliberations, and then reported recommending the nine amendments, which I immediately cabled to you.

The first (and only) debate upon the committee's report occurred on the 12th instant, and that you may understand how the matter has been treated I will give a summary of that day's proceedings:

Senator Marroquin (son of the vice-president) moved that the debate be preceded by the reading of the correspondence which had passed between the United States minister and the minister for foreign affairs on the canal negotiations.

Senator Caro gave notice of a law he would move, containing two clauses, viz:

- (1) To reject the Hay-Herran treaty.
- (2) That the United States Government be informed that the Congress of Colombia meant no manifestation of hostility by this act, nor any antagonism to the construction of a canal by the United States.

The correspondence above referred to was then read.

My memorandum and notes, in which I pointed out that the Colombian Government did not apparently realize the gravity of the situation, and that if Colombia should now reject the treaty or unduly delay its ratification the friendly understanding between the two countries would be so seriously compromised that action might be taken by our Congress next winter which every friend of Colombia would regret, was received with loud murmurs of disapproval by the densely packed gallery. The minister for foreign affairs' replies, read mostly by himself, were, on the other hand, greeted with applause.

Besides the above, the tenor of my notes was (a) that any modifications would be fatal; (b) that any modifications affecting the arrangements with the Panama Canal and Railway companies would not be accepted. The minister's replies were to the effect that the Government was bound to submit the treaty to the Congress, and that in the event of its not passing that body he understood that the United States would proceed to the negotiation with Nicaragua; but that he did not see that the refusal to ratify the treaty could in any way alter the friendly relations existing between Colombia and the United States.

Senator Caro vehemently attacked the Government for its attitude in the conducting of the negotiations. He taunted the minister for foreign affairs for his action in having the correspondence between the

United States minister and himself read as an attempt to elude the responsibility resting on the Government, and to cover it by courting the applause of the gallery as the champion of the rights of the Colombian Senate; rights which, he said, had never been called in question by the United States minister.

This same attitude was taken by Senator Arango, in a short speech.

The minister for foreign affairs then went through the whole history of the negotiations, beginning with the project of an interoceanic canal first made. He gave a detailed résumé of the whole De Lesseps scheme, and its subsequent failure, and deduced the following conclusion: That the present situation, as shown by the history of antecedent schemes and negotiations, was that Colombia must choose one of two things—either the whole scheme of a Panama Canal must be abandoned, or Colombia must hand the undertaking over to the United States. Feelers had been thrown out which had proved that no other power or entity would under any circumstances take the project in hand. The concession, therefore, if given to anybody, must be given to the United States Government. But this fact must not be lost sight of, that the United States Government would not even consider the cutting of a canal which should not be its own canal. The minister than made reference to the notes which had passed between him and the legation of the United States. The result of that correspondence was that the Colombian Congress found itself in the dilemma of either accepting the treaty as it stands or losing all hope of seeing the great work cut through Colombian territory. He concluded by expressing the hope that, in discussing this matter, the Senate would strictly limit itself to the points at issue. The Government had done what it could in the matter. The negotiations had been initiated by the ablest of their statesmen, Dr. Martínez Silva, and the treaty, even as it now stood, bore the impress of that initiatory work. The Government had, moreover, left the decision of the issue to the free judgment of the country, and had exerted no influence whatever upon public opinion, when it could have passed the measure through by the use of dictatorial measures. (This evoked marked disapprobatory murmurs from the gallery.)

Senator Marroquin then made a short speech to the effect that the question turned on the acceptance or nonacceptance of the treaty, and not on questions of government policy, brought in by honorable senators, and which were foreign to the discussion.

A speech by Gen. Pedro Nel Ospina then followed, in which he blamed the minister for foreign affairs for having in a note given the United States minister the opportunity of raising the question as to whether or not his Government would accept any modifications. He said the minister's position reminded him of the man who, on being told by an alcalde that he must furnish three horses for the use of the Government, turned, as he was leaving the room, and inquired: "Must I furnish saddles, also?" To which the alcalde replied: "Certainly!" He also said that, outside of the question as to whether he did or did not favor the canal treaty as it stood, he could not, in view of the existing laws of the country, give his vote for its ratification. That the Congress should, in his opinion, first so amend the laws of the country as to enable the Colombian Government to come to an agreement with that of the United States in a manner honorable to both countries.

Senator Rodriguez spoke in the same sense, expressing his advocacy of the construction of a canal and his friendly disposition toward the Government of the United States. He should, however, as privately agreed upon, give a negative vote on this occasion.

And thus ended the only debate ever had in the Colombian Senate on the canal treaty.

A vote was taken at 6.30 p. m., and every senator present was recorded as voting against the ratification of the treaty.

As I have on many occasions informed you, ratification has seemed almost hopeless from the beginning without the active influence of the Government, and this it has never used. The Nationalists, under the lead of Senator Caro, have been too deeply concerned in their efforts to belittle the Government to consider the merits of the treaty at all. The Liberals, while not represented in Congress, are the most active factors in creating public opinion, and have taken an almost identical position. The coffee planters and exporters, who think their business would be ruined by low foreign exchange, have been unpatriotic enough to place personal interests above national good, and have been against the treaty because the \$10,000,000 once paid Colombia would send exchange so low that coffee could not be exported from the interior. Even the Panama representatives have lately become so thoroughly imbued with the idea of an independent republic that they have been more or less indifferent to the fate of the treaty.

As a matter of fact the treaty, as such, has had no active friends or supporters, and if it is ratified at all it will be because of the strong attitude taken by the United States and the earnest repetition of the statement that the friendly understanding between the two countries depended upon it.

It has been a difficult and trying situation from the first, rendered more so by the interruption of cable communication, and one in which a strong, rather than a velvet hand, was imperative.

I await the consummation with some hope and much distrust.

I am, sir, your obedient servant,

A. M. BEAUPRÉ.

Mr. Loomis to Mr. Beaupré.

[Telegram.]

DEPARTMENT OF STATE,
August 15, 1903.

Cable additional information concerning rejection of treaty as soon as possible.

LOOMIS.

Mr. Beaupré to Mr. Hay.

[Telegram.]

UNITED STATES LEGATION,
Bogotá, August 15, 1903. (Received August 23.)

August 15, 1 p. m. Prominent Senator says that the vote on Wednesday was upon the minority report of the committee; hence, it is believed reconsideration possible on the line of majority report Thurs-

day. Senate appointed new committee of three, General Ospina, chairman, in cooperation with similar committee appointed Friday by Chamber of Representatives, to report as joint committee of both Houses. The appearance is a disposition to find the means of ratifying the treaty. The committee seems one that will work to that end.

BEAUPRÉ.

Mr. Beaupré to Mr. Hay.

No. 107.]

LEGATION OF THE UNITED STATES,
Bogotá, August 17, 1903.

SIR: I have the honor to send you inclosed copies and translations of two notes from the minister for foreign affairs in regard to the Panama Canal treaty.

I am, sir, your obedient servant,

A. M. BEAUPRÉ.

[Inclosure 1.—Translation.]

Doctor Rico to Mr. Beaupré.

MINISTER OF FOREIGN RELATIONS,
Bogotá, August 11, 1903.

MR. MINISTER: In your polite note written the 8th of the present month, in answer to the one I had the honor to address to you on the same date, your excellency has been pleased to inform me that your previous notes have fully defined the antecedent circumstances which, as it appears from one of the two notes of your excellency of date of the 5th instant, "attended the whole negotiation of the canal treaty," and according to the same note, "are of such a nature as to fully warrant the United States in considering as a violation of the pact any modification whatever of the conditions stipulated in the treaty, such as may cause the gravest complications in the friendly relations which have hitherto existed between the two countries."

The said note makes special reference to your excellency's note of June 10 last, which deals with the permission the canal company and the Panama Railroad Company must obtain in order to transfer their respective concessions. I answered said note on the 27th of that month and stated to your excellency that in order to determine the meaning of article 1 of the treaty, Congress would have to consult the antecedents of the negotiation, among which were included the notes of the minister of "hacienda" dated December 25 and 27, 1902, and an extract from the memorandum addressed to his excellency the Secretary of State on the 22d of November of the same year by the Colombian legation in Washington.

In the opinion of the Colombian Government the view expressed by your excellency's Government that the circumstances attending the whole negotiation of the canal treaty are of such a nature as would fully authorize the United States in considering as a violation of the pact any modification whatever of the conditions of the treaty is not compatible with diplomatic usages nor with the express stipulation of article 28 of the same convention.

In fact, plenipotentiaries in concluding public treaties propose and accept conditions with the purpose of facilitating the negotiation which is not final except by means of ratification, which in republics is vested in the executive power with the concurrence, direct or indirect, of some other high power of state.

This doctrine is expressly recognized in the said article 28, which reads: "This convention when signed by the contracting parties, which shall be ratified according to the laws of the respective countries, and shall be exchanged in Washington within a term of eight months from this month, or earlier if possible."

Under that article the Government of the United States submitted the treaty to the Senate for its approval, and the Government of Colombia has had to do the same in respect to its Congress. The former proceeded in conformity to a constitutional provision, and the latter adopted analogous proceedings, because, according to paragraph 10 of article 120 of the constitution, the power of making treaties with foreign powers is qualified by the necessity of submitting them to the approval of

Congress; so that the convention for the opening of the canal must, in order to be ratified in accordance with the laws of Colombia, as stipulated in said article 28, be ratified by the Congress; and the obtention of such approval, with or without amendments, could not have been a matter for agreement in any of the circumstances which attended the negotiation and to which your excellency refers when you say that any modification of the terms or any delay in the exchange of ratifications would be considered a violation of the stipulated conditions. If my Government had entered into that agreement your excellency would have said so in your note of the 8th instant, by which you were pleased to explain the paragraph in which those circumstances are discussed.

Your excellency tells me that when the canal convention was presented to the Senate of the United States it met there the most violent opposition; that not only were the strongest efforts made to reject it as a whole, but that many amendments more or less important were proposed for immediate discussion, and that the final and definite victory was only attained after the most strenuous efforts on the part of the friends of the Administration, convinced as they were that it ought to be ratified without any alteration.

The course of the honorable Senators who proposed the modifications makes it clear that they used their constitutional rights in proposing changes in the conditions of the pact, without any reason to consider that the Government of the United States was bound to approve the treaty without modifications, as has been claimed in regard to the Government of Colombia.

I suppose that your excellency's Government has never denied to the Senate the right to introduce modifications in the international pacts, and that this right has the same legal force as that of approving or disapproving public treaties, and I understand that the Senate has exercised its right to propose modifications not only in this case, but also in others, as I pointed out to your excellency in my contra memorandum of June 18, in connection with the project of convention dated November 28, 1902, between the United States and Great Britain, for the abrogation of the Clayton-Bulwer treaty of 1850.

The Colombian Government, fully aware that justice and equity govern the course of the United States in its relations with all powers, and that its respect for the autonomy of the Spanish-American countries is a substantial guaranty of the stability and independence of those nations, is confident that the principles which I have adduced in favor of the right which the Colombian Congress has, not only to propose modifications to the convention for the opening of the canal, but also to refuse its approval, can not but convince your excellency's Government that the exercise of that right can not in any manner entail complications great or small in the relations of the two countries, which it is to be hoped will continue on the same equal footing and in the same good understanding which has happily existed until now, and that they will facilitate the removal of the difficulties which have retarded the final agreement, the result of which is to accomplish that work of such great importance to the two high contracting parties and to the world's commerce.

My attention has been especially called to a paragraph of your excellency's note of the 8th of this month which says that the opposition the treaty's approval met in the United States Senate convinces your excellency's Government beyond a doubt that no modifications to this pact could be submitted to that same Senate, because they would not be accepted.

I might observe that the general opinion which has been developing itself in favor of the Panama route might induce the Senate in Washington to accept some or all of the modifications which may be adopted by the Colombian Congress; but as the Government of your excellency does not think possible the presentation of modifications to the pact, I will call the attention of the Congress of Colombia to this grave circumstance.

I am gratified at the explanation of your excellency in your notes relative to the approval of the treaty, that you have done nothing but fulfill the instructions of your Government, and I fully appreciate the personal interest which your excellency manifests in the honor and glory of the nation to which you are accredited, as well as the declaration that you wish to procure as great benefits as possible, not only to the country you represent, but also to that in which you reside, which it is hoped may exercise a beneficial influence in maintaining the most cordial friendship between the two Republics.

I beg that your excellency accept the reiterations of my highest and most distinguished consideration.

(Signed)

LUIS CARLOS RICO.

His Excellency A. M. BEAUPRÉ,
Envoy Extraordinary and Minister Plenipotentiary of the United States, etc.

[Inclosure 2.—Translation.]

MINISTRY OF FOREIGN RELATIONS,
Bogotá, August 14, 1903.

MR. MINISTER: As your excellency has been pleased to address me various notes relative to the treaty for the opening of the Panama Canal which was signed in Washington the 22d of January last, I inform your excellency that the Senate of the Republic disapproved that pact, by the unanimous vote of the senators present, in the session of the 12th of this month, and the day following approved, also unanimously, the proposition which I have the honor to communicate to your excellency, and which is as follows:

“The Senate of the Republic, in view of the disapproval given to the treaty signed in Washington the 22d of January of the present year, by the chargé d'affaires of Colombia and the Secretary of State of the American Union, and taking into account the desire of the Colombian people to maintain the most cordial relations with the people of the United States of America, and its sentiment that the completion of the interoceanic canal across the Isthmus of Panama is a work of the greatest importance for the commerce and advancement of the world, as well as for the development and progress of the American nations, resolved:

“1. That a commission of three senators, appointed by the president of the Senate, consulting in every possible way the opinion of the House of Representatives, study the manner of meeting the earnest desire of the Colombian people touching the construction of the Panama Canal, in harmony with the national interests and observance of the law by which the Senate was ruled on this solemn occasion; and

“2. That the widest publicity be given both at home and abroad to this resolution, to the modifications to said treaty proposed by the commission of the Senate, and to the other documents which had led to this resolution.”

Although I have made known by cable to the Colombian legation in Washington the contents of the proposition above quoted, in order that it may inform the Department of State of both actions, I communicate the same to your excellency in order that you may, if you see fit, also bring them to the knowledge of the Government of the United States.

I renew to your excellency the assurances of my highest consideration.

(Signed)

LOUIS CARLOS RICO.

Mr. Beaupré to Mr. Hay.

[Telegram.]

UNITED STATES LEGATION,
Bogotá, August 17, 1903. (Received August 25.)

The President informs me that Congress will pass law authorizing him to continue and finish negotiations for canal; but what conditions will be specified he can not state at the present moment.

BEAUPRÉ.

Mr. Beaupré to the Department of State.

No. 110.]

LEGATION OF THE UNITED STATES,
Bogotá, August 18, 1903.

SIR: I have the honor to report that the Department's telegram of the 31st ultimo is the only instruction I have received since the telegram of the 13th of July concerning the canal treaty.

As telegrams have arrived from London, Paris, and Berlin, there is something mysterious in the fact that none have come from the United States during this critical period.

There is a feverish anxiety here to know what your position will be upon receiving news of the rejection of the treaty, and further action by Congress upon it.

I am, sir, your obedient servant,

A. M. BEAUPRÉ.

Mr. Adee to Mr. Beaupré.

[Telegram.]

DEPARTMENT OF STATE,
Washington, August 19, 1903.

A telegram from consul at Colon communicates a telegram in Spanish, dated August 5, saying no cable received since July 13. Department of State telegraphed you on July 13, 24, 29, 31, August 10, 13, and 15, and has received telegrams from you dated July 15, five dated August 5, one August 6, 10, and 12. Have you received Department's messages? If not, protest against interference with your official communications which are entitled to privilege.

ADEE, *Acting.*

Mr. Hay to Mr. Beaupré.

[Telegram.]

DEPARTMENT OF STATE,
Washington, August 24, 1903.

The President will make no engagement as to his action on the canal matter, but I regard it as improbable that any definite action will be taken within two weeks.

HAY.

Mr. Beaupré to Mr. Hay.

[Telegram.]

UNITED STATES LEGATION,
Bogotá, August 24, 1903. (Received 28.)

August 24, 11 a. m. Nothing has been done, and very little satisfactory action, this depending upon the attitude of the Government of the United States, which is waited for in great anxiety. The report of the committee prepared. Have received telegram of 13th; none later.

BEAUPRÉ.

Mr. Beaupré to Secretary of State.

No. 115.]

LEGATION OF THE UNITED STATES,
Bogotá, August 24, 1903.

SIR: Referring to the Department's No. 23 of July 21, 1903, I have the honor to inclose herewith two copies of the decree of Vice-President Maroquin calling the session of Congress to consider the canal treaty, and two copies of the sections of the constitution referred to in said decree as requested by the Hon. John T. Morgan.

I might add that the constitution of Colombia is to be found at page 179 of Foreign Relations for 1886.

I am, sir, your obedient servant,

A. M. BEAUPRÉ.

[Inclosure in 115.]

EXTRACTS FROM CONSTITUTION.

ARTICLE 72. Congress shall assemble in extraordinary session when summoned by the Government. It shall, in such sessions, consider only such business as is specially submitted by the Government for its consideration.

Paragraph 2 of article 118. To convene Congress in extraordinary sessions for serious reasons of public convenience and after previous consultation with the council of state.

The preamble of article 118 reads: "The President of the Republic shall exercise the following powers in relation to the legislative department."

Mr. Beaupré to Mr. Hay.

[Telegram.]

UNITED STATES LEGATION,
Bogotá, August 26, 1903. (Received 29.)

August 26, 7 a. m. Have received telegram 19th. Have not received Department's messages of July 24, 29, and August 15, which is most unfortunate, for the situation is grave, and much depends upon your attitude.

Will protest.

BEAUPRÉ.

Mr. Hay to Mr. Beaupré.

[Telegram.]

DEPARTMENT OF STATE,
Washington, August 29, 1903.

The President is bound by the Isthmian Canal statute, commonly called the Spooner law. By its provisions he is given a reasonable time to arrange a satisfactory treaty with Colombia. When, in his judgment, the reasonable time has expired and he has not been able to make a satisfactory arrangement as to the Panama route, he will then proceed to carry into effect the alternative of the statute. Meantime the President will enter into no engagement restraining his freedom of action under the statute.

HAY.

Mr. Beaupré to Mr. Hay.

[Telegram.]

UNITED STATES LEGATION,
Bogotá, August 29, 1903. (Received September 4.)

August 29, 12 m. I have not yet received any messages from the Department concerning the rejection of the treaty nor those mentioned in my telegram of the 26th. The committee has not yet reported, and the prospects of satisfactory report are not good.

BEAUPRÉ.

Mr. Beaupré to Mr. Hay.

BOGOTÁ, August 30, 1903.

(Received September 12.)

August 30, 8 a. m. Confidential. I am informed authoritatively that to assure the election of Reyes, Marroquín has already changed the governors of Bolívar, Magdalena, and Panama, nominating, respectively, Insignares, Barrios, and Senator Obaldía. All pledged to the treaty and to Reyes.

BEAUPRÉ.

Mr. Beaupré to Mr. Hay.

[Telegram.]

UNITED STATES LEGATION,

Bogotá, August 31, 1903. (Received September 5.)

August 31, 1903, 2 p. m. I had an interview with Senator Ospina to-day. He informed me that he is willing to remain so long as there is hope for the treaty, but he is convinced that there is none, and will leave, therefore, on the 6th proximo. Confirms General Reyes statement concerning presidential candidate, and says that the next Senate was made certain for the treaty; that he bears instructions to Governors Signares and Barrios concerning the elections which will be held next December; that in accepting governorship of Panama he told the President that in case that the department found it necessary to revolt to secure canal, he would stand by Panama; but he added if the Government of the United States will wait for the next session of Congress canal can be secured without a revolution. Senator Campo, from the Cauca, is about to leave, thinking the treaty gone.

Confidential. My opinion is that nothing satisfactory can be expected from this Congress. Caro's party has been joined by Velez and Soto and their followers, constituting a decisive majority against the treaty. General Reyes seems to still entertain hopes.

BEAUPRÉ.

Mr. Beaupré to Mr. Hay.

[Telegram.]

UNITED STATES LEGATION,

Bogotá, September 1, 1903.

(Received through German embassy September 5.)

Have not received Department's messages, while others of late date for various legations have arrived. I have sent important telegrams 30 and 31. On receiving, answer by German minister.

BEAUPRÉ.

Mr. Beaupré to Mr. Hay.

[Telegram.]

UNITED STATES LEGATION,

Bogotá, September 2, 1903. (Received September 6.)

Have received your telegram 24.

BEAUPRÉ.

Mr. Beaupré to Mr. Hay.

[Telegram.]

UNITED STATES LEGATION,
Bogotá, September 5. (Received September 11, 10.10 p. m.)

September 5. Have received telegram 29. The committee have reported a law which approves rejection of the treaty; authorizes the President to conclude treaties for Panama canal or contract for same with private parties, subject to rights of companies; railroad company permitted to transfer, purchaser assuming all obligations, including annual payments of \$250,000 and transfer of property to Colombia in 1967; canal company permitted to transfer on payment to Columbia of \$10,000,000; the President authorized to make following concessions: Lease of zone for one hundred years, not including Panama or Colon; annual rent \$150,000 until 1967; lease renewing every hundred years on payment of 25 per cent increase; neutrality of canal and the recognition of Colombian sovereignty over the whole territory and inhabitants; mixed tribunals only; police and sanitary commissions Colombian only; excluded from zone; time limit for completion of works; Colombia to receive from contracting Government \$20,000,000 on the ratifications of the treaty; fixing regulations concerning purchase of private company.

It is now highly probable even this may not be accepted by the Senate. In any event nothing more satisfactory may be expected from this Congress. The debates will begin next Monday.

BEAUPRÉ.

Mr. Beaupré to Mr. Hay.

No. 129.]

LEGATION OF THE UNITED STATES,
Bogotá, September 5, 1903.

SIR: I have the honor to report that since the appointment of the joint congressional committee to consider the canal matter nothing was done until the committee made its report on the 4th instant. I cabled the substance of that report, and should there seem any prospect of its passing I will send it in full.

As the situation seems at present, it is not likely to pass. The first debate in the Senate will commence on the 7th instant, and the question may be settled during the week.

I think my previous reports have given the Department a very good idea of the situation, but there are some phases of it which I should like to discuss personally when I next visit the United States. This will be in March of next year, I think, if I can get the Department's permission, and circumstances admit of it.

The impressions which I set forth in my No. 6 of April 15, 1903, that there would be an attempt to secure greater concessions from the United States before a canal treaty would be ratified, are now confirmed. It is quite probable that the Government originally intended that a treaty of some sort should be passed, but apparently not the one under consideration in its entirety.

If in the earlier days of Congress, when the Government had a majority in the Senate, the United States or the canal company could

have been induced to add \$10,000,000 or \$15,000,000 to the recompense to be received by Colombia, I believe the treaty would have been ratified; but lately the tide of opposition has set in so strongly that it has seemed beyond control.

The public discussion which the Government invited has not only overwhelmed the treaty, but has been immensely disastrous to the Government itself. It has not been a discussion in fact, but a rivalry among the newspapers as to which could produce the most violent and bitter attacks upon the whole negotiation. The only articles which have appeared in defense of the treaty were written by Mr. J. T. Ford and Mr. Enrique Cortez. These were answered by personal attacks upon the writers. Mr. Ford was accused of desiring the passage of the treaty in order to secure the payment of the claims of his companies.

I must give Mr. Ford the credit of working for the treaty to the utmost of his ability during the three months that he remained at this capital.

Some of the newspapers are now urging that by threats and intimidation a powerful nation has been trying to coerce the acceptance of an unconstitutional and unsatisfactory treaty upon a weak one, but that through the loyalty of its legislators Colombia has emerged from the ordeal with unstained honor.

With respect to the assurances from certain quarters that the next Congress would be made up so that the canal treaty may be ratified, I believe that this must be taken with due allowance. That any one in authority here has any intention of securing the ratification of the treaty in its present form I can not believe. They will insist upon more money and other modifications.

It is now understood that the vice-president will close this Congress on the 20th instant, so that little consideration can be given to the important questions before it. I believe a law concerning foreign claims will be passed. It is said that in this the Government will distinctly refuse to recognize its responsibility for damages occasioned by the revolutionists.

I am, sir, your obedient servant,

A. M. BEAUPRÉ.

Mr. Beaupré to Mr. Hay.

[Telegram.]

UNITED STATES LEGATION,

Bogotá, September 10, 1903. (Received September 12.)

Since the report of the canal committee the question has not been discussed in the Senate. First consideration of the report postponed until 14th instant. Fierce attack to-day in the Senate upon the appointment of Obaldía as governor of Panama. The appointment is regarded as being the forerunner of separation. Of several Senators who spoke only the son of the President defended the action of the Government. A resolution passed by almost unanimous vote, which is equivalent vote of censure against the Government. The situation is not improved. There is no prospect of satisfactory action.

BEAUPRÉ.

Mr. Beaupré to Mr. Hay.

No. 133.]

LEGATION OF THE UNITED STATES,
Bogotá, September 11, 1903.

SIR: I have the honor to report that events of interest have taken place in connection with the appointment of Senator Obaldia to the post of governor of the department of Panama.

Senator Obaldia's separatist tendencies are well known, and he is reported to have said that, should the canal treaty not pass, the department of Panama would declare its independence, and would be right in doing so. That these are his opinions there is, of course, no doubt, as I stated in my telegram to the Department of August 31, 1903.

At yesterday's session of the Senate the feeling of opposition to Señor Obaldia's appointment was given expression by a resolution proposed by Senator Perez y Soto, to the effect that—

The Senate of the Republic can not see with indifference the appointment which has been made for the post of governor of the department of Panama which it regards as a menace to the safety of the Republic.

This resolution was amended by omitting the reference to the governorship of Panama in particular, and made to include all administrative posts held under the Government.

In this form it passed with an almost unanimous vote.

The debate itself, though short, for it lasted under two hours, was one of the most important that has yet taken place in open session. As I telegraphed yesterday, it was nothing more or less than a direct vote of censure.

It was said that Obaldia's appointment could have one, and only one, explanation: That he was sent to the isthmus to make necessary preparations for the presidential election; and that other similar appointments had been made with the same end in view—such as that of insignares to the Department of Bolivar.

The speakers showed greater heat than I have yet known them to evince in this Congress. It seemed to be the general opinion that the Government was prostituting the general interests of the country for purposes of electioneering intrigue.

Gen. Pedro Nel Ospina, in a passionate and much applauded speech, warned the Government that should it persist in its present course, exhausted as the county was, a fresh revolution was not far distant.

The notable feature in the debate was the general spirit of hostility shown toward the Government, both by the Senators themselves and by the public assembled in the gallery and round the lobbies. With the exception of one Senator there was not a speaker who did not bitterly and uncompromisingly denounce the Government. When Senator Marroquin, the son of the President, rose to defend the action of the Government, he was greeted with hisses from all parts of the house, and hisses and jeers accompanied him throughout his speech. There was absolutely no sympathy for him nor for his position.

It is evident, I think, that a cross current was at work during the debate. It was initiated by an opponent of the canal and a believer in the integrity of Colombia against the appointment of a Panamanian who ardently supported the canal, and who, if forced to accept an alternative, would rather see the isthmus independent than lose the chance of seeing the canal built through his department. The oppo-

ment of the canal scheme carried the house with him, but he gained their support, not in virtue of his attitude on the canal question, but because his resolution opened the door to a general attack on the Government.

It really begins to appear that the majority of the senate care little about the canal, except in so far as that subject ministers to their own political ends.

During yesterday's session the senators were presented with a document published by Senator Perez y Soto, protesting against the appointment of Senator Obaldia to Panama. The large portion of this publication consists of a copy of a letter addressed to the President on the subject. Treating of the canal in this letter, the following significant passage occurs:

When we (Perez y Soto and the President) again met, in December (1902), my first care was to entreat you to allow nothing to be signed—nothing at the time pending with the American Government—for by knowing how to wait we might be able to obtain greater advantages in the canal treaty. You answered me that the Government could very well allow the treaty to be signed, leaving it to Congress to make such modifications as it might see fit. I then observed to you that even that was a dangerous course to pursue, because with the Americans there was no playing. I said that you did not escape responsibility by making concessions ad referendum.

I have no reason to doubt the Senator's veracity, and his statement brings vividly to mind the predictions I made in my No. 6 of April 15, 1903, to the effect that when the President ordered the treaty to be signed he anticipated amendments, and indulged in the hope of having them accepted by the United States.

In view of recent representations made to the department that the election for members of the Congress of 1904 would be so looked after that the canal treaty could be passed, it is well to remember that the present Congress was specially called to consider the treaty, and that the same methods were employed in electing this one as must be in electing the one of next year. Why, then, if that power is lodged in the Government, were not the present senators and deputies pledged to the ratification of the treaty?

If the Government intended to elect a minority strongly opposed to the treaty, and to give them full play in their attacks upon it with the view of obtaining better terms from the United States, it has reckoned without its host, for it has brought into existence a Congress, a large portion of which is not only against the treaty but intensely hostile to the Government itself. This is partly due to blunders on the part of some of the governors of departments, especially the one in Panama, but also to the rupture with General Fernandez. A considerable number of the senators and deputies elected were supporters of the latter, and were regarded as votes upon which the Government could count. After the break with Fernandez these votes joined the opposition, and to-day the Government finds itself confronted with a hostile majority instead of a noisy minority.

It was evidently plain to the Government some time ago that there is no hope for the ratification of the treaty; that the treaty would be rejected not on its own merits, but as a means of dealing a blow at the Government of President Marroquin. Seeing how the political game was being played the Government abandoned any intent it may have had to advocate the treaty, and turned its attention to averting from itself the current of opposition, or at any rate the responsibility for the rejection of the treaty. For this reason on a motion by Senator

Marroquin, the President's son, on the day which had been set apart by previous arrangement for the rejection of the treaty, the debate was preceded by the reading of the correspondence which had passed between the minister for foreign affairs and myself. The object of this move is clear. The Government desired to make it appear that the rejection of the treaty was not a blow aimed at the President and his ministers, but was a protest against what was asserted to be the dictatorial attitude assumed by the United States Government through its minister.

The first debate on the report of the joint congressional committee appointed to consider the canal matter has been postponed until the 14th instant, but nothing satisfactory is to be expected from this Congress.

I am, sir, your obedient servant,

A. M. BEAUPRÉ.

Mr. Beaupré to Mr. Hay.

[Telegram.]

UNITED STATES LEGATION,
Bogotá, September 14, 1903. (Received September 15.)

Canal committee report unanimously passed first reading to-day. Perez Soto gave notice amendment absolutely restricting the Executive to terms of proposed law. The situation has not changed, and nothing better than this law may be expected.

BEAUPRÉ.

Mr. Beaupré to Mr. Hay.

[Telegram.]

UNITED STATES LEGATION,
Bogotá, September 17, 1903. (Received 7.30 p. m., 18.)

September 17, 11 a. m. No discussion of canal question and no change in the situation.

The probability is that Congress will not adjourn before 20th proximo.

BEAUPRÉ.

Mr. Beaupré to Mr. Hay.

No. 139.]

LEGATION OF THE UNITED STATES,
Bogotá, September 18, 1903.

SIR: I have the honor to send you inclosed a copy of the Diario Oficial of September 15, 1903, containing the majority and minority reports of the special committee of the Senate appointed to consider the Panama Canal treaty, which reports were made on August 4, 1903. I also inclose the printed report of the Senate members of the joint committee appointed to consider the question of the construction of a canal, which report was made on September 4, 1903.

I informed you that the last report had passed the first debate in the Senate. Since that time the matter has not been considered at all. It is altogether probable that amendments will be made before the project passes the Senate, and that still others will be attached to it in the lower house.

It is the general opinion that the Congress will be closed on October 20, but this has not been definitely decided. At any rate the canal matter is not likely to be disposed of until the last days of the session.

I am, sir, your obedient servant,

A. M. BEAUPRÉ.

[Translation.]

PANAMA CANAL.

[Several papers concerning the treaty between Colombia and the United States From the Diario Oficial.]

[Translation of a project of a law submitted by certain senators on August 3, 1903, by which the treaty between the Republic of Colombia and the United States of America, for the construction of an interoceanic canal between the Atlantic and Pacific oceans, is approved with modifications. From the Diario Oficial, September 15, 1903.]

The Colombian Congress, having examined the treaty signed the 22d of January of the present year between the chargé d'affaires of Colombia before the Government of the United States of America and the Secretary of State of that Republic, which treaty reads literally as follows (see text of treaty as signed), decrees:

Sole article. That the above-inserted treaty is approved with modifications set forth as follows:

First. In the preamble the reference to the law of the United States of June 28, 1902 (Spooner law), shall be suppressed.

Second. In the first article a provision shall be introduced that the Panama Canal and Railroad companies shall previously enter into an agreement with the Colombian Government setting forth certain conditions, among which the Colombian Government shall give the necessary consent that such companies may transfer their rights to the United States. It shall be stipulated that Colombia shall recover control of all the public lands which are now in the possession of the said companies, without exception, so that the cities of Panama and Colon shall remain effectively and completely outside of the zone of the concession.

Third. The terms of the second and third articles shall be modified so as to clearly provide that Colombia concedes to the United States only the right to use the zone of the canal and such part of the adjacent territory as may be necessary for the work; it must be clearly set forth that the rights conceded to the United States are in the nature of a tenancy, excluding any idea of transfer of dominion by establishing clearly and peremptorily the perpetuity of the concession. The boundaries of the zone shall be indicated with the greatest possible precision and the accessory properties included in the concession shall be clearly set forth, definitely excluding from the latter the cities of Panama and Colon. It shall be stipulated, moreover, that the guaranty of the treaty of 1846-1848 shall not be modified in any way and shall continue to be in force in the Department of Panama, including the zone of concession.

Fourth. In the seventh article the concession shall be limited expressly to the right to use gratuitously the waters of the lakes, lagoons, rivers, and other streams, natural or artificial, which are necessary for the feeding of the canal, or for its construction, sustenance, and operation, having the right to deviate the course of such waters, to raise or lower their levels, to convert them into lakes, widen or reduce them, as may be most convenient for the purposes; and it shall be stipulated that such right is exclusive so far as it relates to the use of said waters for the feeding and supply of the canal and canal auxiliaries, this concession not preventing the waters referred to being used, under legitimate authority, for other purposes than navigation, which do not interfere with or obstruct the use which the United States may desire to make of them. The use of water or waterways outside of the canal zone for the transportation of materials shall not be the exclusive right of the United States, but this right shall be granted to them without taxes or imposts of any kind, so far as relates to materials for the construction, support, and working of the canal.

The natural products, property of the Republic, which the United States may require for the work shall be stipulated with the greatest possible exactness, the right being limited to the Department of Panama, and providing that the expropriations which shall be made under this article (seventh) shall be subject to the provisions of article 14.

Fifth. In the eighth article the vagueness of the clause shall be corrected, under which no taxes shall be collected in the cities of Panama and Colon except upon merchandise imported for consumption in the rest of the Republic of Colombia, etc.

Sixth. In the thirteenth article there shall be suppressed as being contrary to the constitution all that relates to the establishment of United States tribunals and the application of the laws of that country in Colombian territory, and it shall be stipulated that the regulations of police and sanitation which shall be in force in the canal zone shall be a matter for agreement between the two Governments.

Seventh. Indemnifications which may be named by the committee mentioned in article 14 of the convention for expropriations made in certain cases referred to in the same article shall be paid by the United States, and the valuations shall be in accordance with the regulations set forth in article 9 of the law 119 of 1890.

Eighth. In the twenty-fourth article a clause of forfeiture shall be introduced, designating a term after which, if the work is not completed, all the concessions shall lapse and all the rights and property of the enterprise shall return to Colombia.

The last part of article 25, beginning, "But no delay, etc.," shall be suppressed.

Ninth. In the additional clause the tribunal shall determine what must be done concerning differences that may arise between the contracting parties touching the fulfillment of the treaty provisions. Given, etc.

Submitted to the honorable Senate, in special committee, by the undersigned senators in the session of Monday, the 3d of August, 1903.

Pedro Nel Ospina, J. D. de Obaldia, J. M. Uricoechea, Luis F. Campo, Eduardo B. Gerlein, J. M. Ribas Groot, José M. González Valencia.

Joaquin M. Uribe B. and Juan B. Pérez y Soto reserve the privilege of a separate report.

(In their minority reports they greatly amend the treaty.)

COLOMBIA, SENATE CHAMBER, OFFICE OF THE SECRETARY, No. 116,
Bogotá, August 13, 1903.

To the Minister for Foreign Affairs:

In compliance with article 322 of the Senate rules. I have the honor to inform your excellency that this body, in yesterday's session, rejected on first debate the project of law "by which the treaty (signed in Washington on January 22, 1903) for the opening of the Panama Canal is approved."

God preserve your excellency.

MIGUEL A. PEÑAREDONDA.

COLOMBIA, SENATE CHAMBER, OFFICE OF THE SECRETARY, No. 121,
Bogotá, August 13, 1903.

Minister of Foreign Relations:

In order that the Department under your excellency may take such course as may be deemed proper for foreign publicity, I communicate at once to your excellency the resolution unanimously approved by the Senate at to-day's session.

"The Senate of the Republic, in view of the rejection given to the treaty signed in Washington on January 22 of the present year, between the chargé d'affaires of Colombia and the Secretary of State of the American Union, and taking into account the fact that the people of Colombia desire to maintain the most cordial relations with the United States of America, and deem the construction of an interoceanic canal across the Isthmus of Panama a matter of the greatest importance to commerce and the world's progress, as well as for the development and progress of the American nations, resolves:

"First. That a committee of three senators, designated by the president of the Senate, consulting as far as possible the views of the House of Representatives, shall investigate a way of satisfying the desire of the Colombian people regarding the construction of the Panama Canal in harmony with the national interests and respect for law which has been on this solemn occasion the guide of the Senate.

“Second. That the greatest possible publicity shall be given, in this country as well as elsewhere, to this resolution, to the modifications which the Senate committee may propose to said treaty, and to the other documents which have preceded in the consideration of this matter.

God preserve your excellency.

MIGUEL A. PEÑAREDONDA.

[Inclosure with dispatch No. 139, September 18, 1903, from the United States minister at Bogotá.— Translation.]

PANAMA CANAL—REPORT OF A COMMITTEE AND DRAFT OF A LAW.

Honorable Senators:

Having been designated on the 13th instant by this honorable chamber to “find a way to satisfy the desire of the Colombian people regarding the construction of the Panama Canal in harmony with the national interests and respect for law, which has been on this solemn occasion the guide of the Senate,” a designation made in conformity with the resolution adopted on the same day and reached after the unanimous rejection, on first debate, of the draft of law “which approves the treaty signed in Washington on the 22d of January of the present year between the plenipotentiaries of the Republic of Colombia and of the United States of America for the construction of an interoceanic canal through the Colombian Isthmus,” we have given our whole attention to this difficult subject, endeavoring to find a solution which may harmonize and satisfy the exigencies of the case.

It is known that the treaty was disapproved because of unconstitutionality, illegality, and inconvenience for Colombia of some of its provisions, and because, while the Senate was considering it (under its constitutional prerogative and in accordance with the provisions of the treaty itself) and was in possession of the report which, at the first debate, the majority of the committee named for the purpose submitted, and of the restrictions proposed, the Government of the United States made known to Colombia, through their United States minister in Bogota and the department of foreign affairs, and by the latter directly to the Senate, that any modification which might be introduced into the convention would not be admitted and would be equivalent to a rejection of the treaty. The Colombian Senate, in view of the attitude and declaration of the United States Government, was left necessarily with the alternative of approving what the constitution and the interest of the country ordered it to reject, or of refusing its approbation to what had been conditionally agreed upon by the two Governments. The Senate determined upon the latter of these alternatives, as was to have been expected.

Keeping within the constitutional limits (according to our loyal understanding of the constitution) and admitting such concessions as reason and experience show are indispensable, in order to arrive in this matter at a satisfactory and practical solution, we have formulated a draft of a law of authorizations, which we submit on a separate page, and which, if certainly an imperfect result because of the difficulties of the subject, of our incapacity, and of the many peculiar circumstances of the present case, will show our desire to succeed, and that an initiative which may tend to solve a problem of such universal importance as that of communication between the two oceans through our Isthmus of Panama, is not abandoned without some fresh effort made in good faith and loyalty by both parties.

It is too clear to us (as to all the world) that this matter can not be determined heedlessly, but that its solution, the result of which will affect our entire country for centuries, and represents at this time the hope of life and prosperity or the fear of ruin to important sections of the country, and even to those sections apparently remote and isolated with respect to the colossal work, demands that it be considered and acted upon in an especial manner, not permitting the standard to be disturbed either by erroneous notions or half-formed truths, which usually divert it or carry it to extremes which, the fervor of the moment having passed, may afterwards appear improper. Calmness, a precise appreciation of the present and future national needs, in the widest and noblest sense of those words, foresight and prudence most enter into the study of this thorny question in order that it can be said that it was settled for the country's good, which must consist in acts, not in words; in serving the country, not in harming it in the belief of serving it. We may feel sure that this is the first occasion in which this problem has been presented before the world under the conditions which we now have before us. It would be, then, useless to look for precedents. Whatever may be done to settle the matter under these circumstances,

which no one can alter, will be the precedent for future cases. We must bravely and loyally meet the problem because it is ours and at the same time interests the entire civilized world. It is necessary, then, to proceed without losing sight of the most important points, which are not necessary to enumerate here, and not only to look for the greatest good possible in the facts for Colombia, but to try to patriotically avoid serious evils whose character and importance might perhaps involve worse results than those which are now circulated around by the best intentioned but, perchance, not sufficiently discerning persons who, in desiring that things shall be as they are not, close their eyes to the reality of a situation which if prudently looked into might be converted into good to the country, but if unknown or carelessly studied, will not fail to bring about dangers and complications in no way compensated by good intentions or friendly words. Civil courage demands, in cases like this, a frank expression of honest conviction.

In view of which we have the honor to propose the following draft of a resolution: "That there be a first debate of the draft of a law by which a disapproval is ratified and authorizations are given to the Government to negotiate for the opening of an interoceanic canal across the Isthmus of Panama."

Bogota, August 29, 1903.

Submitted by the undersigned members of the committee designated by the president of the Senate:

PEDRO NEL OSPINA.

MANUEL MARÍA RODRIGUEZ.

Upon the recommendation of the honorable Senator Luis F. Campo.

PEDRO NEL OSPINA.

OFFICE OF THE SECRETARY OF THE SENATE.

On this date it was resolved to extend the time for consideration of the draft to which this report refers until the session of next Monday, and to publish prior to that date the report of the draft of the law in a loose sheet.

September 2, 1903.

Draft of a law which ratifies the disapproval and gives authorization to the Government to negotiate for the opening of an interoceanic canal across the Isthmus of Panama.

The Colombian Congress decrees:

Article. Ratifies the rejection made on the 12th of August in the Senate chamber of the "convention between the Republic of Colombia and the United States of America for the construction of an interoceanic canal between the Atlantic and Pacific oceans," signed at Washington on the 22d of January of the present year, 1903.

Article. Invests the President of the Republic with all the necessary powers, in order that at any time he may deem proper and opportune he may negotiate public treaties or conventions for the opening of an interoceanic canal across the Isthmus of Panama, or contract for the construction of such a work with corporations or private companies who may give sufficient guarantee of being able to carry the work to completion within the term that may be designated.

Article. The foregoing authorizations shall be understood to be granted without prejudice to the rights acquired by the New Panama Canal and Railroad companies, which companies shall continue in the full use and enjoyment of their privileges and concessions, and subject to the fulfillment of their obligations, so long as they have not come to an agreement with the Government of Colombia concerning the manner of transferring to another company, political entity (corporation?), or foreign government the rights, concessions, and privileges growing out of the contracts entered into with them.

Article. The Government of Colombia shall permit the railroad company of Panama to transfer to another government or entity the rights and enjoyments which said company may possess in the aforesaid enterprise, providing that the concessioner and concessionist respect the contracts which are now in forces in the matter, particularly as regards the recognition of the obligation to pay to Colombia the annual rental of 250,000 pesos in gold, and to transfer (to her) the absolute ownership in the enterprise at the expiration of the year 1967, or pay in that year a fair price for the work, fixed by an agreement between the two parties or, in case of disagreement, a sum to be determined by the government of some friendly nation as arbitrator.

Paragraph. In the transfer mentioned, the public lands referred to in title 2 of the contract entered into with the railroad company on the 15th of April, 1850, shall not be included, such lands shall then be returned to Colombia. The lands used by the line of the railroad, the stations and other appurtenances shall be turned over to the Republic at the expiration of the existing concession.

Article. The Government of Colombia will likewise permit the New Panama Canal Company to transfer its rights and engagements to any other government or political entity providing that the said company fulfills the following conditions:

First. That there be paid to the Government of Colombia when the transfer is made the sum of 50,000,000 francs.

Second. That there shall not be included in the cession 500,000 hectares of public land which, under the present contract, belongs to it. These lands shall be returned to the full control of Colombia.

Paragraph. The 50,000 preferred shares which the Republic has in the New Canal Company shall be canceled as soon as the Government receives the 50,000,000 francs referred to in the second part of this article.

Article. In the negotiation of the treaties or conventions mentioned in this law the Government of Colombia is authorized to make, if it shall be necessary, concessions on the following bases:

First. To constitute a right for the sole end of constructing, maintaining, and operating a canal and its auxiliary works upon a strip of Colombian territory 10 miles wide, from the Caribbean Sea to the Pacific Ocean, in which (zone) the cities of Panama and Colon shall not be included. The duration of this right shall be for one hundred years and the concessioner shall pay for this right an annual rental sum of \$150,000 in gold up to the year 1967, inclusive, and \$400,000 from 1968 and thereafter, this concession being renewable at the option of the concessioner for periods of equal duration (one hundred years), provided the latter agrees to increase, in the proportion of 25 to 100, above the maximum bases of the preceding period, the annual rental sum.

The concessioner shall also have the right to use and dispose of materials of construction which are within the zone referred to and of the waters necessary for the construction, operation, and maintenance of the canal and its auxiliary works.

2^a. Expropriation in conformity with Colombian law, and at the cost of the contracting government, of private properties in the aforementioned zone, and previous indemnification, at the cost of the same government, for damages and injuries which the works or labors undertaken may occasion to private properties.

3^a. The consent of Colombia for the construction of ports at the mouths of the canal and for the use of the portion of the sea adjacent to them, so far as said use is necessary for anchorage, repair, and protection of vessels.

4^a. The free use across the zone for public roadways already existing or for those that may be constructed between the towns and districts of the Department of Panama.

5^a. Exemption from customs duties, established in favor of the foreign contracting government for the introduction of machinery, fixtures, and tools necessary for the construction and maintenance of the work.

6^a. The neutrality of the canal and explicit recognition of the sovereignty of Colombia over all its territory and inhabitants.

7^a. For the judging of all causes or litigations, whether the interested parties are foreigners or Colombians and foreigners, the Colombian Government shall agree with the foreign contracting government upon the establishment, in the constituted zone, of mixed tribunals with civil, criminal, and admiralty jurisdiction, which tribunals shall be composed of jurists named in equal number by each of the two Governments and the laws and regulations which they may agree upon shall be in force.

8^a. It shall be the duty of the Colombian Government to maintain order, security, and public sanitation by means of police and the national army in the aforementioned zone of the canal; but Colombia shall be permitted to ask the loan of such service from the foreign contracting government, and in such event the latter government must render the service at its own cost.

9^a. And, finally, that the Bahia del Almirante shall be, in no case, included in the waters which are at the disposal of the contracting government, and that the right is reserved to Colombia to utilize as seems best the present geographical communication between the channels of the Atrato and San Juan rivers.

Article. The Government of Colombia shall stipulate in the treaty or convention a provision for forfeiture in the event that the concessioner does not begin or complete the work on the canal within the appropriate and sufficient periods that may be fixed for that purpose.

Article. It shall be expressly stipulated that any disagreement as to the meaning or interpretation of the treaty shall be settled by the arbitration of a nation friendly to both contracting parties.

Article. As an initial compensation for the granting of the right which is referred to in article —, and for the other rights and concessions authorized by this law, the contracting Government shall pay to Colombia, as a minimum, the sum of \$20,000,000 in American gold upon the exchange of ratifications of the treaty.

Article. If the negotiation shall be made with a private company or association, the bases shall be analogous to those of the contract entered into with the French company, and shall primarily stipulate the following conditions:

- (a) Recognition of the legislation and jurisdiction of Colombia;
- (b) Renunciation of diplomatic intervention in case of any claim not a denial of justice;
- (c) Forfeiture of the privilege for nonexecution of the work within the fixed periods;
- (d) Recognition in favor of Colombia of such shares in the enterprise as may be the estimated value of the works already made, of the machinery, fixtures, and tools of which the nation shall be the owner at the expiration of the extension granted to the Canal Company;
- (e) The complete acquisition of the enterprise gratuitously by Colombia at the termination of the one-hundredth year of the concession.

Bogotá, August 29, 1903.

Submitted by the undersigned members of the committee designated by his excellency the president of the Senate: Pedro Nel Ospina; Manuel Maria Rodriguez. Upon the recommendation of the honorable Senator Luis F. Campo, Pedro Nel Ospina.

Mr. Beaupré to Mr. Hay.

[Telegram.]

UNITED STATES LEGATION,
Bogotá, September 22, 1903. (Received 1.36 p. m., 23.)

September 22, 5 p. m. The proposed law concerning the canal treaty has not been discussed since the first reading. No new developments.

BEAUPRÉ.

Mr. Beaupré to Mr. Hay.

No. 150.]

LEGATION OF THE UNITED STATES,
Bogotá, September 24, 1903.

SIR: The report of the committee with its project of law authorizing the executive to negotiate for the construction of an Isthmian canal has not yet been presented to the Senate since the first debate.

The legislative procedure in the Colombian Congress is as follows:

At the first debate the project of law is presented, and if it is a subject that the Senate desires to consider, it is passed. If rejected it is implied that the Senate does not wish to consider the matter at all.

If the project of law passes the first debate it is referred to a committee appointed by the president of the Senate. The committee is given a reasonable time to study the law and has the power to suggest amendments. When this committee reports the matter comes up for the second debate, and this is the crucial test. Aside from the report of the committee individual members may propose amendments, and there is a general discussion of the whole question. As the law comes out of this debate it will pass, for the third debate is but a matter of form.

The project then goes to the Chamber of Representatives, where the same rules are observed.

A law may originate in either the Senate or the Chamber, and may be introduced by any member thereof or by the ministers of the Government, and the ministers may take part in all legislative debates.

There is no provision for conference committees, but if amendments are made to a Senate law by the Chamber, it is sent back to the original body for further consideration.

As I have previously reported, the proposed law authorizing the Executive to negotiate for the construction of a Panama canal, passed the first debate in the Senate; it was then referred to a committee headed by Senator Quintero Calderón as chairman. That Senator has since been very ill, so that nothing has been done toward a report. Yesterday, the 23d instant, the president of the Senate appointed Senator Rivas G. as chairman of the committee to succeed Senator Quintero Calderón, and gave him five days in which to prepare a report.

According to the very best information that I can get at this time, there is very little probability of the law passing the second debate in its present form. The enemies of the Government and the canal treaty threaten to add amendments still more unfavorable to the United States, and that they will succeed I do not doubt. I had an interview this morning with Gen. Pedro Nel Ospina, one of the strong men of the Senate, and he, too, is of the opinion that modifications are certain to be made.

I am, sir, your obedient servant,

A. M. BEAUPRÉ.

Mr. Beaupré to Mr. Hay.

No. 154.]

LEGATION OF THE UNITED STATES,
Bogotá, September 25, 1903.

SIR: I have the honor to report some further details relating to the Panama Canal treaty.

A resident of the United States, and one not thoroughly familiar with the people of Colombia and especially of Bogota and the interiors, can not understand the embarrassments and trials experienced by this legation during the course of the canal negotiations.

The difficulty of getting reliable information of the status of affairs has been almost insurmountable, because public opinion and the ideas of the leaders on both sides have varied and shifted with the succeeding days.

When Congress convened and the first votes taken in the Senate indicated that the Government had been sustained and that its friends were in the majority, most people believed that the treaty would be ratified.

As time went on and the Government did not use its influence in favor of the treaty and the committee to whom it had been referred were twice given an extension of time for their deliberations, the long wait and inaction lessened public interest in the main question, and there was little discussion of it.

Then Senator Caro appeared upon the scene and commenced his violent assaults upon the Government, and the executive power began certainly and surely to lose ground. Again the public was aroused into vehement opposition to the treaty. During this period, and

before there was an opportunity for another reaction, and before there was any real discussion of the merits of the treaty, it was presented and rejected.

While this latter period lasted it seemed impossible to get the expression of the real opinion of any of the senators, with the exception of Obaldia, Perez y Soto, and Velez. It is a positive fact that some of the most prominent senators avoided me because of the charges, frequently made, that bribery was being resorted to by the United States, and the consequent fear that if seen in conversation with the American minister they would be under suspicion. This was admitted to me after the rejection of the treaty.

Mr. Enrique Cortez was one of the two men who defended the treaty in public articles. Because I was seen making a social call at his residence, he was openly accused the next day of being in the pay of the United States minister. He afterwards intimated to my son-in-law that for the above reason he could not see as much of me and my family as he wished.

Of course these matters are unimportant, except that they show the annoyances and difficulties one has to contend with in this country, where, after all, the little things so greatly affect and influence the great ones.

The minister for foreign affairs was evidently as reluctant as others to express any opinion, and it was very apparent that he did not wish to discuss canal matters. About all I could get from him was that conditions were "very bad" or "a little better." I found the President much more inclined to tell me his hopes and fears on the question.

General Reyes said to me that he had advised the Government against forcing the ratification of the treaty in the early days of Congress, thinking it best to influence public opinion into a more favorable state before taking such action, and that this had been the Government's view. He realized that this course had been a serious mistake, for the reaction that they had anticipated had not come. His own actions had been influenced by these views, and it was only a few days before the rejection of the treaty that he came out in the open and advocated its ratification. I believe that he did the best he could after that, but it was too late.

It was in these last few days that the idea presented itself to members of the Government, General Reyes, and others, that it would be best to have the treaty rejected at the first debate, in the hope that such precipitous and unusual action would arouse the coast departments into vehement protests, send exchange up enormously, and so disturb the country that there would be a reaction of public sentiment which would enable them to either have the treaty reconsidered or to pass a law authorizing the President to complete the negotiations.

But their plans and anticipations were built upon sand. The reaction they hoped for did not come. The mere announcement that a joint Congressional committee had been appointed to provide ways and means for the construction of a canal was enough to calm the public pulse, for the public has continued in the secure belief that the United States would never seriously consider any other route for a canal than that through Colombian territory; that she was abundantly able and would in the end concede to Colombia a much greater recompense in money and more favorable concessions generally; that whatever proposals the new committee would make would be accepted by the United

States. With this belief abroad, the opposition to the terms of the proposed treaty has intensified rather than otherwise, culminating in the report of the joint committee now before the Senate.

With all this shifting and changing of plans and sentiments, it has been most difficult to forward to the Department reliable information. I have several times been about to telegraph news which came to me from what should be absolutely authoritative sources, when further investigation convinced me that it was a myth; a theory of one day which would be abandoned the next.

In connection with the unreliability of the information given out by people in high places, I might mention that one day a prominent Senator told me very confidentially of a plan concerning the treaty that was to be carried out. Within an hour afterwards, a friend came to the legation, fresh from an interview with the same Senator, who had told him that a plan would be proposed in all respects different from the one explained to me. When I informed my visitor of my conversation with the Senator, he said: "Mr. Beaupré, am I going mad! or have these people all lost their senses? There is nothing but lies and lies! I walk two blocks to hear an important bit of news, and in the next two hear an entire contradiction, both coming from the same source." I should add that neither of the plans were ever acted on.

And so it has been from the beginning.

I am, sir, your obedient servant,

A. M. BEAUPRÉ.

Mr. Beaupré to Mr. Hay.

[Telegram.]

UNITED STATES LEGATION,
Bogotá, September 27, 1903.
(Received September 28, 1.12 p. m.)

September 27, 8 p. m. No change in canal matter. Second debate of projected law will probably be decisive, and this will occur within a few days. Additional amendments practically certain.

BEAUPRÉ.

Mr. Beaupré to Mr. Hay.

[Telegram.]

UNITED STATES LEGATION,
Bogotá, September 30, 1903. (Received 10.55 p. m.)

September 30, noon. The Senate commission appointed at the first debate on canal committee's report of September 12, to prepare the matter for second debate, have prepared their report, and it will be presented in a few days. It approves rejection of the treaty August 12, but disapproves the proposed law authorizing the executive to negotiate for the construction of a canal under mentioned conditions. The object is to leave the Government at liberty to negotiate a new treaty without restriction. There is a prospect that it will be adopted.

BEAUPRÉ.

Mr. Beaupré to Mr. Hay.

No. 164.]

LEGATION OF THE UNITED STATES,
Bogotá, September 30, 1903.

SIR: I have the honor to report that I have succeeded in obtaining from Senator Rivas G., chairman of the committee to whom was referred the report made to the Senate by the canal committee on September 12, the substance of the report which he will make in the next day or two. As I telegraphed to the Department to-day, he will recommend the approval of the action of the Senate on August 12 in rejecting the Panama Canal treaty with the United States. He will also recommend the disapproval and rejection of the proposed law authorizing the President to make treaties or contracts for the construction of an Isthmian canal. This law was embodied in the committee's report made on September 12, and contained many provisions binding the President to a certain line of action, and prescribing the concessions which could be made, of which I have previously informed the Department.

Senator Rivas said that by simply rejecting this proposed law, and adding no further legislation, the Government would be left at full liberty to negotiate, without restrictions, on such terms as could be obtained, and as would be honorable and just to the contracting parties. He felt confident that his plan would be accepted by the Senate and confirmed by the Chamber of Representatives.

If the Senate takes this step, and there seems to be a reasonable probability that it will, the canal matter will stand just as it did the day after its rejection on August 12; or, in fact, as it did before the treaty was signed in Washington on January 22, 1903.

It is said, and generally believed in this city, that there is a project on foot among certain Senators to annul the arrangement entered into by the Colombian Government and the French Canal Company in 1900, extending the franchise and privileges of that company. Even men good enough to be candidates for President are advocating this action with all seriousness and solemnity. It is urged that Congress has full power to either annul or ratify the action of the Government in this matter, and that if the arrangement made extending the contract is declared null and void, the French company's rights and interests on the Isthmus cease to exist, and Colombia could then arrange with the United States to receive not only the \$10,000,000 offered her, but the \$40,000,000 offered the company.

The good or bad faith of such a movement is not of sufficient consideration to prevent an attempt being made to carry it out, and were it not for one important element in the situation, it is quite among the possibilities that it would be successful.

Senator Caro and his followers are powerful factors in the present Senate. Senator Caro was an intimate friend and advisor of President Sanclemente, under whose administration the franchise of the French company was extended, and it is quite certain that he will defend that administration to the extent of his ability. He would probably favor any investigation or action tending to the detriment of the present Government, but not any retrospective measure censuring the previous Government. As the situation now is, any project seriously opposed by him would stand little chance of success.

I am, sir, your obedient servant,

A. M. BEAUPRÉ.

Mr. Beaupré to Mr. Hay.

[Telegram.]

UNITED STATES LEGATION,
Bogotá, October 9, 1903. (Received October 14, 2.10 p. m.)

The report of the committee referred to in my telegram of September 30 will be presented this afternoon. Informed the principal recommendation will be to annul the arrangement made with the canal company in 1900 extending its concession. By such action Colombian Government evidently hopes to renew the negotiations without any reference to company, and by this means United States of Colombia would be enabled to accept the money compensation otherwise accruing to the company.

Will advise further as soon as I can see report.

BEAUPRÉ.

Mr. Beaupré to Mr. Hay.

[Telegram.]

UNITED STATES LEGATION,
Bogotá, October 10, 1903.
(Received October 14, 2.59 p. m.)

October 10, 1 p. m. Presentation of the committee report postponed until 12th. My telegram of September 30 states the first two clauses of the report. The third and last presents a project for law approving extension in time granted canal company. Apparently this is proposed with the expectation that the Senate will negative the project and annul extension, thus accomplishing the object stated in my telegram, 9th. However, I think in case most of them vote, extension in time to the company will be annulled. The probability is that Congress will adjourn without taking conclusive action on this report.

BEAUPRÉ.

Mr. Beaupré to Mr. Hay.

No. 176.]

LEGATION OF THE UNITED STATES,
Bogotá, October 10, 1903.

SIR: I have the honor to make reference to my telegrams of yesterday and to-day concerning the probable terms of the report to be presented by the commission of three Senators to whom the project of law authorizing the Government to negotiate for the construction of an interoceanic canal across the Isthmus of Panama was referred.

I had been given to understand that this report was to be presented and discussed yesterday, the 9th instant. On sending to the Senate, however, I was told that the canal question would not be brought up, and several Senators informed me that they were not even aware of the terms of the report, but that the question would in all probability be brought before the Senate on Monday next, the 12th instant.

My only source of information was therefore of an entirely private nature. Through ——— I obtained a summary, the substance of which was contained in my telegram to the Department.

As I telegraphed the commission has decided that there is no need for the rejection of the treaty to be reaffirmed by the Senate; that neither is it advisable to pass the special law authorizing the Government to conclude a fresh treaty for the construction of an isthmian canal on certain basis, thinking it best not to tie the hands of the Government with hard and fast conditions. Lastly, the commission suggest that the Senate should settle the question of the extension of time to the New Panama Canal Company and present a project of law approving the action of the Colombian Government in this matter.

With regard to this extension of time, known as "proroga," there is no doubt that many people high in authority have cherished the hope that some means might be found to undo this act of the Sanclamente Government. The feeling of the Bogota public on this question is, moreover, very patent. They have been led to believe through the medium of the press that, could the "proroga" be annulled, Colombia would thereby inherit the whole of the money compensation otherwise accruing to the French company. However, as I reported in my No. 164 of September 30, 1903, I am informed that there is no danger of this taking place. Such men as Senators Caro, Pedro Nel Ospina, and even Perez y Soto thoroughly realize that the preceding Government and this one are equally involved in the "proroga." The Sanclamente Government agreed upon the grant of an extended time limit, while the Marroquin Government received the 5,000,000 francs, the price paid for that extension. Besides, it is the view of these senators that the "proroga" was a contract concluded in good faith between the Colombian Government and the canal company, and to rescind this contract will need the consent of both parties to it. It is, therefore, thought that while the "proroga" may be used as a means of bringing up a discussion in Congress with the view to censuring the Government, no act of that body can have the effect of annulling the extension contract without the consent of the other party to it—the New Panama Canal Company. Because of the attitude of these and other senators, there is decided ground for believing that this project of law approving the extension will be passed.

Monsieur Mancini, the local agent of the canal company, is taking an active interest in this matter, and takes every opportunity to impress upon the Senators the fact that even should the contract now held by the French Company lapse, the Colombian Government would be no better off than they are at present, for the reason that, in such event, all the material would remain the property of the French Company, leaving the Colombian Government merely in possession of the ditch itself. The Panama Railroad, however, remains. Since the French Canal Company owns the majority of the shares in that railroad, it has practical control of the undertaking. Now, the canal works have been carried on within the zone of territory controlled by the railroad company, and could only be continued subject to the consent of that company. Therefore, even though the concession held by the French Company lapse, that company nevertheless retains control of the territory, and its previous consent would be required before the Colombian Government could dispose of its rights over the canal zone.

Monsieur Mancini informs me that he had made this point clear to the principal members both of the Government and of Congress, and that many concur in his views. Moreover, that some time before the rejection of the Hay-Herran treaty, he wrote to Mr. Cromwell inform-

ing him that in all probability an attempt would be made to override the rights of the French company and to call in question the validity of the extension of time granted to it. To this he received no reply beyond the mere acknowledgment of his message, and his only instructions have been not to move in the matter at all. He therefore concludes, so he told me, that the United States Government and the French company have arrived at some satisfactory understanding.

I desire to take this opportunity to state that my position during the whole course of the canal negotiations has been a most embarrassing one. I have thoroughly realized what must have been the anxiety of the Department to be well informed of the progress of events. And yet, although it is nearly four months since Congress met, there have been but four or five days during which the canal question was considered, from the initiation of the discussion up to the present time. I have kept in touch with the principal members both of the Government and Congress, and whenever I have succeeded in getting any reliable news, which has not been often, I have reported it. During the long intervals between the days above mentioned there was really nothing to report, except street gossip and wise people's predictions. I have, therefore, had to choose between adopting the attitude of the newspaper reporter and forward such as news, or limit myself to the scanty facts I was able to gain from authentic and official sources. I chose the latter course. When I did obtain information which I deemed of sufficient importance to cable, I have had the misfortune to have some of my most important messages mutilated in transmission.

During the long interims, when the canal treaty was buried with inactive committees, there was apparently an absolute lack of interest in the matter on the part both of the Government and Congress. One would have thought that the question was some matter of trivial or temporary importance to judge by the attitude in official circles. During one of these periods, when Congress was devoting its attention to resolutions concerning prominent individuals who were killed in the late revolution, the Liberal daily *El Comercio* said:

“Cover with laurels dead heroes, praise the memories of your illustrious men, make panegyrics over those who have served in your cause; all this is very well, and we do not wish to discuss it; but, Mr. Legislators, why sing songs of love to God over these things when you ought to consider the great questions which compromise the tranquillity and life of the Republic?”

Except then, on the few days heretofore mentioned, there was no reliable or satisfactory information to send to the Department.

I am, sir, your obedient servant,

A. M. BEAUPRÉ.

Mr. Beaupré to Mr. Hay.

[Telegram.]

UNITED STATES LEGATION,
Bogotá, October 15, 1903. (Received 6.20 p. m., 18.)

The report of the committee referred to in my telegram of the 10th has been read in the Senate, was ordered printed, and will probably be discussed next week. It is true that the committee proposes a project for law ratifying the time extension granted canal company,

but the tone of report clearly gives to understand that Colombia would greatly benefit by the canceling of the extension, and states that in that case Colombia would next year obtain possession of all the rights and properties of the canal company [and] thereby be free to come to terms with Government of the United States under most advantageous circumstances. The committee provides for the case of the annulment of time extension by recommending the appropriation of the necessary sum for the repayment with interest of the 5,000,000 francs paid by the French company.

In view of developing sentiment, my opinion of final result is less decided than stated in my telegram of 10th.

BEAUPRÉ.

Mr. Beaupré to Mr. Hay.

No. 179.]

LEGATION OF THE UNITED STATES,
Bogota, October 16, 1903.

SIR: I have the honor to report that in compliance with the request contained in a newspaper article written by Dr. Emilio Ruiz Barreto, that the candidates for the presidency should publicly express their views on certain named questions of national interest, Gen. Joaquín F. Vélez publishes a signed communication in to-day's issue of *El Nuevo Tiempo*.

It is apparent that General Vélez will be the candidate for President to be named in opposition to the one selected by the Government, for he has demonstrated far more strength than anyone else mentioned. As the election will take place on the first Sunday of December next, it becomes interesting to know General Vélez's views on the Panama Canal question, and I inclose herewith a copy and translation of that portion of his communication dealing with this subject.

General Vélez has some very remarkable ideas concerning public instruction, the duties of foreigners, etc., some of which he very freely expressed when he was governor of the Department of Bolívar in a letter addressed to Mr. George Colvig, United States consul at Barranquilla, on February 11, 1902.

A copy of this letter was sent to this legation by the Department in its No. 385 of March 26, 1902,^a as one of the inclosures in a letter from the Board of Foreign Missions of the Presbyterian Church in the United States, dated March 19, 1902, and I respectfully refer to it.

I am, sir, your obedient servant,

A. M. BEAUPRÉ.

[Translation.]

Overcoming numerous difficulties, I have assisted at the late sessions of the Senate with the main, if not the sole, object of voting against the Hay-Herran treaty, as I was rejoiced to do at the celebrated session of August 12, a session at which that august body rejected that treaty in first debate and by a unanimity of votes. That treaty was a violation of our fundamental institutions, of the sovereignty of our nation. I say, therefore, that any other project respecting the building of an inter-oceanic canal presented to the Senate, and having implicitly or explicitly any of the numerous mistakes which rendered the treaty in question unacceptable to the com-

^a Published in *Foreign Relations*, 1902, p. 293.

mon sense and dignity of Colombia, will always receive my adverse vote. The integrity of its territory, the attributes of independence and sovereignty, and other important points which form the principal constituents of a civilized country are absolutely inviolable. This is a universal and unalterable canon which may not be altered out of false considerations of worldly or territorial purposes, and still less for a certain kind of pessimism engendered by errors and false views in governments or by vile speculation. Nations, like families, in their development and growth, must use their own forces without defiling the natural laws of growth with exotic stimulants, which paralyze or unnerve even when they do not ruin. Foreign aid will be beneficial under our own intelligent and well-supported direction. Our beautiful country will surely acquire in epochs that are, who knows, not far off the tranquillity and maturity, the practical spirit and the political wisdom, which nations of all races have been without for long periods of time; nations which, while certainly being models of culture, have been powerless to do good.

Of life-giving wisdom there is more than enough; all that is wanting is a man of superior talents who will put that knowledge into practice. In one word, I desire, as do many of my countrymen, that any canal that shall cross our isthmus shall be for all time, in the rigorous significance of the word, a Colombian canal; and if it is not to be a Colombian canal, that it shall not be constructed. Better times will come which will admit of the carrying out of that gigantic work without detriment to the national existence, and in a way satisfactory to the sentiments of patriotism.

Mr. Beaupré to Mr. Hay.

No. 181.]

LEGATION OF THE UNITED STATES,

Bogotá, October 16, 1903.

SIR: I have the honor to inclose herewith a copy and translation of the report of the committee to whom was referred the project of law authorizing the Executive of the Republic to negotiate for the construction of a Panama canal. This report was read in the Senate on the 14th instant.

I am, sir, your obedient servant,

A. M. BEAUPRÉ.

[Inclosure with No. 181, October 16, 1903, from Mr. Beaupré—translation.]

MAJORITY REPORT OF THE PANAMA CANAL COMMITTEE.

Honorable Senators:

Colombia desires the construction of a canal via the Isthmus of Panama that will bring the two oceans into communication with each other. Since it became independent our Republic has considered such a work as an enterprise of universal progress. In 1825, at the initiative of this country, an effort was made to organize a company for this purpose. In 1828 and 1829 the liberator president gave wise and precise orders looking to the construction of a canal, and to that end a scientific commission began the work, made a survey of the route, and explored the entire distance between the two oceans.

On the 27th of May, 1835, the congress of New Granada issued a decree for the development of the enterprise, granted a privilege to Baron de Thiéri, and in 1838 sanctioned a legislative decree making a concession to the company organized in France and New Granada.

After several years of exploration, the reports of the company were so satisfactory that the Government of France appointed, in 1843, a special commission which finished its examination with the most hearty support of the Government of New Granada.

We deem it unnecessary to enumerate here the successive efforts and concessions which, during seventy years, seconding the initial thought of the liberator, Colombia has made in behalf of the interoceanic canal.

We will recall, in passing, some of the various official acts designed to promote the work.

Decree of Congress in 1835; legislative decree of 1838; decree of Congress in July, 1842; legal convention of 1851; official instructions of 1843; law 60 of 1866; treaty of

January, 1869; Congressional instructions of 1869; treaty of January, 1870; law of approval, July, 1870; law of authorization, 1876; treaty of May, 1876; treaty and law of approval, 1878; extension granted by law 107 of 1890; new second extension granted by law 91 of 1892; contract for extension, April, 1893; legislative decree granting extension in 1900.

As is seen, Colombia, by solemn public acts, has shown that she considers the construction of the canal as a great national work and as a necessity for the commerce of the world. Although the Senate unanimously rejected the Herran-Hay treaty, it did so not with a view to opposing so glorious and necessary a work, but from the fairest and highest motives.

The foreign press affirms our right to reject said treaty, and it is recognized by the chairman of the Interoceanic Canal Committee. That remarkable public man who, for more than a quarter of a century, has fought for an interoceanic canal controlled by the United States, hearing of the rejection, expressed his views as follows:

"If the Colombian Congress has rejected the treaty, it is because that country respects its constitution, is mindful of the integrity of its territorial limits, desires to maintain its friendly relations with the United States, and is watchful of its financial interests. All this will raise that Republic in the estimation of other peoples and nations."

We will now examine the bill ratifying the rejection and authorizing the Government to negotiate for the construction of an interoceanic canal via the Isthmus of Panama.

As is seen, the said bill has two objects, viz, to confirm the Senate's rejection of the treaty between the Republic of Colombia and the United States of America, concluded at Washington January 22, 1903, and to invest the President of the Republic with such powers as will enable him to conclude public treaties or conventions relative to the Panama Canal or to contract for the same work with private companies.

We consider that the first object is not only superfluous, because the rejection by the Senate is based upon constitutional provisions to which an authentic interpretation has been given and which have constantly been put into practice in the same sense, which interpretation and practice render the rejection sound and correct in the form in which it was made; but also that the new form of ratification which is proposed would introduce a doctrinal theory different from that already established and accepted for seeking to decide a special case of grave import, to which, for this and many other reasons, it would be wholly inapplicable.

In fact, it is a constitutional provision that every proposed law by means of which the legislative houses exercise, or seek to exercise, their powers in conformity with article 76 of the constitution, may be rejected in any of their debates, thereby fulfilling the negative in contrast to the positive form, both of which are the outcome of the twentieth provision of said article.

If this were not so, the members of the houses would be deprived of the necessary freedom in their opinions and votes, and both would cease to be deliberative bodies.

The authentic interpretation to which we refer is contained with great clearness in article 323 of the rules of the Senate, identical with article 322 of those of the house of delegates, which we here insert:

"As it is not possible for a treaty to be constitutionally approved otherwise than by Congress, with the sanction of the Executive, but as it may be rejected by the Senate or House of Representatives, like any other proposed law, according to the constitution, if any decree should come from the House of Representatives totally and absolutely rejecting a treaty, it shall return it, stating that the Senate is apprised of its rejection."

When the said article 76 of the constitution provided that the Congress should exercise by law the powers enumerated in that article, among which is the power to approve or reject public treaties, it tended to prevent the exercise of those powers, notwithstanding the prohibition contained in paragraph 2 of article 78 of the same constitution, by means of simple resolutions, but it did not pretend to compel the legislators to vote in a determinate sense or to pass laws, even those most necessary.

The second object of the proposed law concerning authorizations consists in finding a way to satisfy the desire of the Colombian people regarding the excavation of the Panama Canal in harmony (says the proposition approved by the Senate on the 13th of August last) with the national interests and respect for law, which has been on this solemn occasion the guide of the Senate.

Your committee considers that the proposed law relative to authorizations is unconstitutional. Article 120 of the constitution says:

"It shall be the duty of the President of the Republic, invested with the supreme administrative authority * * * 10. To direct diplomatic and commercial relations with other powers and governments * * * and to conclude treaties and con-

ventions with foreign powers. Treaties shall be submitted to Congress for approval and conventions shall be approved by the President during the recess of Congress, with the advice and consent of the ministers and council of state. The proposed law shall not modify the provisions of the constitution."

Besides, that law is not only unconstitutional, but fails to meet its object because the instructions which would be given to our diplomatic agents, instead of being necessarily confidential, would be public, and known to the other Government or to the contracting company, which would consequently have an indisputable advantage in the case.

Furthermore, the Senate does not overlook the fact that if this law concerning authorizations should be passed, and if the Executive, basing his action upon it as upon a firm basis, should expedite a negotiation and conclude a treaty, he would perhaps give occasion to the power with which the treaty was concluded to complain, subsequently, that a Congress had rejected what this Congress and the Executive branch of the Government had presented as a basis of negotiations.

Moreover, the matter being carefully considered, no negotiations could, in any case, be properly carried on upon the bases that would be presented to this Congress by that law; and the law would not have the serious and efficient character which every law ought to have.

Your committee thinks that this law is not only unconstitutional and ill adapted to meet its purpose, but that it is unnecessary. The constitution which has provided for the independence of the different branches of the Government, thus consecrating a principle which has been recognized since the adoption of the constitution of 1811, has also traced limits for those branches, and although it leaves to the Executive the power to conclude treaties, it makes it absolutely obligatory upon him, at the same time to submit them to the legislative branch for its approval. Article 57 says: "All branches of the Government shall be limited, and shall exercise their respective powers separately." And article 76 says that it shall be the duty of the Congress "to approve or reject such treaties as the Government may conclude with foreign powers."

Even if a law concerning authorizations should be passed, the treaty that should be concluded in virtue thereof by the Government would necessarily have to be submitted to the approval of another legislature, which might fail to pass it.

What would, therefore, be gained by a law that would give no force to the treaty which would be concluded on the bases and authorizations which it contained?

We present these abstract considerations, and they would all be pertinent even if the Executive were free to conclude treaties looking to the construction of the Panama Canal, but it is known that the Government of Colombia is not at liberty to do so; a contract exists which binds it, and this link has not been broken.

This is, in our opinion, the greatest obstacle to the law in question, which would be premature if not calculated to defeat its own object. We think it useless to demonstrate that the fundamental point to which the attention of the Senate should be confined is the one relating to the validity of the engagement already contracted by the Government.

The Herran-Hay treaty has ceased to exist, both because of its unanimous rejection by the Senate and because the time for the exchange of its ratifications, the 22d of September, has already expired, without any extension having been provided or asked for. Consequently the state of the case is the same that it was before the conclusion of the treaty. The first condition therein established was the permission granted to the new company to transfer its rights. The Senate having refused to accept this condition, the company has remained under obligations to fulfill its contract, and the Colombian Government is still under obligations to respect all its provisions and to cause them to be respected.

How can it be asked that Congress shall enact a law of authorizations to negotiate with a foreign government when the rights and privileges of the New Panama Canal Company are still in force?

The treaty concluded April 4, 1893, which amended those of March 23, 1878, and December 10, 1890, granted to the New Panama Canal Company an extension of ten years—that is to say, until December 31, 1904. Consequently, even without a new extension, the company will be in the full enjoyment of its rights and privileges until October of the coming year. But there is another consideration: The legislative decree No. 721 of 1900 granted to the company a new extension of six years, which begins to be reckoned next year and will end October 31, 1910.

One point now remains to be examined, which has so often been discussed by the press, a point which, now that the matter is under discussion, should be defined.

Is the extension granted by that legislative decree valid or not? In the first case—that is to say, if it is considered valid—seven years must elapse before the extension

expires, and therefore any law concerning authorizations seems premature, as three sessions might still be held which would be able to examine the matter and to legislate concerning it with better data and evidence than the present Congress has; and if the extension is not valid, the aspect of the question changes entirely, and the basis of discussion will be quite different. By the 31st of October of next year—that is to say, when the next Congress shall have met in ordinary session—the extension will have expired and every privilege with it. In that case “the Republic will become the possessor and owner, without any need of a previous judicial decision and without any indemnity, of the canal itself and of the adjuncts that belong to it, according to the contracts of 1878 and 1900.”

When that time arrives, the Republic, without any impediment, will be able to contract, and will be in more clear, more definite, and more advantageous possession both legally and materially. The authorizations which would then be given by the next Congress would be very different from those that can be given by the present one.

It is seen, therefore, that it is the duty of Congress to decide, as a previous question that can not be shirked, concerning the validity of the extension granted in 1900. We venture nothing on the subject, and we respect, in advance, the decision of Congress in so delicate a matter. Supposing that it does not ratify said extension, it is well to observe now that it would be necessary to include in the budget the appropriation that would be necessary to repay to the company the sum of 5,000,000 francs with interest.

In view of all the foregoing, we conclude our report by laying before you a draft of a law whereby a contract is approved, and by submitting to your consideration the following:

Let the discussion of the draft of a law whereby a rejection is ratified and authority is granted to the Government to negotiate for the construction of an interoceanic canal across the Isthmus of Panama be indefinitely postponed.

Honorable Senators:

GUILLERMO QUINTERO CALDERON.
J. M. RIVAS GROOT.
LUIS MARIA CALVO.

Mr. Beaupré to Mr. Hay.

[Telegram.]

LEGATION OF THE UNITED STATES,
Bogotá, October 17, 1903.
(Received October 19—2.20 p. m.)

Have received information, confidentially, that there was a meeting of the cabinet yesterday to discuss the question of renewing canal negotiations with the United States and that the adjournment of congress will be followed by the mission of special envoy to Washington for that purpose. The President's message dissolving the congress will be delivered probably before 30th instant.

BEAUPRÉ.

Mr. Beaupré to Mr. Hay.

No. 183.]

LEGATION OF THE UNITED STATES,
Bogotá, October 19, 1903.

SIR: I have the honor to inform you that during the evening of the fateful 12th of August last, on which day the Hay-Herran treaty was rejected by the Colombian senate, I sent the Department three telegrams concerning the matter. Two of these reached the Department with an interval of about a week between them, but the third, the one of most timely import of all, was never received, or at least has

not been acknowledged. This telegram was sent at 10 o'clock p. m. of that day and was confirmed in my No. 104 of that date.

I beg that the Department will accept the cipher dates of my telegrams as in all cases correct. The open date given by the telegraph office is made to suit its convenience.

I am, sir, your obedient servant,

A. M. BEAUPRÉ.

Mr. Beaupré to Mr. Hay.

No. 185.]

LEGATION OF THE UNITED STATES,
Bogotá, October 20, 1903.

SIR: I have the honor to inform you that it would be of great utility and satisfaction to me to be kept posted as to the course of events on the Isthmus, and, if not inconsistent with the rules, I would be glad to have it arranged so that our consular officers at Panama and Colon could send me copies of their dispatches to the Department on the political situation, and that the consul-general at Panama could telegraph me whenever anything of unusual importance occurs.

I am, sir, your obedient servant,

A. M. BEAUPRÉ.

Mr. Beaupré to Mr. Hay.

No. 186.]

LEGATION OF THE UNITED STATES,
Bogotá, October 21, 1903.

SIR: I have the honor to inform you that there is no disguising the alarm existing as to the possible action of the Government of the United States should the feeling of disaffection undoubtedly existing in the department of Panama find expression in overt acts. This alarm took the form of a heated debate in the Senate yesterday when the Government was again attacked for the appointment of Señor Obaldia as governor of Panama. The reply elicited from the minister for foreign affairs was rather significant. He read an extract from the treaty of 1846, in which the United States guaranteed Colombian sovereignty on the Isthmus, and assured the Senate that in case of an insurrection in the department of Panama the United States would be bound to support the Government.

In the course of this debate Señor Caro said that the minister for foreign affairs had the notes of the American minister read to the Senate, in secret session, with the object of convincing that body of the necessity of accepting the Hay-Herran treaty, in view of the menacing attitude outlined in those communications. Finding in that secret session that the Senate disapproved the treaty and was determined to act accordingly, the Government, through Senator Lorenzo Marroquin, its spokesman, obtained a resolution demanding that those notes be read in public session, with the object of making it appear that the rejection of the treaty was influenced by a sentiment of indignation at the threatening attitude assumed by the United States minister. This comedy became known to the Government of the United States, and it has resented it. He was not influenced, generally, by what was reported in the newspapers, but the statement universally given expression to in the press of the United States, that the Washington Government resented the criticism made against the United

States minister in carrying out the orders emanating both from the President and Secretary Hay can not be without foundation. This was only one instance proving that the Colombian Government had not acted in good faith in these negotiations. The refusal on the part of President Marroquin to sign the treaty before presenting it to the Senate was another. Whatever reasons the Government adduced as to there being no necessity for such a signature was outside the point. The intention was clear that the treaty was not signed because the Government wanted to have a loophole whereby to escape their obligations to the United States. In other words, it did not want to be under the obligation of coming forward to defend and support a treaty which was signed by its order. It was bound in good faith to the United States to do so. It was for Congress alone to accept or reject it. Had such a course been followed there would have been no reason to look forward with alarm to the attitude which the United States might adopt. The Colombian Government had nothing to fear from the United States had it clearly done all in its power in supporting the treaty. No responsibility would then have attached to this country for the rejection of the treaty by Congress, a body which had the perfect right to reject or accept as it pleased. What he feared was that the United States might take the Isthmus from us under the just plea that we had acted in bad faith with them. The only strength which a small nation has is its good faith.

In reply the minister for foreign affairs said that the press of the United States was given entire liberty of public discussion, but that the statements made therein were not always to be accepted as entire statements of fact. That he had just received positive information that no resentment was entertained by the Washington Government for this Government's action in having Mr. Beaupré's notes read.

The report of the committee on the canal question, which was read in the Senate on the 14th instant, has not yet been called up for discussion. As a matter of fact, the Government and Congress are playing a waiting game. At various times it has been announced authoritatively that the Congress would adjourn at a given date, but thus far there have been timely reconsiderations and other dates fixed. Last week it was said that the President had certainly and definitely concluded that an adjournment must take place on the 30th instant, now that it has been determined that the closing day shall be the 14th proximo.

As a matter of fact, the Government and the Congress have waited and are waiting to ascertain, if possible, the final attitude of the Government of the United States concerning the canal matter before the life of this Congress is ended.

An effort was made by the Government to falsely place the blame for the rejection of the Hay-Herran treaty upon the notes addressed by this legation to the minister for foreign affairs, and the result was awaited in the belief that this view would be accepted by the Government of the United States. This attempt failed; the situation is disturbing; and now the further delay is, quite apparently, for the purpose of awaiting the action of President Roosevelt in his message to the special session of our Congress which is to meet, it is understood here, on the 9th proximo, and the attitude of that Congress upon receiving the President's message.

I am, sir, your obedient servant,

A. M. BEAUPRÉ.

Mr. Hay to Mr. Beaupre.

[Telegram.]

DEPARTMENT OF STATE,
Washington, October 22, 1903.

Referring to your telegram 17th, if you find disposition on the part of Colombia to ask terms more favorable to Colombia than those heretofore negotiated, you may intimate orally, but not in writing, that it will be useless to send a special envoy.

HAY.

Mr. Beaupré to Mr. Hay.

No. 188.]

LEGATION OF THE UNITED STATES,
Bogotá, October 23, 1903.

SIR: Referring to my No. 160^a of September 29, 1903, concerning the taxes and charges on shipping at Panama, I have the honor to inclose herewith a copy and translation of a note from the minister for foreign affairs on the subject.

I am, sir, your obedient servant,

A. M. BEAUPRÉ.

[Inclosure with No. 188, October 23, 1903—Translation.]

MINISTRY OF FOREIGN RELATIONS,
Bogotá, October 19, 1903.

MR. MINISTER: On account of the presence of an alarming degree of bubonic plague in various points on the Pacific coast it was determined to use a Governmentship for a lazaretto in the Bay of Panama, and in accordance with law 106 of 1892, authorizing the organization of the sanitary service in the marine ports of the Republic in time of peace and placing an extraordinary contribution on the boats which arrive in Colombian ports, the governor of the department using these legal rights, issued the decrees of June 24 and August 4 of this year, by which a tax was temporarily levied on boats of more than 1,000 tons register arriving in the ports of Panama and Colon, proceeds of which were to defray the expenses of that lazaretto. The urgency of the case prevented notice of such police measures being given to the public sooner than their insertion in the official publication.

The ports of Panama and Colon being united by rail, the same measures taken in either of these benefit the other and are taken not only to attend to transit sickness and to avoid contagion, but to favor navigation in both oceans. This shows how fair it is that not only the ships arriving at Panama but also those entering Colon should pay the tax for the plague hospital.

To facilitate foreign commercial relations as those of importation, exportation, and transit, etc., which are or are not permitted to be executed in the ports of the Republic the law divides these into free and closed ports.

The designation of free ports does not come from any international pact, neither does it signify that the vessels arriving in those ports are exempt from the payment of taxes or contributions. In the binding treaty between Colombia and the United States it is stipulated that the citizens of each of the contracting parties may frequent all the coasts and territories of the other, and reside therein and do business in all classes of productions, manufactured goods, and merchandise; that they will enjoy all the rights, privileges, and exemptions in navigation and commerce which the citizens of that country enjoy or may enjoy in accordance with the laws, decrees, and uses established there, and that no other or higher duties will be levied on the tonnage of the respective ships.

The free transit of the Isthmus of Panama is conceded to the citizens of the United States and the transport of their products, manufactures, or merchandise of lawful

commerce without the imposition of other taxes or contributions other than those placed on the natural products of the country (Panama) under similar circumstances.

There are these advantages of an equal treatment, and there is no other in favor of the ships of the United States.

In the polite note of September 29 last, your excellency informs me that you have received a protest from the vice-consul-general of the United States against the taxes and contributions on shipping levied in the port of Panama, and especially against said decree No. 91.

In reference to the different points treated of in said note, in which your excellency is also pleased to express the hope that means will be taken in the matter, I have the honor to inform your excellency, in addition to what I have expressed in this note, that according to the information which has been given me in this matter, it is hoped that in a short time all fears of the invasion of the bubonic plague on the Isthmus will have ceased, and immediately the tax levied for the lazaretto will be rescinded.

I avail myself of this opportunity, etc.,

LUIS CARLOS RICO.

His Excellency A. M. BEAUPRÉ, etc.

Mr. Beaupré to Mr. Hay.

[Telegram.]

UNITED STATES LEGATION,
Bogotá, October 23, 1903.

(Received October 24, 5.23 p. m.)

October 23, 11 a. m. The report of the committee not yet discussed. It appears to me the Congress is playing a waiting game, evidently with the object of ascertaining attitude of the President of the United States in his message to the extra session of Congress and of that body. It is said that Congress will not adjourn until 14th proximo. Minister for foreign affairs gives me private information that at the next meeting the Cabinet will again discuss canal question, it being proposed to send an envoy extraordinary and minister plenipotentiary and also a commission of three prominent men to Washington to renew negotiations.

BEAUPRÉ.

Mr. Beaupré to Mr. Hay.

[Telegram.]

UNITED STATES LEGATION,
Bogotá, October 27, 1903. (Received 10.15 p. m., 29.)

October 27, 7 p. m. Report of the committee was discussed to-day in the Senate. Only four Senators spoke. Caro opposed the proposed law authorization as unconstitutional, on the ground that any future action which the Government might take and was free to take was subject to approval of future Congress, and that this Congress has no right to bind the action of the next one. He strongly denounced the treaty itself and the selfish motives of the United States in desiring such a treaty. Senator Groot, one of the authors of the report, spoke in the same tone. Senator Ospina defended the proposed law of authorization. Finally Senator Arango, after pointing out the futility of the proposed law, which was only the treaty with modifications which the Government of the United States has declared unacceptable,

proposed that the discussion of the whole matter be postponed indefinitely, as there was no time for the Senate to discuss it. The Senators appeared to agree to the proposal, but the presiding officer closed the debate without vote having been taken. Action may be taken to-morrow or, as is also probable, the matter may be allowed to drop entirely. Congress will adjourn on the 31st instant.

BEAUPRÉ.

Mr. Beaupré to Mr. Hay.

[Telegram.]

UNITED STATES LEGATION,
Bogotá, October 29, 1903.

(Received 6.55 p. m., November 6.)

October 29, 1 p. m. Please give instructions to consul-general at Panama keep me advised by cable matters of consequence. Canal situation unchanged.

BEAUPRÉ.

Mr. Hay to Mr. Beaupré.

[Telegram.]

DEPARTMENT OF STATE,
Washington, October 30, 1903.

You may avail yourself of leave of absence under authorization cabled to you July 9.

HAY.

Mr. Beaupré to Mr. Hay.

[Telegram.]

UNITED STATES LEGATION AT BOGOTÁ,
October 31, 1903. (Received November 6, 1903.)

Congress adjourned to-day. No action has been taken upon the last report concerning the canal. Therefore nothing more than the vote of August 12 rejecting treaty done.

The people here in great anxiety over conflicting reports of secession movements in the Cauca and Panama.

BEAUPRÉ.

Mr. Beaupré to Mr. Hay.

[Telegram.]

UNITED STATES LEGATION,
Bogotá, November 1, 1903.

(Received 7.15 p. m., November 8.)

November 1, 10 a. m. The Government issued manifesto to the nation to-day severely criticising acts of Congress and discussing important questions which have been presented and unsatisfactorily

dealt with. With regard to canal, states that Colombian chargé d'affaires has been instructed to inform the Government of the United States that the Colombian Government would consider new negotiations, which it is believed will be accepted by the next session of Congress. Therefore, if the Government of the United States still desires to open canal, which it is presumed that it does, as neither by act nor word has it shown any other intention, it is to be hoped that the great work will be carried out in the end through Colombian territory.

I took the opportunity of informal visit to the President yesterday to inform him of substance your cipher telegram October 22.

BEAUPRÉ.

Mr. Beaupré to Mr. Hay.

No. 199.]

LEGATION OF THE UNITED STATES,
Bogotá, November 2, 1903.

SIR: I have the honor to report that the extraordinary session of the Colombian Congress was adjourned at half past 2 o'clock on Saturday, the 31st ultimo.

In so far as the Hay-Herran treaty for the construction of a Panama Canal is concerned, the only definite and recorded action of this Congress is the vote taken on August 12, 1903, rejecting that treaty.

Under article 76 of the Colombian constitution, Congress can exercise its functions in certain cases by the enactment of laws, and in that way only. Thus it is that when such matters are presented, whether by individual members, ministers of the Government, or by committees, they are accompanied by what is termed "projects of law." Under section 20 of said article 76 of the constitution, the Congress, by making a law for that purpose, may "approve or disapprove the treaties entered into by the Government with foreign powers." The vote taken in the Senate on August 12, 1903, rejecting the treaty, is not understood to have been a legal or constitutional disapproval of that pact. It was, in effect, an expression of opinion; but since no other action on this question was taken, and the treaty was not approved within the time fixed for the exchange of ratifications, it has died by limitation rather than by any legal enactment of the Colombian Congress.

It has been understood for some time that in all probability no further action would be taken by Congress in this matter, and when it was finally brought up in the last days before adjournment it was more for the purpose of giving vent to individual opinion than anything else.

On Tuesday, the 27th ultimo, the report of the committee on the project of law authorizing the President to negotiate for the construction of an interoceanic canal was brought before the Senate for discussion. Four senators spoke during the debate.

Senator Caro opposed it on the ground that to grant an authorization to the Government to conclude a treaty, on certain bases, was an absurdity. It was impossible to limit the power of the Executive, who could conclude any treaty it pleased and submit it to the next Congress. This project of law was, moreover, an unconstitutional one, as this Congress had no right to arrogate to itself the powers and privileges which would legitimately fall to its successor. He then

turned to the attitude of the senate on the canal question. It had been correct on the main point from the beginning. Mistakes there had been, but they were mistakes of which the Government and not the senate had been guilty. The first great error had been the reading of the correspondence which had passed between the United States minister and the minister for foreign affairs prior to the rejection of the treaty. It had made it appear as if the Senate had rejected the treaty as a protest against the attitude of the United States, and this was tantamount to a reflection on the conduct of President Roosevelt and his Secretary of State, under whose instructions their representative in Bogota had acted. This was how the matter had been viewed in the United States. In support of this statement he quoted various extracts taken from United States newspapers. Among these was an interview by Walter Wellman, who, Senator Caro stated, was well aware of the opinions held by the Department of State. He then emphatically stated that the reading of the American minister's notes had nothing to do with the action taken by the Senate with regard to the Hay-Herran treaty. The Senate rejected that treaty because its terms were a violation of the constitution and harmful to the interests of the Republic. No reflection could be cast on that body for its action, but the minister for foreign affairs, in causing the notes to be read, had made it appear that the Senate was actuated by motives which did not exist. The second great error committed by the Government was the appointment of Señor Obaldia to the governorship of the Department of Panama. The election of General Reyes to the Presidency of Colombia meant the election of a Congress next year pledged to pass whatever canal treaty the Government should present. Señor Obaldia was therefore a supporter of the candidacy of General Reyes, and it was for this reason that he was appointed governor of the Isthmus. But Señor Obaldia was before all an isthmanian, and he was known to have said that should the department rise in favor of the canal he would be with Panama. Therefore the Government had for electioneering purposes endangered their possession of the Isthmus. He read to the Senate an extract from the New York Herald, containing an interview with Gobernador Obaldia, in which the above-mentioned facts were stated, and in which Señor Obaldia said that, before leaving Bogota, he had had several interviews with the American minister, to whom he had communicated these facts, which Mr. Beaupré had doubtless telegraphed to his Government. The reading of this extract caused much excitement. Senator Caro pointed out that whatever the views of President Roosevelt may be, this much was certain, he had no intention of adopting the Nicaragua route. The only possible explanation of the present inactive attitude of the United States Government was that events on the Isthmus were being watched. Senator Caro then, for the first time, openly attacked the policy of the United States Government. Colombia was told that the construction of the canal was essential to the commerce and, therefore, to the progress of the world, and that she should not, therefore, stand in the way of so important an undertaking merely because of the loss of sovereignty over a small strip of territory. But why, he asked, did the United States wish to deprive Colombia of her sovereignty? It was because the United States wanted the canal for themselves, and not for commerce and civilization.

Senator Rivas Groot, who had reported to the Senate against the

granting of authorization to the Government to conclude a canal treaty, then spoke, supporting the views expressed by Senator Caro.

Senator Pedro Nel Ospina's speech was devoted to an explanation and defense of the law of authorization which he had drawn up. Neither of these speeches had any special significance.

The day's debate was, however, closed with an important speech by Senator Arrango, which was the outcome of a tacit understanding with the majority of his colleagues. He pointed out that this project of law, worded in general terms, authorizing the President to conclude a canal treaty with a foreign power or company, was a clumsy attempt to begof the real issue. It was perfectly well known that a canal, if constructed at all, would have to be constructed by the United States Government, and it would, therefore, be more straightforward to frankly own that fact instead of vaguely talking of foreign powers and companies. When the Hay-Herran treaty was brought forward for discussion it was believed that the Senate would be willing to ratify the treaty, with essential modifications. The United States minister had, however, made it clear that his Government would not accept these modifications, and it was, therefore, decided to reject the treaty. Now, this project of law was nothing more or less than the Hay-Herran treaty, with the modifications necessary to have rendered it acceptable to the Senate. If this was the course proposed, it would be a more reasonable policy to reconsider the Hay-Herran treaty, put in the modifications desired by the Senate, and return it, thus amended, to the United States Government for their consideration. An important event had, however, occurred, which rendered any consideration of the canal question useless. The vice-president had decided to dissolve Congress on the 31st instant. There remained, therefore, no time for deliberation, and the only possible course for the Senate to adopt was to decide on the indefinite suspension of any further discussion regarding the canal question.

The Senate then adjourned.

On the following day, the 28th ultimo, news of an insurrectionary outbreak in the Department of Panama leaked out, and three members of the cabinet were summoned to the Senate for the purpose of eliciting information on the subject. On the arrival of the minister of war, however, the Senate was declared in secret session.

It was given out that the trouble on the Isthmus consisted merely of an invasion of 70 men from Nicaragua. The president of the Senate, however, informed me that there was much anxiety, both on the part of the Government and Congress, as to the turn events were taking on the Isthmus.

The session of the 29th occupied itself with the passing of laws of minor importance and routine work.

On Friday, the 30th, the Panama Canal question was treated for the last time. The Senate unanimously resolved to adopt the course proposed by Senator Arrango in his speech of the 27th, which was to indefinitely suspend the consideration of the matter.

The Government thus remains with its ordinary authority to treat the question afresh, subject to the approval of a future Congress.

Senator Caro spoke with some heat to the effect that the Government had rendered it impossible for the Congress to carry out its work by introducing extra laws which had not been treated of in the message, and then cutting short the deliberations of the legislative body.

Saturday, the 31st ultimo, was the last day of Congress. The members of the Senate met in the forenoon, and the minister of war, who had been specially summoned, was present. He was again questioned, this time publicly, as to the state of affairs in the Department of Panama. The telegram received from Governor Obaldia had, it appeared, been badly transmitted, but he gathered from the message that an invasion of 70 men from Nicaragua and a rising in the frontier province of Veraguas had occurred simultaneously. The secretary of the Senate informed me that in the telegram it was not clear whether the number of invaders was 70 or 700, most probably the latter, and that the feeling of unrest in the Department of Panama was great.

The Senate rose at 11 a. m., and did not return in the afternoon to receive the President's message closing Congress.

The Chamber of Representatives remained sitting until half past 2 o'clock p. m., when Congress was declared officially closed by the vice-president.

Yesterday the Government issued a manifesto to the nation, which has been published and posted on the streets this morning. It severely criticises the action of Congress, and especially that of the Senate, which latter body has wasted its time in attacks on the Executive instead of devoting itself to the consideration of measures necessary to the well-being of the country. As regards the canal, it states that the Government has decided to resume negotiations in the hopes of being able to come to a fresh agreement which shall meet with the approval of the next Congress, and that the Colombian chargé d'affaires at Washington has been instructed to convey this information to the Government of the United States.

I am, sir, your obedient servant,

A. M. BEAUPRÉ.

Mr. Beaupré to Mr. Hay.

No. 207.]

LEGATION OF THE UNITED STATES,

Bogotá, November 4, 1903.

SIR: The manifesto issued by the Government of Colombia to the nation on the 1st instant, the day after the closing of Congress, is interesting as a declaration of attitude and policy.

The Government makes reference, in the first place, to the difficulties it had to encounter on first taking charge of the administration; difficulties with the revolution on one hand and with the administration on the other. By difficulties with the administration was evidently meant, though not actually stated, the equivocal position in which the Government found itself after the coup d'état of the 31st of July, 1900. Moreover, the revolutionary party was in a strong position, as it could count on many elements and on the material help of friends outside the country.

With the termination of the revolution, the difficulties to be faced by the Government were by no means at an end. The country was suffering from stagnation in its industries, paralyzation of its commerce, the innumerable difficulties created by a depreciated currency, penury of the treasury, and a general demoralization.

In the midst of all these difficulties most governors would have been sorely tempted to dictatorially take matters into their own hands,

and, providing themselves with the necessary resources, assume the personal powers required for putting an end to the anarchy reigning. The Vice-President has chosen rather to abide by the provisions laid down by the constitution. He had, therefore, issued the writs for elections for Congress, and declared public order restored.

In calling this extraordinary Congress he had hoped for the loyal cooperation of the legislature in aiding the Executive to restore the state of affairs of the Republic to a normal condition. The legislative body had now terminated its labors and it will be for the country to judge impartially both its work and that of the Executive. No one is ignorant of the causes which have rendered this session of Congress only partially fruitful. The disorder reigning between the two chambers has impeded the carrying out of much necessary work. The Executive, while loyally aided by the majority in the Chamber of Representatives, found its work thwarted by the hostility of the majority of the Senators.

The question of almost unique importance, which decided the calling of a special Congress, was that of the construction of an interoceanic canal, to wit, the Hay-Herran treaty. The Senate, after debates in which too much prominence was given to its feeling of hostility toward the Chief of the Government, rejected that treaty. A committee was then appointed to consider on what bases the aspirations of the Colombian people for the construction of an interoceanic waterway could best be satisfied. As the deliberations of the committee were productive of no result, a project of law was presented to the Senate by its committee, ratifying the rejection of the treaty and granting authorization to the Executive for the opening of this waterway. This project was approved on the first reading, and was then referred to a new committee. The committee reported against this project of law, and suggested the suspension of its consideration and raised the question as to the validity of the extension of time granted to the New Panama Canal Company in 1900. The Senate resolved to adopt part of the suggestions of the committee, and indefinitely suspended consideration of the projected law of authorization. Congress has, therefore, amply discussed and definitely decided upon the question which formed the principal motive of its convocation, that of the treaty respecting the construction of an interoceanic canal.

The opening of a canal is, however, a matter of vital interest to the Republic, and especially to the Department of Panama. The Colombian chargé d'affaires at Washington has, therefore, been instructed to inform the United States Government that new negotiations would be set on foot on bases which it was believed would be acceptable to the next Congress. In that case, if the North American Government persists in its proposal to open the canal, which it is to be presumed it does, as neither by word nor by act has anything to the contrary been done, it is to be hoped that the great work will finally be carried out through Colombian territory.

The Vice-President then refers to the character of the Congress which was convoked. The sessions were extraordinary, not ordinary sessions. He was, therefore, constitutionally in his right in limiting the Congress to the consideration of certain matters of vital importance. He showed, however, a generous latitude in this matter, giving to their consideration even such questions as those concerning the legislative decrees issued by the Government during the war—questions

which, strictly speaking, belong to the domain of an ordinary Congress. The Senate, however, chose to take an unconstitutional attitude, and assume the character of a body called together in ordinary session, and treated the questions submitted not from the point of view of the national welfare, but to make political capital of its attitude toward the Chief Executive. Fortunately the patriotic spirit shown by the majority of the Chamber of Representatives, in conjunction with the minority of the Senate, helped to some extent to counteract the evil influence which the systematic opposition of one part of the legislative body was trying to exert.

The Vice-President then goes on to deal with the constitutional powers of the Executive in its relations to the legislative body. Since the constitution of 1863, it has been decided that the ordinary Congress has one hundred and twenty days allotted for its sessions; but an extraordinary Congress is called for the consideration of certain special matters, and the duration of its session is at the discretion of the Executive. To support this statement, various precedents are quoted.

The honorable Chamber of Representatives, in its session of October 2, resolved that twenty days more would suffice for it to finish the work entrusted to its consideration. The Executive, so as not to feel that it was restricting the time of the legislature, added eleven days to the specified twenty. If the labor of the present legislative body be carefully compared with that of its predecessors it will be clear that the one hundred and thirty-four days which the legislature has had for its deliberations was not merely time strictly necessary, but more than ample to dispose of the matters submitted to its consideration. Its work would have been more beneficial if it had not wasted a large part of this time in fruitless debates.

The Vice-President expresses the hope that the ordinary Congress, which is to unite in a little over eight months, will be able to fitly dispose of the questions which the late Congress has left undone.

The hostile attitude of some members of Congress has raised a certain spirit of unrest and agitation. Nevertheless, peace and the stability of constitutional rule has been maintained. There is, therefore, reason to hope that the forthcoming elections will not be the cause of agitation, and that their result may be the genuine expression of the will of the people, the carrying out of which is assured by the laws, and will be respected by the Government.

The manifesto is signed by the Vice-President and all the members of his cabinet.

I am, sir, your obedient servant,

A. M. BEAUPRÉ.

Mr. Beaupré to Mr. Hay.

[Telegram.]

BOGOTÁ, *November 4, 1903.*
(Received November 6, 1903, 5 p. m.)

Fourth, 5 p. m. Confidential. I have been shown telegram from reliable source in Panama to the effect that Isthmus is preparing for secession and that proclamation of independence may be expected soon. The particulars carefully guarded. Reliable information hard

to obtain. This Government is evidently alarmed and troops are being sent to Isthmus. Repeat telegrams of importance from United States consul-general. His telegrams to me may be interfered with.

BEAUPRÉ.

Mr. Beaupré to Mr. Hay.

[Telegram.]

UNITED STATES LEGATION,
Bogotá, November 6, 1903.

(Received November 8, 11.05 p. m.)

November 6, 6 p. m. Knowing that the revolution has already commenced in Panama, General Reyes says that if the Government of the United States will land troops to preserve Colombian sovereignty and the transit, if requested by the Colombian chargé d'affaires, this Government will declare martial law, and by virtue of vested constitutional authority, when public order is disturbed, will approve by decree the ratification of the canal treaty as signed; or, if the Government of the United States prefers, will call extra session of Congress with new and friendly members next May to approve the treaty. General Reyes has the perfect confidence of Vice-President, he says, and if it becomes necessary will go to the Isthmus or send representatives there to adjust matters along above lines to the satisfaction of the people there. If he goes, he would like to act in harmony with commander of United States forces. This is the personal opinion of Reyes, and he will advise this Government to act accordingly. There is a great reaction of public opinion in favor of the treaty, and it is considered certain that the treaty was not legally rejected by Congress. To-morrow martial law will be declared; 1,000 troops will be sent from the Pacific side; about the same number from the Atlantic side. Please answer by telegraph.

BEAUPRÉ.

Mr. Hay to Mr. Beaupré.

[Telegram.]

DEPARTMENT OF STATE,
Washington, November 6, 1903.

The people of Panama having, by an apparently unanimous movement, dissolved their political connection with the Republic of Colombia and resumed their independence, and having adopted a government of their own, republican in form, with which the Government of the United States of America has entered into relations, the President of the United States, in accordance with the ties of friendship which have so long and so happily existed between the respective nations, most earnestly commends to the Governments of Colombia and of Panama the peaceable and equitable settlement of all questions at issue between them. He holds that he is bound, not merely by treaty

obligations, but by the interests of civilization, to see that the peaceable traffic of the world across the Isthmus of Panama shall not longer be disturbed by a constant succession of unnecessary and wasteful civil wars.

HAY.

Mr. Beaupré to Mr. Hay.

[Telegram.]

UNITED STATES LEGATION,
Bogotá, November 7, 1903.
 (Received 7.30 p. m. November 10.)

November 7, 2 p. m. General Reyes leaves next Monday for Panama invested with full powers. He has telegraphed chiefs of the insurrection that his mission is to the interests of Isthmus. He wishes answer from you before leaving to the inquiry in my telegram of yesterday and wishes to know if the American commander will be ordered to cooperate with him and with new Panama Government to arrange peace and approval of the canal treaty, which will be accepted on condition that the integrity of Colombia be preserved. He has telegraphed President of Mexico to ask the Government of the United States and all the countries represented at the Pan-American conference to aid Colombia to preserve her integrity. The question of the approval of the treaty mentioned in my telegram of yesterday will be arranged in Panama. He asks that before taking definite action you will await his arrival there, and that the Government of the United States in the meantime preserve the neutrality and transit of the Isthmus and do not recognize the new Government. Great excitement here. Martial law has been declared in the Cauca and Panama. Answer.

BEAUPRÉ.

Mr. Beaupré to Mr. Hay.

[Telegram.]

UNITED STATES LEGATION,
Bogotá, November 7, 1903.
 (Received November 10, 7.55 p.m.)

As the Government of the United States has war vessels at Panama and Colon, minister for foreign affairs has requested me to ask will you allow Colombian Government to land troops at those ports—to fight there and on the line of railway? Also if the Government of the United States will take action to maintain Colombian right and sovereignty on the Isthmus in accordance with article 35, the treaty of 1846, in case the Colombian Government is entirely unable to suppress the secession movement there?

Mr. Beaupré to Mr. Hay.

[Telegram.]

BOGOTÁ, *November 9, 1903.*

(Received November 11, 12.30 a. m.)

November 9, 9 a. m. I am desired to inform you by General Reyes that Gen. Bedronel Ospina and Lucas Cabellero, prominent party leaders, accompany him on his mission.

Very great excitement here. Large crowds paraded streets yesterday, crying "Down with Marroquin." Mass meeting denounced him; called for a change of government. Hundreds gathered at the palace, and their orator, a prominent national general, addressed the President, calling for his resignation. Troops dispersed gathering, wounding several. Martial law is declared here, and the city is being guarded by soldiers. Legation of the United States under strong guard, but apparently no indications of hostile demonstration.

The residence of Lorenzo Marroquin attacked with stones.

Referring to the questions presented by minister for foreign affairs in my telegram of 7th, I have preserved silence, but bear in mind page 578, Foreign Relations, part 3, 1866, and instructions 134 to minister to the United States of Colombia, 1865.

BEAUPRÉ.

[NOTE.—For convenience the above-mentioned instruction, No. 134, is reproduced, as follows:]

No. 134.

DEPARTMENT OF STATE,
Washington, November 9, 1865.

TO ALLAN A. BURTON, Esq., etc.,
Bogotá.

SIR: The question which has recently arisen under the thirty-fifth article of the treaty with New Granada, as to the obligation of this Government to comply with a requisition of the President of the United States of Colombia for a force to protect the Isthmus of Panama from invasion by a body of insurgents of that country has been submitted to the consideration of the Attorney-General. His opinion is that neither the text nor the spirit of the stipulation in that article, by which the United States engages to preserve the neutrality of the Isthmus of Panama, imposes an obligation on this Government to comply with a requisition like that referred to. The purpose of the stipulation was to guarantee the Isthmus against seizure or invasion by a foreign power only. It could not have been contemplated that we were to become a party to any civil war in that country by defending the Isthmus against another party. As it may be presumed, however, that our object in entering into such a stipulation was to secure the freedom of transit across the Isthmus, if that freedom should be endangered or obstructed, the employment of force on our part to prevent this would be a question of grave expediency to be determined by circumstances. The Department is not aware that there is yet occasion for a decision upon this point.

Your despatches to No. —, inclusive, have been received.

I am, sir, etc.,

WILLIAM H. SEWARD.

Mr. Beaupré to Mr. Hay.

[Telegram.]

LEGATION OF THE UNITED STATES,
Bogotá, November 11, 1903. (Received November 14.)

The situation here under control, but how long this will continue is uncertain, as there is intense feeling against the Government. There

is also a bitter feeling against the United States because of the belief that the Government of the United States has encouraged the secession movement, and of the statement of telegram received by the Government to the effect that the United States forces interfered with Colombian troops under General Tobar at Colon, necessitating their surrender.

An army ten thousand strong being raised here, and one of five thousand in the Cauca to operate against Panama, commanded by General Reyes, provided the United States will allow Colombia to land troops.

A meeting was held under the leadership of Senator Caro, and a resolution was passed requesting the Government to call a convention for the purpose of amending the constitution in order to render possible immediate ratification of the treaty. This is opposed by the Government and General Reyes as being inopportune.

BEAUPRÉ.

Mr. Hay to Mr. Beaupré.

[Telegram.]

DEPARTMENT OF STATE,
Washington, November 11, 1903. (Sent 12.12 p. m.)

Earnestly desiring an amicable solution of matters at issue between Colombia and Panama, we have instructed our consul-general at Panama to use good offices to secure for General Reyes a courteous reception and considerate hearing. It is not thought desirable to permit landing of Colombian troops on Isthmus, as such a course would precipitate civil war and disturb for an indefinite period the free transit which we are pledged to protect. I telegraphed you on November 6 that we had entered into relations with the provisional government.

HAY.

Mr. Beaupré to Mr. Hay.

[Telegram.]

LEGATION OF THE UNITED STATES,
Bogotá, November 12, 1903. (Received November 14.)

I was invited to the Palace last night to confer with the President and his Cabinet, and communicated the substance of your telegram of the 6th in the form of a note to the minister of foreign affairs. I was asked if I would officially construe the last clause to mean the United States would not permit the landing of Colombian troops. I replied my opinion is that the language used needs no interpretation; that I had fulfilled my official duty in delivering the note and had no explanation to make. The President then enjoined secrecy upon those present until direct answer has been received to the two questions of the minister for foreign affairs contained in my telegram of the 7th.

There is consternation in Government circles, and I fear serious trouble when the public is informed of the real situation. I believe there is much danger, not only to the Government, but also to Americans in the interior, especially in Bogota.

BEAUPRÉ.

Mr. Beaupré to Mr. Hay.

[Telegram.]

UNITED STATES LEGATION,
Bogotá, November 14, 1903. (Received November 17.)

In an official note, dated 14th, minister for foreign affairs writes me as follows:

The immediate recognition of the so-called Government of Panama by the Government of the United States entering into relations with it is a circumstance aggravated by the fact that such recognition is a violation of the treaty of 1846, which compels the Government of Colombia to protest, as it does in most solemn and emphatic manner, and to consider that the friendship of this Government with the Government of the United States has reached such a grave point that it is not possible to continue diplomatic relations unless the Government of the United States states that it is not its intention to interfere with Colombia in obtaining submission of the Isthmus nor to recognize the rebels as belligerents. I hope you will submit these points to your Government immediately, for the army is already marching to the Isthmus of Panama.

The note is very long, to the effect that this recognition is contrary to all precedents and in violation of the treaty of 1846, offering to submit the latter point to The Hague, with the understanding that in the meantime there shall be no interference with the military operations necessary to reestablish integrity of Colombia.

National council—especially elected to advise the executive in the present emergency—has decided, by 10 votes to 1, to hand me my passport. The Government understands that such action would be tantamount to a declaration of war, and has advised me such a step will not be taken. Send instructions as a guide in case of severance of diplomatic relations.

BEAUPRÉ.

Mr. Beaupré to Mr. Hay.

[Telegram.]

UNITED STATES LEGATION,
Bogotá, November 17, 1903. (Received November 19.)

Minister for foreign affairs sends another note, requesting that I transmit by cable an abstract, as follows:

As the Government of the United States does not definitely state that it will oppose landing of Colombian troops, but will secure hearing for General Reyes, it may be supposed its purpose is to bring about peace in Colombia and Panama, to the end that the latter shall renounce independence and thus avoid armed action otherwise inevitable. If this is the intention of the United States, Colombia will accept, provided territorial rights of Colombia on the Isthmus are not prejudiced. Maintenance of order falls to the power holding sovereignty, which the United States has heretofore recognized. Accordingly, it is an inadmissible theory that the United States should now permit or aid dismemberment of Colombia merely to prevent temporary disturbance of the transit. Colombia has for fifty years maintained free transit, but she can not be asked to carry this to the extent of agreeing to the loss of precious territory simply from fear some interruption of transit may occur. Sovereignty of nations may not

be destroyed for the purpose of avoiding transitory prejudice to commerce—an argument as to the effect of the existing treaty, and that civilization will suffer more by the violation of a public treaty than a temporary interruption of traffic. The most efficient means the United States could employ to prevent interruption of transit would be to notify rebels to abstain from obstructing Colombian Government in reestablishing order and constitutional rule. This is demanded of the United States by treaty. If the United States troops have been used to disarm Colombian army it is in subversion of national sovereignty and contrary to the treaty.

BEAUPRÉ.

Mr. Hay to Mr. Beaupré.

[Telegram.]

DEPARTMENT OF STATE,
Washington, November 18, 1903.

You will once more inform Colombian Government that we have recognized the Republic of Panama; that our action has been taken in the interest of peace and order on the Isthmus; that we earnestly desire an amicable settlement of questions at issue between Colombia and Panama, and would gladly render what services are in our power to that end.

I repeat that you and the secretary of legation are authorized to take your leave of absence whenever you think best, requesting one of your colleagues to take charge of your legation, if both of you come away.

HAY.

REVOLUTION ON THE ISTHMUS OF PANAMA AND ESTABLISHMENT OF INDEPENDENT REPUBLIC.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES, TRANSMITTING, IN RESPONSE TO RESOLUTION OF THE HOUSE OF REPRESENTATIVES OF NOVEMBER 9, 1903, ALL CORRESPONDENCE AND OTHER OFFICIAL DOCUMENTS RELATING TO THE RECENT REVOLUTION ON THE ISTHMUS OF PANAMA.

To the House of Representatives:

In response to a resolution of the House of Representatives of November 9, 1903, requesting the President "to communicate to the House if not, in his judgment, incompatible with the interests of the public service, all correspondence and other official documents relating to the recent revolution on the Isthmus of Panama," I transmit herewith copies of the papers called for.

THEODORE ROOSEVELT.

WHITE HOUSE, *Washington, November 16, 1903.*

The PRESIDENT:

The Secretary of State, to whom was referred a copy of the resolution of the House of Representatives of November 9, 1903, requesting copies of all correspondence and other official documents relating to the recent revolution on the Isthmus of Panama, has the honor to lay

before the President copies of the correspondence from and to the Department of State on the subject.

Respectfully submitted.

DEPARTMENT OF STATE,

Washington, November 13, 1903.

JOHN HAY.

FOREIGN MISSIONS LIBRARY,
156 Fifth Avenue, New York.

CORRESPONDENCE BETWEEN THE DEPARTMENT OF STATE AND THE UNITED STATES CONSULATE-GENERAL AT PANAMA.

A press bulletin having announced an outbreak on the Isthmus, the following cablegram was sent both to the consulate-general at Panama and the consulate at Colon:

[Telegram.]

DEPARTMENT OF STATE,

Washington, November 3, 1903. (Sent 3.40 p. m.)

Uprising on Isthmus reported. Keep Department promptly and fully informed.

LOOMIS.

Mr. Ehrman to Mr. Hay.

PANAMA, November 3, 1903.

(Received 8.15 p. m.)

No uprising yet. Reported will be in the night. Situation is critical.

EHRMAN.

Mr. Ehrman to Mr. Hay.

[Telegram.]

PANAMA, November 3, 1903.

(Received 9.50 p. m.)

Uprising occurred to-night, 6; no bloodshed. Army and navy officials taken prisoners. Government will be organized to-night, consisting three consuls, also cabinet. Soldiers changed. Supposed same movement will be effected in Colon. Order prevails so far. Situation serious. Four hundred soldiers landed Colon to-day Barranquilla.

EHRMAN.

Mr. Loomis to Mr. Ehrman.

[Telegram.]

DEPARTMENT OF STATE,

Washington, November 3, 1903. (Sent 11.18 p. m.)

Message sent to *Nashville* to Colon may not have been delivered. Accordingly see that following message is sent to *Nashville* immediately:

NASHVILLE, Colon:

In the interests of peace make every effort to prevent Government troops at Colon from proceeding to Panama. The transit of the Isthmus must be kept open and order maintained. Acknowledge.

DARLING, Acting.

Secure special train, if necessary. Act promptly.

LOOMIS.

Mr. Loomis to Mr. Ehrman.

[Telegram.]

DEPARTMENT OF STATE,
Washington, November 4, 1903. (Sent 12.02 p. m.)

Communicate with commander of gunboat *Bogotá* and state plainly that this Government, being responsible for maintaining peace and keeping transit open across Isthmus, desires him to refrain from wantonly shelling the city. We shall have a naval force at Panama in two days, and are now ordering men from the *Nashville* to Panama in the interests of peace.

LOOMIS.

Mr. Ehrman to Mr. Hay.

[Telegram.]

PANAMA, November 4, 1903.
(Received 7.10 p. m.)

Mass meeting held. Independence publicly declared. Three consuls approved organize government, composed Federico Boyd, José Agustin Arango, Tomas Arias. *Bogotá* in sight.

EHRMAN.

Mr. Ehrman to Mr. Hay.

[Telegram.]

PANAMA, November 4, 1903.
(Received 9.50 a. m.)

Cables *Nashville* received. *Nashville* notified. Troops will not be moved. Last night gunboat *Bogotá* fired several shells on city; one Chinaman killed. *Bogotá* threatens bombard city to-day.

EHRMAN.

Mr. Ehrman to Mr. Hay.

[Telegram.]

PANAMA, November 5, 1903.
(Received 12.50 p. m.)

Received an official circular letter from the committee of the provisional government saying that on 4th political move occurred, and the Department of Panama withdraws from the Republic of the United States of Colombia and formed the Republic of Panama.

Requested to acknowledge the receipt of circular letter.

EHRMAN.

Mr. Loomis to Mr. Ehrman.

[Telegram.]

DEPARTMENT OF STATE,
Washington, November 5, 1903. (Sent 3.15 p. m.)

Acknowledge the receipt of circular letter and await instructions before taking any further action in this line.

LOOMIS.

Mr. Loomis to Mr. Ehrman.

[Telegram.]

DEPARTMENT OF STATE,
Washington, November 5, 1903. (Sent 5.09 p. m.)

Keep Department informed as to situation.

LOOMIS.

Mr. Ehrman to Mr. Hay.

[Telegram.]

PANAMA, November 5, 1903.
(Received 9.42 p. m.)

Colombian troops reembarked per Royal Mail for Carthagena. *Bogotá* supposed at Buenaventura. Quiet prevails.

EHRMAN.

Mr. Ehrman to Mr. Hay.

[Telegram.]

PANAMA, November 6, 1903.
(Received 11.55 a. m.)

The situation is peaceful. Isthmian movement has obtained so far success. Colon and interior provinces have enthusiastically joined independence. Not any Colombian soldiers known on isthmian soil at present. *Padilla* equipped to pursue *Bogotá*. *Bunau-Varilla* has been appointed officially confidential agent of the Republic of Panama at Washington.

EHRMAN.

Mr. Hay to Mr. Ehrman.

[Telegram.]

DEPARTMENT OF STATE,
Washington, November 6, 1903. (Sent 12.51 p. m.)

The people of Panama have, by an apparently unanimous movement, dissolved their political connection with the Republic of Colombia and resumed their independence. When you are satisfied that a *de facto* government, republican in form, and without substantial opposition from its own people, has been established in the State of Panama, you will enter into relations with it as the responsible government of the territory and look to it for all due action to protect the persons and property of citizens of the United States and to keep open the isthmian transit in accordance with the obligations of existing treaties governing the relation of the United States to that territory.

Communicate above to Malmros, who will be governed by these instructions in entering into relations with the local authorities.

HAY.

Mr. Hay to Mr. Ehrman.

[Telegram.]

DEPARTMENT OF STATE,
Washington, November 6, 1903. (Sent 2.45 p. m.)

I send, for your information and guidance in the execution of the instructions cabled to you to-day, the text of a telegram dispatched this day to the United States minister at Bogotá:

The people of Panama having by an apparently unanimous movement dissolved their political connection with the Republic of Colombia and resumed their independence, and having adopted a government of their own, republican in form, with which the Government of the United States of America has entered into relations, the President of the United States, in accordance with the ties of friendship which have so long and so happily existed between the respective nations, most earnestly commends to the Governments of Colombia and of Panama the peaceful and equitable settlement of all questions at issue between them. He holds that he is bound, not merely by treaty obligations, but by the interests of civilization, to see that the peaceable traffic of the world across the Isthmus of Panama shall not longer be disturbed by a constant succession of unnecessary and wasteful civil wars.

HAY.

Mr. Ehrman to Mr. Hay.

[Telegram.]

PANAMA, November 6, 1903.
(Received 7.23 p. m.)

Felipe Bunau-Varilla has been appointed envoy extraordinary and minister plenipotentiary to the United States of America. Perfect quiet.

EHRMAN.

Mr. Ehrman to Mr. Hay.

[Telegram.]

PANAMA, November 8, 1903.
(Received 11.23 p. m.)

It is reported that Colombian authorities have detained English steamers *Manavi* and *Quito* at Buenaventura. Supposed to be to bring troops to the Isthmus.

EHRMAN.

Mr. Ehrman to Mr. Hay.

[Telegram.]

PANAMA, November 7, 1903.
(Received 12.20 p. m.)

I have communicated to Panama Government that they will be held responsible for the protection of the persons and property of citizens of the United States, as well as to keep the isthmian transit free in accordance with obligations of existing treaties relative to the isthmian territory.

EHRMAN.

Mr. Ehrman to Mr. Hay.

[Telegram.]

PANAMA, *November 10, 1903.*

(Received 1.35 p. m.)

Federico Boyd, a member of the Committee of the Government, Amador Guerrero, both delegates, on the way to Washington to arrange in satisfactory manner to the United States the canal treaty and other matters. Pablo Arosemena, attorney, proceeds next steamer. English steamers were not held at Buenaventura. Gunboat *Bogotá* has left Buenaventura.

EHRMAN.

Mr. Loomis to Mr. Ehrman.

[Telegram.]

DEPARTMENT OF STATE,

Washington, November 10, 1903. (Sent 3.42 p. m.)

Keep in touch with commander of United States naval forces at Panama, advising him concerning news bearing on military situation.

LOOMIS.

Mr. Ehrman to Mr. Hay.

[Telegram.]

PANAMA, *November 11, 1903.*

(Received 5.32 p. m.)

I am officially informed that Bunau-Varilla is the authorized party to make treaties. Boyd and Amador have other missions and to assist their minister.

EHRMAN.

CORRESPONDENCE BETWEEN THE DEPARTMENT OF STATE AND THE UNITED STATES CONSULATE AT COLON.

Mr. Malmros to Mr. Hay.

[Telegram.]

COLON, *November 3, 1903.*

(Received 2.35 p. m.)

Revolution imminent. Government force on the Isthmus about 500 men. Their officers promised support revolution. Fire department Panama, 441, are well organized and favor revolution. Government vessel, *Cartagena*, with about 400 men, arrived early to-day with new commander in chief, Tobar. Was not expected until November 10. Tobar's arrival is not probable to stop revolution.

MALMROS

FOREIGN RELATIONS.

Mr. Loomis to Mr. Malmros.

[Telegram.]

DEPARTMENT OF STATE,
Washington, November 3, 1903. (Sent 4 p. m.)

Are troops from the vessel *Cartagena* disembarking or preparing to land?

LOOMIS.

Mr. Loomis to Mr. Malmros.

[Telegram.]

DEPARTMENT OF STATE,
Washington, November 3, 1903. (Sent 4.28 p. m.)

Did you receive and deliver to *Nashville* last night or early this morning a message?

LOOMIS.

Mr. Malmros to Mr. Hay.

[Telegram.]

COLON, November 3, 1903.
(Received 8.20 p. m.)

Troops from vessel *Cartagena* have disembarked; are encamping on Pacific dock awaiting orders to proceed to Panama from commander in chief, who went there this morning. No message for *Nashville* received.

MALMROS.

Mr. Loomis to Mr. Malmros.

[Telegram.]

DEPARTMENT OF STATE,
Washington, November 3, 1903. (Sent 8.45 p. m.)

The troops which landed from the *Cartagena* should not proceed to Panama.

LOOMIS.

Mr. Loomis to Mr. Malmros.

[Telegram.]

DEPARTMENT OF STATE,
Washington, November 3, 1903. (Sent 10.10 p. m.)

An important message was sent at 6 Monday night in your care for the *Nashville*. Make all possible effort to get it.

LOOMIS.

Mr. Hay to Mr. Malmros.

[Telegram.]

DEPARTMENT OF STATE,
Washington, November 3, 1903. (Sent 10.30 p. m.)

If dispatch to *Nashville* has not been delivered inform her captain immediately that she must prevent Government troops departing for Panama or taking any action which would lead to bloodshed, and must use every endeavor to preserve order on Isthmus.

HAY.

Mr. Malmros to Mr. Hay.

[Telegram.]

COLON, November 4, 1903.
(Received 3.35 p. m.)

Met captain of *Nashville* at 6 p. m. yesterday. Heard that message had been delivered to captain boat alongside of wharf instead of to me. No rebels or invading force near Panama or Colon or line of transit. Panama intended revolutionary movement known here to few persons only, up to 8 a. m. to-day. Revolutionary committee of six in Panama at 6 p. m. took charge of revolutionary movement. General Tobar and five officers taken prisoners. Panama in possession of committee with consent of entire population. This fact appears not known as yet to conservatives in Colon. Panama committee expect to have 1,500 men armed by this time. State of affairs at Panama not known by Colombian force at Colon as yet. Official in command of disembarked force applied for transportation this morning. Captain meanwhile communicated to committee about 10 p. m. last night his refusal to allow train with force to be sent to Panama and the committee assented. This leaves Colon in the possession of the Government.

MALMROS.

Mr. Malmros to Mr. Hay.

[Telegram.]

COLON, November 5, 1903.
(Received 11.50 a. m.)

On arrival yesterday morning's train Panama revolution and Tobar's imprisonment became generally known; 12.30, Commander Colombian troops threatens to kill every American unless Tobar released by 2 p. m. Provisional Government informed these facts. *Nashville* landed 50 men; stationed in and near railroad office where Americans, armed, met. Negotiations Colombian commander and Panama Government commenced and progressing. Hostilities suspended. Colombians occupy Colon and Monkey Hill.

MALMROS.

Mr. Loomis to Mr. Malmros.

[Telegram.]

DEPARTMENT OF STATE,
Washington, November 5, 1903. (Sent 5.10 p. m.)

What is the situation this evening?

LOOMIS.

Mr. Malmros to Mr. Hay.

[Telegram.]

COLON, November 5, 1903.
(Received 9.34 p. m.)

All Colombian soldiers at Colon now, 7 p. m., going on board Royal Mail steamer returning to Cartagena. Vessel, supposed to be *Dixie*, in sight.

MALMROS.

Mr. Malmros to Mr. Hay.

[Telegram.]

COLON, November 6, 1903.
(Received 4.50 p. m.)

Tranquillity absolute in Colon. Porfirio Melendez appointed governor of this province. Proclaimed Republic of Panama at Colon prefectura at 10 o'clock a. m. English and French consuls present. I arrived after proclamation, and upon my suggestion I told governor that presence of consuls must not be looked upon as recognition of revolutionary state by their respective Governments. Melendez sent steam launch to Bocas del Toro to proclaim independence.

MALMROS.

COMMUNICATIONS FROM THE PANAMA GOVERNMENT.

[Telegram.—Translation.]

PANAMA, November 4, 1903.
(Received 8.45 p. m.)

SECRETARY OF STATE, Washington:

We take the liberty of bringing to the knowledge of your Government that on yesterday afternoon, in consequence of a popular and spontaneous movement of the people of this city, the independence of the Isthmus was proclaimed and, the Republic of Panama being instituted, its provisional government organizes an (executive) board consisting of ourselves, who are assured of the military strength necessary to carry out our determination.

JOSÉ A. ARANGO.
FEDERICO BOYD.
TOMAS ARIAS.

[Telegram.—Translation.]

PANAMA, *November 4, 1903.*

(Received 10.30 p. m.)

To His Excellency the PRESIDENT OF THE UNITED STATES,
Washington:

The municipality of Panama is now (10 p. m.) holding a solemn session, and joins in the movement of separation of the Isthmus of Panama from the rest of Colombia. It hopes for recognition of our cause by your Government.

DEMETRO S. BRIDA.

[Telegram.—Translation.]

PANAMA, *November 5, 1903.*

(Received 8.48 p. m.)

SECRETARY OF STATE, *Washington:*

We notify you that we have appointed Señor Philippe Bunau-Varilla confidential agent of the Republic of Panama near your Government and Dr. Francisco V. de la Espriella minister of foreign affairs.

ARANGO.

BOYD.

ARIAS.

[Telegram.—Translation.]

PANAMA, *November 6, 1903.*

(Received 10.40 a. m.)

SECRETARY OF STATE, *Washington:*

Colon and all the towns of the Isthmus have adhered to the declaration of independence proclaimed in this city. The authority of the Republic of Panama is obeyed throughout its territory.

ARANGO.

ARIAS.

BOYD.

[Telegram.—Translation.]

PANAMA, *November 6, 1903.*

SECRETARY OF STATE, *Washington:*

The board of provisional government of the Republic of Panama has appointed Señor Philippe Bunau Varilla envoy extraordinary and minister plenipotentiary near your Government with full powers to conduct diplomatic and financial negotiations. Deign to receive and heed him.

J. M. ARANGO,

TOMAS ARIAS,

FEDERICO BOYD,

Foreign Relations.

[Telegram.—Translation.]

NEW YORK, *November 7, 1903.*
(Received 1.40 p. m.)

His Excellency JOHN HAY, *Secretary of State:*

I have the privilege and the honor of notifying you that the Government of the Republic of Panama have been pleased to designate me as its envoy extraordinary and minister plenipotentiary near the Government of the United States. In selecting for its first representative at Washington a veteran servant and champion of the Panama Canal, my Government has evidently sought to show that it considers a loyal and earnest devotion to the success of that most heroic conception of human genius as both a solemn duty and the essential purpose of its existence. I congratulate myself, sir, that my first official duty should be to respectfully request you to convey to His Excellency the President of the United States, on behalf of the people of Panama, an expression of the grateful sense of their obligation to his Government. In extending her generous hand so spontaneously to her latest born, the Mother of the American Nations is prosecuting her noble mission as the liberator and the educator of the peoples. In spreading her protecting wings over the territory of our Republic the American Eagle has sanctified it. It has rescued it from the barbarism of unnecessary and wasteful civil wars to consecrate it to the destiny assigned to it by Providence, the service of humanity, and the progress of civilization.

PHILIPPE BUNAU VARILLA.

CORRESPONDENCE BETWEEN THE DEPARTMENT OF STATE AND THE
UNITED STATES LEGATION AT BOGOTÁ.

Mr. Beaupré to Mr. Hay.

[Telegram.]

BOGOTÁ, *November 4, 1903—5 p. m.*

Confidential.]

(Received 6th, 5 p. m.)

I have been shown telegram from reliable source in Panama to the effect that Isthmus is preparing for secession and that proclamation of independence may be expected soon. The particulars carefully guarded. Reliable information hard to obtain. This Government is evidently alarmed and troops are being sent to Isthmus. Repeat telegrams of importance from United States consul-general. His telegrams to me may be interfered with.

BEAUPRÉ.

Mr. Hay to Mr. Beaupré.

[Telegram.]

DEPARTMENT OF STATE,
Washington, November 6, 1903.

The people of Panama having by an apparently unanimous movement dissolved their political connection with the Republic of Colom-

bia and resumed their independence, and having adopted a government of their own—republican in form—with which the Government of the United States of America has entered into relations, the President of the United States, in accordance with the ties of friendship which have so long and so happily existed between the respective nations, most earnestly commends to the Governments of Colombia and of Panama the peaceful and equitable settlement of all questions at issue between them. He holds that he is bound not merely by treaty obligations but by the interests of civilization to see that the peaceful traffic of the world across the Isthmus of Panama shall not longer be disturbed by a constant succession of unnecessary and wasteful civil wars.

HAY.

Mr. Beaupré to Mr. Hay.

[Telegram.]

BOGOTÁ, *November 6, 1903—6 p. m.*

(Received 8th, 11.05 p. m.)

Knowing that the revolution has already commenced in Panama, General Reyes says that if the Government of the United States will land troops to preserve Colombian sovereignty, and the transit, if requested by the Colombian chargé d'affaires, this Government will declare martial law, and by virtue of vested constitutional authority, when public order is disturbed, will approve by decree the ratification of the canal treaty as signed; or, if the Government of the United States prefers, will call extra session of Congress with new and friendly members next May to approve the treaty. General Reyes has the perfect confidence of Vice President, he says, and if it becomes necessary will go to the Isthmus or send representatives there to adjust matters along above lines to the satisfaction of the people there. If he goes he would like to act in harmony with the commander of the United States forces. This is the personal opinion of Reyes, and he will advise this Government to act accordingly. There is a great reaction of public opinion in favor of the treaty, and it is considered certain that the treaty was not legally rejected by Congress. To-morrow martial law will be declared; 1,000 troops will be sent from the Pacific side; about the same number from the Atlantic side. Please answer by telegraph.

BEAUPRÉ.

Mr. Beaupré to Mr. Hay.

[Telegram.]

BOGOTÁ, *November 7, 1903—2 p. m.*

(Received 10th, 7.30 p. m.)

General Reyes leaves next Monday for Panama, invested with full powers. He has telegraphed chiefs of the insurrection that his mission is to the interests of Isthmus. He wishes answer from you, before leaving, to the inquiry in my telegram of yesterday, and wishes to know if the American commander will be ordered to cooperate with him and with new Panama Government to arrange peace and the

approval of canal treaty, which will be accepted on condition that the integrity of Colombia be preserved. He has telegraphed President of Mexico to ask the Government of the United States and all the countries represented at the Pan-American conference to aid Colombia to preserve her integrity. The question of the approval of the treaty mentioned in my telegram of yesterday will be arranged in Panama. He asks that before taking definite action you will await his arrival there, and that the Government of the United States in the meantime preserve the neutrality and transit of the Isthmus and do not recognize the new Government. Great excitement here. Martial law has been declared in the Cauca and Panama. . Answer.

BEAUPRÉ.

Mr. Beaupré to Mr. Hay.

[Telegram.]

BOGOTÁ, November 7, 1903—6 p. m.

(Received 10th, 7.55 p. m.)

As the Government of the United States has war vessels at Panama and Colon, minister for foreign affairs has requested me to ask, Will you allow Colombian Government to land troops at those ports to fight there and on the line of railway? Also if the Government of the United States will take action to maintain Colombian right and sovereignty on the Isthmus in accordance with article 35, the treaty of 1846, in case the Colombian Government is entirely unable to suppress the secession movement there?

I am entirely unable to elicit from minister for foreign affairs confirmation of the promises made by Reyes.

BEAUPRÉ.

Mr. Beaupré to Mr. Hay.

[Telegram.]

BOGOTÁ, November 9, 1903—9 a. m.

(Received 11th, 12.30 a. m.)

I am desired to inform you by General Reyes that Gen. Bedronel Ospina and Lucas Cabellero, prominent party leaders, accompany him on his mission.

Very great excitement here. Large crowds paraded streets yesterday, crying "Down with Marroquin." Mass meeting denounced him; called for a change of government. Hundreds gathered at the palace, and their orator, a prominent national general, addressed the President, calling for his resignation. Troops dispersed gathering, wounding several. Martial law is declared here, and the city is being guarded by soldiers. Legation of the United States under strong guard, but apparently no indications of hostile demonstration.

The residence of Lorenzo Marroquin attacked with stones.

Referring to the questions presented by minister for foreign affairs in my telegram of 7th, I have preserved silence, but bear in mind page 578, Foreign Relations, part 3, 1866, and instructions 134 to minister to the United States of Colombia, 1865.

BEAUPRÉ.

Mr. Hay to Mr. Beaupré.

[Telegram.]

DEPARTMENT OF STATE,
Washington, November 11, 1903. (Sent 12.12 p. m.)

Earnestly desiring an amicable solution of matters at issue between Colombia and Panama, we have instructed our consul-general at Panama to use good offices to secure for General Reyes a courteous reception and considerate hearing. It is not thought desirable to permit landing of Colombian troops on Isthmus, as such a course would precipitate civil war and disturb for an indefinite period the free transit which we are pledged to protect. I telegraphed you on November 6 that we had entered into relations with the provisional government.

HAY.

CORRESPONDENCE BETWEEN THE SECRETARY OF STATE AND THE
CHARGÉ D'AFFAIRES OF COLOMBIA.

Mr. Hay to Doctor Herran.

DEPARTMENT OF STATE,
Washington, November 6, 1903.

DEAR DOCTOR HERRAN: I inclose copy of a dispatch which has today been sent to our minister at Bogotá.

Very sincerely, yours,

JOHN HAY.

[Inclosure.]

Mr. Hay to Mr. Beaupré.

[Telegram.]

NOVEMBER 6, 1903.

BEAUPRÉ, Bogotá:

The people of Panama having by an apparently unanimous movement dissolved their political connection with the Republic of Colombia and resumed their independence, and having adopted a government of their own, republican in form, with which the Government of the United States of America has entered into relations, the President of the United States, in accordance with the ties of friendship which have so long and so happily existed between the respective nations, most earnestly commends to the governments of Colombia and Panama the peaceful and equitable settlement of all questions at issue between them. He holds that he is bound not merely by treaty obligations, but by the interests of civilization, to see that the peaceable traffic of the world across the Isthmus of Panama shall not longer be disturbed by a constant succession of unnecessary and wasteful civil wars.

HAY.

Dr. Herran to Mr. Hay.

[Translation.]

LEGATION OF COLOMBIA,
Washington, D. C., November 7, 1903.

EXCELLENCY: I acknowledge the reception of your excellency's note of the 6th instant, inclosing a copy of the telegram sent on the same day to the legation of the United States at Bogotá by the Department of State.

In that telegram your excellency refers to the relations already entered into by the Government of the United States of America with the Colombian rebels who on the evening of the 3d usurped the power in the capital of the Colombian Department of Panama and imprisoned the lawful civil and military authorities.

Your excellency will undoubtedly receive the reply of the Colombian Government through the same channel that was used to forward the notice of which your excellency was pleased to send me a copy, but, in the meanwhile, I am discharging a duty by lodging in advance with your excellency, in the name of my Government, a solemn protest against the attitude assumed in the Department of Panama by the Government of the United States to the injury of Colombia's rights and in disaccord with the stipulations of article 35 of the still existing treaty of 1846-1848 between Colombia and the United States of America.

I reiterate, etc.,

TOMAS HERRAN.

Mr. Hay to Dr. Herran.

No. 22.]

DEPARTMENT OF STATE,
Washington, November 11, 1903.

SIR: I have the honor to acknowledge the receipt of your note of the 7th instant, in which, acknowledging my communication of the 6th instant, you are pleased, of your own motion and in the absence of instructions from your Government, to lodge a protest against the attitude assumed by the Government of the United States in respect to the situation on the Isthmus of Panama.

Accept, sir, etc.,

JOHN HAY.

Mr. Tower to Mr. Hay.

[Telegram.]

EMBASSY OF THE UNITED STATES,
Berlin, November 10, 1903. (Received 5.40 p. m.)

In regard to the report telegraphed from New York that the Colombian consul-general there had declared that Colombian citizens had petitioned the Colombian Government to send a deputation to thank the German Government for its offered protection and to make concessions of land to Germany therefor, I have just received the assurance of the German minister for foreign affairs that there is no truth whatever in this report. He added that Germany has no interest in the Panama matter, and that the question of an interference on the part of Germany does not exist.

TOWER.

Mr. Porter to Mr. Hay.

[Telegram.]

EMBASSY OF THE UNITED STATES,
Paris, November 11, 1903. (Received 3.50 p. m.)

The French generally are much pleased with events in Panama and our attitude there. In conversation with minister for foreign affairs

he expressed himself in very sympathetic manner. Has authorized French consul at Panama to enter into relations with de facto government. Recognition will no doubt follow in time, and it seems to be disposition of European powers to await formal recognition by the United States before acting.

PORTER.

RECEPTION OF MINISTER OF PANAMA.

Mr. Varilla to Mr. Hay.

[Translation.]

LEGATION OF THE REPUBLIC OF PANAMA,
Washington, November 11, 1903.

MR. SECRETARY OF STATE: I have the very great honor to bring to your knowledge the fact that the Republic of Panama has designated me to fill, near the Government of the United States of America, the post of envoy extraordinary and minister plenipotentiary with full powers to negotiate.

While begging you, Mr. Secretary of State, to transmit to His Excellency the President of the Republic of the United States the substance of the present communication, I venture to ask you to solicit from his kindness the appointment of a date on which he will authorize me to present to him my letters of credence.

I have, etc.,

P. BUNAU-VARILLA.

Mr. Loomis to Mr. Bunau-Varilla.

No. 1.]

DEPARTMENT OF STATE,
Washington, November 12, 1903.

SIR: I have the honor to acknowledge the receipt of your note of the 11th instant, in which you advise me that the Republic of Panama has appointed you to fill, near this Government, the post of envoy extraordinary and minister plenipotentiary, with full powers to negotiate.

You further ask that this information may be communicated to the President and that he will kindly fix a date at which you may present your letters of credence.

In reply I have the honor to say that the President will be pleased to receive you for the purpose mentioned to-morrow, Friday, at 9.30 a. m.

If you will be good enough to call at this Department shortly before the hour mentioned, the Secretary of State will be pleased to accompany you to the White House.

Accept, etc.,

FRANCIS B. LOOMIS,
Acting Secretary of State.

Remarks made by the minister of Panama on the occasion of the presentation of his letters of credence.

MR. PRESIDENT: In according to the minister plenipotentiary of the Republic of Panama the honor of presenting to you his letters of cre-

dence you admit into the family of nations the weakest and the last born of the republics of the New World.

It owes its existence to the outburst of the indignant grief which stirred the hearts of the citizens of the Isthmus on beholding the despotic action which sought to forbid their country from fulfilling the destinies vouchsafed to it by Providence.

In consecrating its right to exist, Mr. President, you put an end to what appeared to be the interminable controversy as to the rival waterways, and you definitely inaugurate the era of the achievement of the Panama Canal.

From this time forth the determination of the fate of the canal depends upon two elements alone, now brought face to face, singularly unlike as regards their authority and power, but wholly equal in their common and ardent desire to see at last the accomplishment of the heroic enterprise for piercing the mountain barrier of the Andes.

The highway from Europe to Asia, following the pathway of the sun, is now to be realized.

The early attempts to find such a way unexpectedly resulted in the greatest of all historic achievements, the discovery of America. Centuries have since rolled by, but the pathway sought has hitherto remained in the realm of dreams. To-day, Mr. President, in response to your summons, it becomes a reality.

The President's reply to the remarks made by Señor Bunau-Varilla on the occasion of the presentation of his letters of credence.

MR. MINISTER: I am much gratified to receive the letters whereby you are accredited to the Government of the United States in the capacity of envoy extraordinary and minister plenipotentiary of the Republic of Panama.

In accordance with its long-established rule, this Government has taken cognizance of the act of the ancient territory of Panama in reasserting the right of self-control and, seeing in the recent events on the Isthmus an unopposed expression of the will of the people of Panama and the confirmation of their declared independence by the institution of a de facto government, republican in form and spirit, and alike able and resolved to discharge the obligations pertaining to sovereignty, we have entered into relations with the new Republic. It is fitting that we should do so now, as we did nearly a century ago when the Latin peoples of America proclaimed the right of popular government, and it is equally fitting that the United States should, now as then, be the first to stretch out the hand of fellowship and to observe toward the new-born State the rules of equal intercourse that regulate the relations of sovereignties toward one another.

I feel that I express the wish of my countrymen in assuring you, and through you the people of the Republic of Panama, of our earnest hope and desire that stability and prosperity shall attend the new State, and that, in harmony with the United States, it may be the providential instrument of untold benefit to the civilized world through the opening of a highway of universal commerce across its exceptionally favored territory.

For yourself, Mr. Minister, I wish success in the discharge of the important mission to which you have been called.

INSTRUCTIONS TO NAVAL AND CONSULAR OFFICERS CONCERNING FREEDOM OF TRANSIT ACROSS ISTHMUS.

NAVY DEPARTMENT,
Washington, November 12, 1903.

SIR: In accordance with the resolution of the House of Representatives of the 9th instant, calling for all correspondence and other official documents relating to the recent revolution on the Isthmus of Panama, I have the honor to transmit herewith all such matter on file in the Navy Department.

Very respectfully,

WILLIAM H. MOODY,
Secretary.

The PRESIDENT.

[Translation.]

NAVY DEPARTMENT,
Washington, D. C., November 2, 1903.

NASHVILLE (care American Consul, Colon):^a

Maintain free and uninterrupted transit. If interruption threatened by armed force, occupy the line of railroad. Prevent landing of any armed force with hostile intent, either Government or insurgent, either at Colon, Porto Bello, or other point. Send copy of instructions to the senior officer present at Panama upon arrival of *Boston*. Have sent copy of instructions and have telegraphed *Dixie* to proceed with all possible dispatch from Kingston to Colon. Government force reported approaching the Isthmus in vessels. Prevent their landing if in your judgment this would precipitate a conflict. Acknowledgment is required.

DARLING, Acting.

NAVY DEPARTMENT,
Washington, D. C., November 2, 1903.

GLASS, *Marblehead*, *Acapulco*:^b

Proceed with all possible dispatch to Panama. Telegraph in cipher your departure. Maintain free and uninterrupted transit. If interruption is threatened by armed force, occupy the line of railroad. Prevent landing of any armed force, either Government or insurgent, with hostile intent at any point within 50 miles of Panama. If doubtful as to the intention of any armed force, occupy Ancon Hill strongly with artillery. If the *Wyoming* would delay *Concord* and *Marblehead*, her disposition must be left to your discretion. Government force reported approaching the Isthmus in vessels. Prevent their landing if in your judgment landing would precipitate a conflict.

DARLING, Acting.

NAVY DEPARTMENT,
Washington, D. C., November 3, 1903.

CRUISER ATLANTA, *Kingston*, *Jamaica*:

Proceed with all possible dispatch to Colon. Acknowledge immediately. When will you sail?

DARLING, Acting.

^aSame order to Commander of *Dixie*, at Kingston, Jamaica.

^bSame to commander of *Boston*, at San Juan del Sur, Nicaragua.

NAVY DEPARTMENT,
Washington, D. C., November 3, 1903.

NASHVILLE, *Colon*:

In the interest of peace make every effort to prevent Government troops at Colon from proceeding to Panama. The transit of the Isthmus must be kept open and order maintained. Acknowledge.

DARLING, *Acting*.

NAVY DEPARTMENT,
Washington, D. C., November 3, 1903.

AMERICAN CONSUL, *Panama*:

Message sent *Nashville* to Colon may not have been delivered. Accordingly see that the following message is sent to *Nashville* immediately:

NASHVILLE, *Colon*:

In the interest of peace make every effort to prevent Government troops at Colon from proceeding to Panama. The transit of the Isthmus must be kept open and order maintained. Acknowledge.

DARLING, *Acting*.

Secure special trains if necessary. Act promptly.

LOOMIS.

[Translation.]

NAVY DEPARTMENT,
Washington, D. C., November 4, 1903.

NASHVILLE, *Colon*:

Gunboat of Colombia shelling Panama. Send immediately battery 3-inch field gun and 6-pounder with a force of men to Panama to compel cessation bombardment. Railroad must furnish transportation immediately.

DARLING, *Acting*.

[Translation.]

WASHINGTON, D. C., November 5, 1903.

BOSTON (care of American consul, Panama):

Prevent recurrence bombardment of Panama. Acknowledge.

MOODY.

NAVY DEPARTMENT,
Washington, D. C., November 5, 1903.

NASHVILLE, *Colon*:

Prevent any armed force of either side from landing at Colon, Porto Bello, or vicinity.

MOODY.

[Translation.]

WASHINGTON, D. C., *November 6, 1903.*MAINE, *Woods Hole, Mass.:*

Proceed at once to Colon, coaling wherever necessary to expedite your arrival. Acknowledge.

MOODY.

[Translation.]

WASHINGTON, D. C., *November 9, 1903.*DIEHL, *Boston:*

Upon the arrival of the *Marblehead* sufficient force must be sent to watch movements closely of the British steamers seized at Buenaventura and to prevent the landing of men with hostile intent within limits of the State of Panama. Protect the British steamers if necessary.

MOODY.

[Translation.]

WASHINGTON, D. C., *November 10, 1903.*GLASS, *Marblehead, Panama:*

Reported that the British steamers at Buenaventura were not detained. Did they leave with Colombian troops aboard?

MOODY.

[Translation.]

COLON, *October 15, 1903.*SECRETARY OF THE NAVY, *Washington, D. C.:*

Report is current to the effect that a revolution has broken out in the State of Cauca. Everything is quiet on the Isthmus unless a change takes place. On this account there is no necessity to remain here. Do not think it necessary to visit St. Andrews Island.

HUBBARD,
Commanding Officer U. S. S. Nashville.

[Translation.]

COLON, *November 3, 1903.*SECRETARY OF THE NAVY, *Washington, D. C.:*

Receipt of your telegram of November 2 is acknowledged. Prior to receipt this morning about 400 men were landed here by the Government of Colombia from Cartagena. No revolution has been declared on the Isthmus and no disturbances. Railway company have declined to transport these troops except by request of the governor of Panama. Request has not been made. It is possible that movement may be made to-night at Panama to declare independence, in which event I will * * * (message mutilated here) here. Situation is most critical if revolutionary leaders act,

HUBBARD.

[Translation.]

COLON, *November 4, 1903.*SECRETARY OF THE NAVY, *Washington:*

Provisional government was established at Panama Tuesday evening; no organized opposition. Governor of Panama, General Tobar, General Amaya, Colonel Morales, and three others of the Colombian Government troops who arrived Tuesday morning taken prisoner at Panama. I have prohibited transit of troops now here across the Isthmus.

HUBBARD.

COLON, *November 4, 1903.*SECRETARY OF THE NAVY, *Washington, D. C.:*

Government troops yet in Colon. Have prohibited transportation of troops either direction. No interruption of transit as yet. Will make every effort to preserve peace and order.

HUBBARD.

COLON, *November 4, 1903.*SECRETARY OF THE NAVY, *Washington, D. C.:*

I have landed force to protect the lives and property of American citizens here against threats Colombian soldiery. I am protecting water front with ship. I can not possibly send to Panama until affairs are settled at Colon.

HUBBARD.

ACAPULCO, MEXICO, *November 4, 1903.*SECRETARY OF THE NAVY, *Washington, D. C.:*

Marblehead and *Concord* to Panama to-day 4 p. m.; *Wyoming* will follow to-morrow afternoon. If *Boston* is to go with squadron, I would suggest Department will order her to rendezvous off Cape Mala, Colombia, about 6 p. m., on November 9. I have ordered *Nero* to Acapulco. I will leave sealed orders for her to proceed without delay to Panama unless otherwise directed.

GLASS.

COLON, *November 5, 1903—9.41 a. m.*SECRETARY OF THE NAVY, *Washington, D. C.:*

British man-of-war *Amphion* is protecting American interests at Panama. Reported bombardment much exaggerated.

HUBBARD.

COLON, *November 5, 1903—9.45 a. m.*SECRETARY OF THE NAVY, *Washington, D. C.:*

Have withdrawn force landed Wednesday afternoon. No bloodshed. I do not apprehend difficulty of any serious nature.

HUBBARD.

COLON, *November 5, 1903.*

SECRETARY OF THE NAVY, *Washington, D. C.:*

Situation here this morning again acute. Have deemed advisable to re-land force.

HUBBARD.

[Translation.]

COLON, *November 5.*

SECRETARY OF THE NAVY, *Washington, D. C.:*

Atlas Line's steamer, with large body of troops, reported sailing from Cartagena, Colombia.

HUBBARD.

COLON, *November 6, 1903.*

SECRETARY OF THE NAVY, *Washington, D. C.:*

All quiet. Independents declare government established as Republic of Panama. Have withdrawn marines.

DELANO.

COLON, *November 6, 1903—9.15 a. m.*

SECRETARY OF THE NAVY, *Washington, D. C.:*

Arrived Thursday evening; landed force. Following conditions prevailing: Just before landing all the troops of Colombia have left for R. M. S. P. Company's steamer *Orinoco* for Cartagena. Independent party in possession of Colon, Panama, and railroad line. *Nashville* withdrawn force.

DELANO.

[Translation.]

PANAMA, *November 7, 1903—7.40 p. m.*

SECRETARY OF THE NAVY, *Washington, D. C.:*

All quiet; traffic undisturbed; message to prevent received.

DIEHL.

COLON, *November 8, 1903—7.05 p. m.*

SECRETARY OF THE NAVY, *Washington, D. C.:*

Atlanta left yesterday for Bocas del Toro.

DELANO.

PANAMA, *November 9.*

SECRETARY OF THE NAVY, *Washington, D. C.:*

The British consul and the minister of war of the provisional government fear seizure of two British steamers at Buenaventura to transport troops convoyed by gunboat. Prevailed upon minister to dispatch gunboat, fearing possible destruction British steamers. The landing

of troops in the territory within the limit under my control will cause prolonged campaign. Instructions from the Department are requested.

DIEHL.

PANAMA, *November 10, 1903.*

SECRETARY OF THE NAVY:

Your telegram of the 9th of November to the *Boston* acknowledged. No interference British vessels yet. Report seems to be well founded that the steamship *Bogota* sailed from Buenaventura yesterday afternoon with 1,000 for Rio Dulce. Have sent *Concord* to patrol in that vicinity in order to prevent landing. Everything is quiet at Panama.

GLASS.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES TRANSMITTING ADDITIONAL CORRESPONDENCE RELATING TO THE RECENT REVOLUTION ON THE ISTHMUS OF PANAMA.

To the House of Representatives:

In response to a resolution of the House of Representatives of November 9, 1903, requesting the President "to communicate to the House, if not, in his judgment, incompatible with the interests of the public service, all correspondence and other official documents relating to the recent revolution on the Isthmus of Panama," I transmit herewith copies of additional papers on the subject which have been received subsequent to the resolution referred to.

THEODORE ROOSEVELT.

WHITE HOUSE,
Washington, November 27, 1903.

THE PRESIDENT:

The Secretary of State, to whom was referred a copy of the resolution of the House of Representatives of November 9, 1903, requesting copies of all correspondence and other official documents relating to the recent revolution on the Isthmus of Panama, has the honor to lay before the President copies of additional correspondence on the subject received subsequent to the resolution referred to.

Respectfully submitted.

JOHN HAY.

DEPARTMENT OF STATE,
Washington, November 24, 1903.

Mr. Ehrman to Mr. Loomis.

No. 464.] CONSULATE-GENERAL OF THE UNITED STATES,
Panama, November 9, 1903.

SIR: I have the honor to say that on the 5th instant I received from the Committee of the Provisional Government a circular letter (No. 1), dated November 4, 1903, informing me that Panama had dissolved its

political relations with the Republic of Colombia and requesting me to acknowledge receipt of circular. Inclosed please find translation of circular letter, marked "A." I immediately cabled the Department the contents of said circular letter, and upon receipt of the Department's cable instructing me to acknowledge receipt of circular and await instructions, I wrote acknowledging same. Please find copy of my letter, marked "B."

On receipt of the two telegrams from the Department in regard to entering into relations with the local authorities here, being satisfied that there was a de facto government established, and as there was no opposition to same in the State of Panama, I wrote on the morning of the 7th to the committee, informing them that they would be held responsible for the protection of the persons and property of American citizens, as well as responsible for carrying out treaty obligations, in accordance with treaties in regard to Isthmian territory. Inclosed please find copy of my letter, marked "C."

On the afternoon of the 8th instant I received a letter from the minister of foreign relations, saying that the Republic of Panama would protect American citizens and their property, as well as to carry out all treaty obligations in regard to Isthmian territory. Inclosed find translation of letter, marked "D."

I am, sir, your obedient servant,

FELIX EHRMAN,
United States Vice-Consul-General.

A.

[Translation.]

CIRCULAR }
No. 1. }

REPUBLIC OF PANAMA, PROVISIONAL GOVERNMENT,
Panama, November 4, 1903.

SIR: We have the honor of informing you, for your knowledge and that of the Government which you represent, that in this date a political movement has taken place by which the former department of Panama is separated from the Republic of Colombia, in order to constitute a new state under the name of "Republic of Panama," and that those who subscribe themselves have received the honor of being designated to form the Committee of the Provisional Government of the Republic.

We beg you to kindly acknowledge receipt and accept the sentiments of consideration, which it is pleasing to subscribe ourselves.

Your attentive servants,

J. A. ARANGO.
TOMAS ARIAS.
FEDERICO BOYD.

The CONSUL-GENERAL OF THE UNITED STATES OF NORTH AMERICA, *Pte.*

B.

PANAMA, *November 5, 1903.*

Messrs. J. A. ARANGO, TOMAS ARIAS, and FEDERICO BOYD,
Committee of the Provisional Government, Panama.

SIRS: I have the honor to acknowledge receipt of your circular letter No. 1, dated November 4, 1903.

I am, sirs, very respectfully, yours,

FELIX EHRMAN,
United States Vice-Consul-General.

C.

PANAMA, November 7, 1903.

MESSRS. J. A. ARANGO, TOMAS ARIAS, and FEDERICO BOYD,
Committee of the Provisional Government, present.

GENTLEMEN: As it appears that the people of Panama have, by unanimous movement, dissolved their political connection with the Republic of Colombia and resumed their independence, and as there is no opposition to the Provisional Government in the State of Panama, I have to inform you that the Provisional Government will be held responsible for the protection of the persons and property of citizens of the United States, as well as to keep the Isthmian transit free, in accordance with obligations of existing treaties relative to the Isthmian territory.

I have the honor to remain, gentlemen, very respectfully,

FELIX EHRLMAN,
United States Vice-Consul-General.

D.

[Translation.]

No. 2.]

REPUBLIC OF PANAMA,
Panama, November 8, 1903.

SIR: The Committee of the Provisional Government, informed of your communication of yesterday, has requested me to inform you that the Republic of Panama shelters the most sincere determination of protecting, as it has so far protected, the lives and properties of the United States citizens, determination that involves for the Republic a sacred and pleasant duty, and that in regard to the obligations existing on account of treaties in connection with the Isthmian territories heretofore with the Republic of Colombia are now with the Republic of Panama that has substituted the former in them and their rights.

With the sentiments of the highest consideration, I beg to remain,

Very attentive servant,

F. V. DE LA ESPRIELLA.

The VICE-CONSUL-GENERAL OF THE UNITED STATES OF AMERICA.

Mr. Ehrman to Mr. Loomis.

No. 463.]

CONSULATE-GENERAL OF THE UNITED STATES,
Panama, November 9, 1903.

SIR: I have the honor to report that on the 3d of November, at about 6 p. m., there occurred an uprising in the city of Panama. It seems that everything had been prearranged with the officials of the army and navy, as there was practically accord among all the officers. General Tovar, General Castro, and Commander Tovar of the gunboat *Bogotá*, finding out about the movement just a short while before it occurred, rushed to the barracks in the hope of frustrating the plans, but on their arrival General Huertas, second in command of the troops stationed at Panama, and chief of the "Colombia Battalion," ordered the soldiers out and arrested the above-mentioned generals, together with Governor Obaldia. The movement was to occur at 8 o'clock, but as the people had assembled and everything in readiness they moved at 6 o'clock. At 8 o'clock a boat was sent off from the gunboat *Bogotá*, saying that unless Generals Tovar and Castro were set at liberty immediately they would bombard the town. This note was not answered by the people on shore.

At about 10 o'clock on the night of the 3d the *Bogotá* fired several shells, which were answered by the fort. These shots struck in differ-

ent parts of the city, and one Chinaman was killed. After firing, the *Bogotá* hoisted her anchor and steamed away. She was supposed to be behind some islands which are directly in front of Panama. On the morning of the 4th I received information direct from one of the chiefs of the movement, and he said that the *Bogotá* had threatened to again bombard the city, and on this I immediately sent word by telegraph to the commander of the *Nashville* and cabled the Department. The consular corps met in this consulate-general and decided to send a protest to the commander of the *Bogotá*, protesting against the action of the commander. Inclosed please find copy of protest, marked "A." This letter was not sent, as the *Bogotá* was not in sight and no boats were available at the time. The gunboat *Twenty-first of November* (*Padilla*) was lying off Panama all this time, but did not try to intercept or pursue the *Bogotá*. On the morning of the 4th the *Twenty-first of November* came in and anchored near the fort, and in the afternoon of the same day hauled down the Colombian flag and hoisted the flag of Panama. In the afternoon of the 4th, at 3 p. m., there was a general mass meeting held in the central plaza, and the declaration of independence was read and signed. The following is a list of the Government officials, as given me by the Committee of the Provisional Government:

Committee of Provisional Government, J. A. Arango, Tomas Arias, and Federico Boyd; minister of government, Eusebio A. Morales; minister of foreign relations, F. V. de la Espriella; minister of war and marine, Nicanor A. de Obarrio; minister of justice, Carlos A. Mendoza; minister of finance, Manuel E. Amador; minister of public instruction, Julio J. Fabrega; chief of the division of Panama, Gen. Domingo Diaz; general in chief of the army of the Republic, Gen. Esteban Huertes; commander of civil battalion, Gen. Manuel Quintero; general treasurer of the Republic, Señor Albino Arosemena; commander of the gunboat *Twenty-first of November*, Gen. H. O. Jeffries.

I may say that the above-mentioned are all men of high standing in Panama and men who have had wide experience in public affairs.

During the recent troubles I am pleased to state that everything was carried on in an orderly manner, and I have not heard of a case where foreigners were threatened or molested in any way.

Inclosed I send you clipping from the *Star and Herald* of this city, containing a translation of the declaration of independence and manifesto by the Committee of the Provisional Government, marked "B."

We have heard several stories of the happenings in Colon, but I will leave that to be reported on from Colon, as we have received nothing definite. The declaration of independence was read and signed at Colon at 1.30 p. m. on the afternoon of the 5th instant.

Telegrams have been received from different parts of the department of Panama, and all say that independence has been unanimously declared.

I am, sir, your obedient servant,

FELIX EHRLMAN,
United States Vice-Consul-General.

A.

[Translation.]

PANAMA, November 4, 1903.

The COMMANDER OF THE BOGOTÁ.

SIR: The consular corps of this city considers the action of the steamship *Bogotá*, under your command, last night in bombarding a defenseless city without advice of any kind to the consuls is contrary to all rights and practice of civilized nations. Consequently the consular corps protests in the most solemn manner, and holds responsible for the consequences and responsibilities of this act whoever is to blame, furnishing account to their respective governments of the referred circumstance.

Yours, respectfully,

FELIX EHRMAN,
United States Vice-Consul-General.
E. H. ROHRWEGER,
Acting British Vice-Consul.
EMILE GREY,
Agent of the French Consulate.
ARTHUR KOHPCKE,
Consul of Germany and in charge of Italian Consulate.
A. JESURUM, Jr.,
Consul of Holland.
ED. JARAMILLO AVILES,
Consul of Ecuador.
J. F. ARANGO,
Consul-General of Guatemala.
FEDERICO BOYD,
Consul of Spain and of Salvador.
JACOB L. MADURO,
Consul of Denmark.
B. D. FIDANQUE,
Consul of Belgica.
J. G. DUQUE,
Consul of Cuba.
B. MENDEZ,
Consul of Mexico.
PEDRO ARIAS,
Consul of Brazil.
JERONIMO OSSA,
Consul of Chile and Honduras.
JUAN VALLARINO,
Consul of Peru.

B.

Declaration of independence and manifesto.

[Extract from Star and Herald, Panama (Republic of Panama), Thursday, November 5, 1903.]

INDEPENDENCE OF PANAMA.

"Viva la República de Panama!"

"Viva la independencia!"

At last the State of Panama has awakened from the torpor which appeared to have overpowered all branches of its population. The people have at last come to the conclusion that there was no hope for their future as long as they remained under the jurisdiction of the national Government as a department of the Republic of Colombia, and have risen in a body to protest to the injustice meditated by the Bogotá Government toward them in refusing its sanction to the Herran-Hay canal treaty, the passing of which treaty actually means life or death to the State of Panama.

The cry of independence was started on the evening of the 3d and taken up by every Isthmian as one body, as well as all those in sympathy with the cause. Due to the celebrated Battalion Colombia, under the command of their intrepid and universally beloved commander, Gen. E. Huertas, being in sympathy with the movement and declaring themselves on the side of the "separatists," all bloodshed, fight-

ing, etc., has been avoided, the greatest order and unity reigning on all sides. The populace repaired, without distinction, to the arsenal and were supplied with the necessary arms with which to uphold their independence.

The movement had been planned to take place later on, but was precipitated by the arrival at Colon of 300 troops under command of Generals Tovar and Amaya on the *Cartagena* on the night of the 2d instant. The only deplorable incident has been the killing of two Chinamen and part destruction of two buildings in the city by some shells thrown from the cruiser *Bogotá*, the commander of which refused his adhesion to the cause and threatened to bombard the city unless Generals Tovar and Amaya and their staffs, who were imprisoned on the afternoon of the 3d while attempting to take command of the garrison in this city, were released within three hours.

This request was not acceded to, in consequence of which the threat was carried out, but as the ship has got very little coal and supplies there is no doubt that she will not be able to hold out long and will have to surrender to the *21 de Noviembre*, which is being gotten ready for giving chase. The consular corps met and signed the following formal protest:

PANAMA, November 4, 1903.

The COMMANDER OF THE BOGOTÁ.

SIR: The consular corps of this city considers the action of the steamship *Bogotá*, under your command, last night in bombarding a defenseless city, without advice of any kind to the consuls, is contrary to all right and practice of civilized nations. Consequently, the consular corps protests in the most solemn manner, and holds responsible for the consequences and responsibilities of this act whoever is to blame, furnishing account to their respective governments of the referred-to circumstance.

Yours, respectfully,

FELIX EHRLMAN,
United States Vice-Consul-General.

E. H. ROHRWEGER,
Acting British Vice-Consul.

EMILE GREY,
Agent of the French Consulate.

ARTHUR KOEHPCKE,
Consul of Germany and in Charge of the Italian Consulate.

A. JESURUM, JR.,
Consul of Holland.

ED. JARAMILLO AVILES,
Consul of Ecuador.

I. F. ARANGO,
Consul-General of Guatemala.

FEDERICO BOYD,
Consul of Spain and of Salvador.

JACOB L. MADURO,
Consul of Denmark.

B. D. FIDANQUE,
Consul of Belgica.

J. G. DUQUE,
Consul of Cuba.

B. MENDEZ,
Consul of Mexico.

PEDRO ARIAS,
Consul of Brazil.

JERONIMO OSSA,
Consul of Chile and Honduras.

JUAN VALLARINO,
Consul of Peru.

In compliance with an invitation stuck up and distributed all over the city by the municipal board, Demetrio H. Brid, president, a public meeting of all the corporations, civilians, military and religious bodies took place at 3 p. m. yesterday at the Cathedral Park, where the act of independence was signed by the members of the municipality, the chiefs of the Provisional Government, etc., after which patriotic speeches were delivered in profusion.

The Provisional Government has been composed of the following gentlemen: José Agustín Arango, Federico Boyá, and Tomás Arias, with the following ministers: State, E. A. Morales; treasury, M. E. Amador; justice, C. A. Mendoza; foreign relations, F. V. de la Espriella; war and navy, N. A. de Obarrio.

From latest information we regret to state that Colon does not appear inclined to join the movement for separation. A commission from that city arrived yesterday evening to consult with the chiefs of the Provisional Government here, and we sincerely hope that the differences of opinion existing may be amicably settled in order to avoid all disturbance. The manifesto and declaration of independence we have translated for the benefit of our English readers.

We voice the sentiments of one and all, natives as well as foreigners, in wishing great prosperity to the new Republic.

Hurrah for the Republic of Panama!

Hurrah for the third of November!

DECLARATION OF INDEPENDENCE.

In the city of Panama, capital of the district of the same name, at 4 o'clock in the afternoon of the 4th day of November, 1903, the municipal council by its own right assembled, there being present the following members of the city council: Aizpuru, Rafael; Arango, Ricardo M.; Arias, F. Agustin; Arosemena, Fabio; Brid, Demetrio, H.; Chiari, R. José Maria; Cucalon, P.; Manuel, J.; Dominguez, Alcides; Lewis, Samuel; Linares, Enrique; McKay, Oscar M.; Mendez, Manuel Maria, and Vallarino, Dario, the mayor of the district and the municipal attorney, and having for its exclusive object to debate regarding the situation in which the country is at present, and to decide regarding what should be most convenient toward the tranquillity for the development and aggrandizement of the citizens that constitute the ethnographic and political entity denominated the Isthmus of Panama.

Councilmen Arias, F., Arosemena, Chiari, Brid, Cucalon, B., Aizpuru, Lewis, and Linares carefully took under special consideration the historical facts by virtue of which the Isthmus of Panama, by its own free will and in hopes of procuring for itself the ample benefits of right and liberty, cut asunder, on the 28th of November, 1821, its ties from Spain, and spontaneously joined its destiny to that of the great Republic of Colombia. Reflections were made tending to show that the union of the Isthmus with the old and modern Colombia did not produce the benefits that were expected from this act, and on mature consideration particular mention was made of the great and incessant injury that has been caused to the Isthmus of Panama in its material and moral interests at all times by the governments of the nation which have succeeded each other during the intervals of the federation, as well as those of the centralization—injuries which, instead of being looked after and patriotically remedied by those whose duty it was, were being augmented each day and increasing in importance with a persistency and ignorance that has exterminated in the cities of the Department of Panama the inclinations which were spontaneously felt for Colombia, thus demonstrating to them that, their cup of bitterness overflowing and all hope of the future being lost, the moment had arrived in which to dissolve certain ties which were a drawback to civilization, which placed insurmountable barriers to all progress, and which, on the whole, has produced unhappiness, upsetting and undoing the ends of the political union in which they entered, moved by the necessity to satisfy the desire of prospering within the right respected and liberty assured.

In view of the circumstances mentioned, the municipal council of the district of Panama, as a faithful interpreter of the sentiments of those they represent, declares in a solemn form that the people under their jurisdiction from to-day and henceforth sever their ties with Colombia in order to form, with the other towns of the Department of Panama that accept the separation and unite with them, the State of Panama, so as to constitute a republic with an independent government, democratic, representative, and responsible, that would tend to the happiness of the natives and of the other inhabitants of the territory of the Isthmus.

In order to practically attain the fulfillment of the resolution of the peoples of Panama of emancipating themselves from the Government of Colombia, making use of their autonomy in order to dispose of their destiny, to establish a new nationality free from all foreign elements, the municipal council of the district of Panama, for itself and in the name of the other municipal councils of the department, places the administration, working, and direction of affairs, temporarily and while the new Republic be constituted, in a board of government composed of Messrs. José Agustin Arango, Federico Boyd, and Tomás Arias, in whom and without any reserve whatsoever it gives powers, authorizations, and faculties necessary and sufficient for the satisfactory compliance of the duties which in the name of the Fatherland are confided to them.

It was ordered that the inhabitants of Panama be assembled to an open council in order to submit for their approval the ordinance that the present minutes contain, and which was signed by the officers and members of the corporation present.

Demetrio H. Brid, R. Aizpuru, A. Arias F., Manuel J. Cucalon P., Fabio Arosemena, Oscar M. McKay, Alcides Dominguez, Enrique Linares, J. M. Chiari R., Dario Vallarino, S. Lewis, Manuel M. Mendez.

The Secretary of the council, Ernesto J. Goti.

In our next issue we will publish the very extensive list of the signers of the above declaration.

MANIFESTO.

The transcendental act that by a spontaneous movement the inhabitants of the Isthmus of Panama have just executed is the inevitable consequence of a situation which has become graver daily.

Long is the recital of the grievances that the inhabitants of the Isthmus have suffered from their Colombian brothers; but those grievances would have been withstood with resignation for the sake of harmony and national union had its separation been possible and if we could have entertained well-founded hopes of improvement and of effective progress under the system to which we were submitted by that Republic. We have to solemnly declare that we have the sincere and profound conviction that all the hopes were futile and useless, all the sacrifices on our part.

The Isthmus of Panama has been governed by the Republic of Colombia with the narrow-mindedness that in past times were applied to their colonies by the European nations—the isthmian people and territory was a source of fiscal resources and nothing more. The contracts and negotiations regarding the railroad and the Panama Canal and the national taxes collected in the Isthmus have netted to Colombia tremendous sums which we will not detail, not wishing to appear in this exposition which will go down to posterity as being moved by a mercenary spirit, which has never been nor is our purpose; and of these large sums the Isthmus has not received the benefit of a bridge for any of its numerous rivers, nor the construction of a single road between its towns, nor of any public building, nor of a single college, and has neither seen any interest displayed in advancing her industries, nor has a most infinite part of those sums been applied toward her prosperity.

A very recent example of what we have related above is what has occurred with the negotiations of the Panama Canal, which, when taken under consideration by Congress, was rejected in a summary manner. There were a few public men who expressed their adverse opinion, on the ground that the Isthmus of Panama alone was to be favored by the opening of the canal by virtue of a treaty with the United States, and that the rest of Colombia would not receive any direct benefits of any sort by that work, as if that way of reasoning, even though it be correct, would justify the irreparable and perpetual damage which would be caused to the Isthmus by the rejection of the treaty in the manner in which it was done, which was equivalent to the closing of the doors to future negotiations.

The people of the Isthmus, in view of such notorious causes, have decided to recover their sovereignty and begin to form a part of the society of the free and independent nations, in order to work out its own destiny, to insure its future in a stable manner, and discharge the duties which it is called on to do by the situation of its territory and its immense richness.

To that we, the initiators of the movement effected, aspire and have obtained a unanimous approval.

We aspire to the formation of a true republic, where tolerance will prevail, where the law should be the invariable guide of those governing and those governed, where effective peace be established, which consists in the frequent and harmonious play of all interests and all activities, and where, finally, civilization and progress will find perpetual stability.

At the commencement of the life of an independent nation we fully appreciate the responsibilities that state means, but we have profound faith in the good sense and patriotism of the isthmian people, and we possess sufficient energy to open our way by means of labor to a happy future without any worry or any danger.

At separating from our brothers of Colombia we do it without any hatred and without any joy. Just as a son withdraws from his paternal roof, the isthmian people in adopting the lot it has chosen have done it with grief, but in compliance with the supreme and inevitable duty it owes to itself—that of its own preservation and of working for its own welfare.

We therefore begin to form a part among the free nations of the world, considering Colombia as a sister nation, with which we shall be whenever circumstances may require it, and for whose prosperity we have the most fervent and sincere wishes.

JOSÉ AGUSTIN ARANGO.

FEDERICO BOYD.

TOMAS ARIAS.

ISTHMIAN CANAL.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES TRANSMITTING A STATEMENT OF ACTION IN EXECUTING THE ACT ENTITLED "AN ACT TO PROVIDE FOR THE CONSTRUCTION OF A CANAL CONNECTING THE WATERS OF THE ATLANTIC AND PACIFIC OCEANS," APPROVED JUNE 28, 1902.

To the Senate and House of Representatives:

I lay before the Congress for its information a statement of my action up to this time in executing the act entitled "An act to provide for the construction of a canal connecting the waters of the Atlantic and Pacific oceans," approved June 28, 1902.

By the said act the President was authorized to secure for the United States the property of the Panama Canal Company and the perpetual control of a strip 6 miles wide across the Isthmus of Panama. It was further provided that "should the President be unable to obtain for the United States a satisfactory title to the property of the New Panama Canal Company and the control of the necessary territory of the Republic of Columbia * * * within a reasonable time and upon reasonable terms, then the President" should endeavor to provide for a canal by the Nicaragua route. The language quoted defines with exactness and precision what was to be done, and what as a matter of fact has been done. The President was authorized to go to the Nicaragua route only if within a reasonable time he could not obtain "control of the necessary territory of the Republic of Colombia." This control has now been obtained; the provision of the act has been complied with; it is no longer possible under existing legislation to go to the Nicaragua route as an alternative.

This act marked the climax of the effort on the part of the United States to secure, so far as legislation was concerned, an interoceanic canal across the Isthmus. The effort to secure a treaty for this purpose with one of the Central American republics did not stand on the same footing with the effort to secure a treaty under any ordinary conditions. The proper position for the United States to assume in reference to this canal, and therefore to the governments of the Isthmus, had been clearly set forth by Secretary Cass in 1858. In my Annual Message I have already quoted what Secretary Cass said; but I repeat the quotation here, because the principle it states is fundamental.

While the rights of sovereignty of the states occupying this region (Central America) should always be respected, we shall expect that these rights be exercised in a spirit befitting the occasion and the wants and circumstances that have arisen. Sovereignty has its duties as well as its rights, and none of these local governments, even if administered with more regard to the just demands of other nations than they have been, would be permitted, in a spirit of Eastern isolation, to close the gates of intercourse on the great highways of the world, and justify the act by the pretension that these avenues of trade and travel belong to them and that they choose to shut them, or, what is almost equivalent, to encumber them with such unjust relations as would prevent their general use.

The principle thus enunciated by Secretary Cass was sound then and it is sound now. The United States has taken the position that no other government is to build the canal. In 1889, when France proposed to come to the aid of the French Panama Company by guaranteeing their bonds, the Senate of the United States in executive session, with only some three votes dissenting, passed a resolution as follows:

That the Government of the United States will look with serious concern and disapproval upon any connection of any European government with the construction or control of any ship canal across the Isthmus of Darien or across Central America, and must regard any such connection or control as injurious to the just rights and interests of the United States and as a menace to their welfare.

Under the Hay-Pauncefote treaty it was explicitly provided that the United States should control, police, and protect the canal which was to be built, keeping it open for the vessels of all nations on equal terms. The United States thus assumed the position of guarantor of the canal and of its peaceful use by all the world. The guarantee included as a matter of course the building of the canal. The enterprise was recognized as responding to an international need; and it would be the veriest travesty on right and justice to treat the governments in possession of the Isthmus as having the right, in the language of Mr. Cass, "to close the gates of intercourse on the great high-ways of the world, and justify the act by the pretension that these avenues of trade and travel belong to them and that they choose to shut them."

When this Government submitted to Colombia the Hay-Herran treaty three things were, therefore, already settled.

One was that the canal should be built. The time for delay, the time for permitting the attempt to be made by private enterprise, the time for permitting any government of antisocial spirit and of imperfect development to bar the work, was past. The United States had assumed in connection with the canal certain responsibilities not only to its own people, but to the civilized world, which imperatively demanded that there should no longer be delay in beginning the work.

Second. While it was settled that the canal should be built without unnecessary or improper delay, it was no less clearly shown to be our purpose to deal not merely in a spirit of justice but in a spirit of generosity with the people through whose land we might build it. The Hay-Herran treaty, if it erred at all, erred in the direction of an overgenerosity toward the Colombian Government. In our anxiety to be fair we had gone to the very verge in yielding to a weak nation's demands what that nation was helplessly unable to enforce from us against our will. The only criticisms made upon the Administration for the terms of the Hay-Herran treaty were for having granted too much to Colombia, not for failure to grant enough. Neither in the Congress nor in the public press, at the time that this treaty was formulated, was there complaint that it did not in the fullest and amplest manner guarantee to Colombia everything that she could by any color of title demand.

Nor is the fact to be lost sight of that the rejected treaty, while generously responding to the pecuniary demands of Colombia, in other respects merely provided for the construction of the canal in conformity with the express requirements of the act of the Congress of June 28, 1902. By that act, as heretofore quoted, the President was authorized to acquire from Colombia, for the purposes of the canal, "perpetual control" of a certain strip of land; and it was expressly required that the "control" thus to be obtained should include "jurisdiction" to make police and sanitary regulations and to establish such judicial tribunals as might be agreed on for their enforcement. These were conditions precedent prescribed by the Congress; and for their fulfillment suitable stipulations were embodied

in the treaty. It has been stated in public prints that Colombia objected to these stipulations on the ground that they involved a relinquishment of her "sovereignty;" but in the light of what has taken place, this alleged objection must be considered as an afterthought.

In reality, the treaty, instead of requiring a cession of Colombia's sovereignty over the canal strip, expressly acknowledged, confirmed, and preserved her sovereignty over it. The treaty in this respect simply proceeded on the lines on which all the negotiations leading up to the present situation have been conducted. In those negotiations the exercise by the United States, subject to the paramount rights of the local sovereign, of a substantial control over the canal and the immediately adjacent territory, has been treated as a fundamental part of any arrangement that might be made. It has formed an essential feature of all our plans, and its necessity is fully recognized in the Hay-Pauncefote treaty. The Congress, in providing that such control should be secured, adopted no new principle, but only incorporated in its legislation a condition the importance and propriety of which were universally recognized. During all the years of negotiation and discussion that preceded the conclusion of the Hay-Herran treaty, Colombia never intimated that the requirements by the United States of control over the canal strip would render unattainable the construction of a canal by way of the Isthmus of Panama; nor were we advised, during the months when legislation of 1902 was pending before the Congress, that the terms which it embodied would render negotiations with Colombia impracticable. It is plain that no nation could construct and guarantee the neutrality of the canal with a less degree of control than was stipulated for in the Hay-Herran treaty. A refusal to grant such degree of control was necessarily a refusal to make any practicable treaty at all. Such refusal therefore squarely raised the question whether Colombia was entitled to bar the transit of the world's traffic across the Isthmus.

That the canal itself was eagerly demanded by the people of the locality through which it was to pass, and that the people of this locality no less eagerly longed for its construction under American control, are shown by the unanimity of action in the new Panama Republic. Furthermore, Colombia, after having rejected the treaty in spite of our protests and warnings when it was in her power to accept it, has since shown the utmost eagerness to accept the same treaty if only the status quo could be restored. One of the men standing highest in the official circles of Colombia on November 6 addressed the American minister at Bogota, saying that if the Government of the United States would land troops to preserve Colombian sovereignty and the transit, the Colombian Government would "declare martial law; and, by virtue of vested constitutional authority, when public order is disturbed, [would] approve by decree the ratification of the canal treaty as signed; or, if the Government of the United States prefers, [would] call extra session of the Congress—with new and friendly members—next May to approve the treaty."

Having these facts in view, there is no shadow of question that the Government of the United States proposed a treaty which was not merely just, but generous to Colombia, which our people regarded as erring, if at all, on the side of overgenerosity; which was hailed with delight by the people of the immediate locality through which the

canal was to pass, who were most concerned as to the new order of things, and which the Colombian authorities now recognize as being so good that they are willing to promise its unconditional ratification if only we will desert those who have shown themselves our friends and restore to those who have shown themselves unfriendly the power to undo what they did. I pass by the question as to what assurance we have that they would now keep their pledge and not again refuse to ratify the treaty if they had the power; for, of course, I will not for one moment discuss the possibility of the United States committing an act of such baseness as to abandon the new Republic of Panama.

Third. Finally, the Congress definitely settled where the canal was to be built. It was provided that a treaty should be made for building the canal across the Isthmus of Panama; and if, after reasonable time, it proved impossible to secure such treaty, that then we should go to Nicaragua. The treaty has been made; for it needs no argument to show that the intent of the Congress was to insure a canal across Panama, and that whether the republic granting the title was called New Granada, Colombia, or Panama mattered not one whit. As events turned out, the question of "reasonable time" did not enter into the matter at all. Although, as the months went by, it became increasingly improbable that the Colombian Congress would ratify the treaty or take steps which would be equivalent thereto, yet all chance for such action on their part did not vanish until the Congress closed at the end of October; and within three days thereafter the revolution in Panama had broken out. Panama became an independent State, and the control of the territory necessary for building the canal then became obtainable. The condition under which alone we could have gone to Nicaragua thereby became impossible of fulfillment. If the pending treaty with Panama should not be ratified by the Senate, this would not alter the fact that we could not go to Nicaragua. The Congress has decided the route, and there is no alternative under existing legislation.

When in August it began to appear probable that the Colombian Legislature would not ratify the treaty it became incumbent upon me to consider well what the situation was and to be ready to advise the Congress as to what were the various alternatives of action open to us. There were several possibilities. One was that Colombia would at the last moment see the unwisdom of her position. That there might be nothing omitted, Secretary Hay, through the minister at Bogotá, repeatedly warned Colombia that grave consequences might follow from her rejection of the treaty. Although it was a constantly diminishing chance, yet the possibility of ratification did not wholly pass away until the close of the session of the Colombian Congress.

A second alternative was that by the close of the session on the last day of October, without the ratification of the treaty by Colombia and without any steps taken by Panama, the American Congress on assembling early in November would be confronted with a situation in which there had been a failure to come to terms as to building the canal along the Panama route, and yet there had not been a lapse of a reasonable time—using the word reasonable in any proper sense—such as would justify the Administration going to the Nicaragua route. This situation seemed on the whole the most likely, and as a matter of fact I had made the original draft of my message to the Congress with a view to its existence.

It was the opinion of eminent international jurists that in view of the fact that the great design of our guaranty under the treaty of 1846 was to dedicate the Isthmus to the purposes of interoceanic transit, and above all to secure the construction of an interoceanic canal, Colombia could not under existing conditions refuse to enter into a proper arrangement with the United States to that end without violating the spirit and substantially repudiating the obligations of a treaty the full benefits of which she had enjoyed for over fifty years. My intention was to consult the Congress as to whether under such circumstances it would not be proper to announce that the canal was to be dug forthwith; that we would give the terms that we had offered and no others; and that if such terms were not agreed to we would enter into an arrangement with Panama direct, or take what other steps were needful in order to begin the enterprise.

A third possibility was that the people of the Isthmus, who had formerly constituted an independent state, and who until recently were united to Colombia only by a loose tie of federal relationship, might take the protection of their own vital interests into their own hands, reassert their former rights, declare their independence upon just grounds, and establish a government competent and willing to do its share in this great work for civilization. This third possibility is what actually occurred. Everyone knew that it was a possibility, but it was not until toward the end of October that it appeared to be an imminent probability. Although the Administration, of course, had special means of knowledge, no such means were necessary in order to appreciate the possibility, and toward the end the likelihood, of such a revolutionary outbreak and of its success. It was a matter of common notoriety. Quotations from the daily papers could be indefinitely multiplied to show this state of affairs; a very few will suffice. From Costa Rica on August 31 a special was sent to the Washington Post, running as follows:

SAN JOSÉ, COSTA RICA, *August 31.*

Travelers from Panama report the Isthmus alive with fires of a new revolution. It is inspired, it is believed, by men who, in Panama and Colon, have systematically engendered the pro-American feeling to secure the building of the Isthmian canal by the United States.

The Indians have risen, and the late followers of Gen. Benjamin Herrera are mustering in the mountain villages preparatory to joining in an organized revolt, caused by the rejection of the canal treaty.

Hundreds of stacks of arms, confiscated by the Colombian Government at the close of the late revolution, have reappeared from some mysterious source, and thousands of rifles that look suspiciously like the Mausers the United States captured in Cuba are issuing to the gathering forces from central points of distribution. With the arms goes ammunition, fresh from factories, showing the movement is not spasmodic, but is carefully planned.

* * * * *

The Government forces in Panama and Colon, numbering less than 1,500 men, are reported to be a little more than friendly to the revolutionary spirit. They have been ill paid since the revolution closed and their only hope of prompt payment is another war.

General Huertes, commander of the forces, who is ostensibly loyal to the Bogotá Government, is said to be secretly friendly to the proposed revolution. At least, all his personal friends are open in denunciation of the Bogotá Government and the failure of the Colombian Congress to ratify the canal treaty.

The consensus of opinion gathered from late arrivals from the Isthmus is that the revolution is coming, and that it will succeed.

A special dispatch to the Washington Post, under date of New York, September 1, runs as follows:

B. G. Duque, editor and proprietor of the Panama Star and Herald, a resident of the Isthmus during the past twenty-seven years, who arrived to-day in New York, declared that if the canal treaty fell through a revolution would be likely to follow.

"There is a very strong feeling in Panama," said Mr. Duque, "that Colombia, in negotiating the sale of a canal concession in Panama, is looking for profits that might just as well go to Panama herself.

"The Colombian Government only the other day suppressed a newspaper that dared to speak of independence for Panama. A while ago there was a secret plan afoot to cut loose from Colombia and seek the protection of the United States."

In the New York Herald of September 10 the following statement appeared:

Representatives of strong interests on the Isthmus of Panama who make their headquarters in this city are considering a plan of action to be undertaken in cooperation with men of similar views in Panama and Colon to bring about a revolution and form an independent government in Panama opposed to that in Bogotá.

There is much indignation on the Isthmus on account of the failure of the canal treaty, which is ascribed to the authorities at Bogotá. This opinion is believed to be shared by a majority of the isthmians of all shades of political belief, and they think it is to their best interest for a new republic to be formed on the Isthmus, which may negotiate directly with the United States a new treaty which will permit the digging of the Panama Canal under favorable conditions.

In the New York Times, under date of September 13, there appeared from Bogotá the following statement:

A proposal made by Señor Perez y Sotos to ask the Executive to appoint an anti-secessionist governor in Panama has been approved by the Senate. Speakers in the Senate said that Señor Obaldía, who was recently appointed governor of Panama, and who is favorable to a canal treaty, was a menace to the national integrity. Senator Marroquín protested against the action of the Senate.

President Marroquín succeeded later in calming the Congressmen. It appears that he was able to give them satisfactory reasons for Governor Obaldía's appointment. He appears to realize the imminent peril of the Isthmus of Panama declaring its independence.

Señor Deroux, representative for a Panama constituency, recently delivered a sensational speech in the House. Among other things he said:

"In Panama the bishops, governors, magistrates, military chiefs, and their subordinates have been and are foreign to the department. It seems that the Government, with surprising tenacity, wishes to exclude the Isthmus from all participation in public affairs. As regards international dangers in the Isthmus, all I can say is that if these dangers exist they are due to the conduct of the National Government, which is in the direction of reaction.

"If the Colombian Government will not take action with a view to preventing disaster, the responsibility will rest with it alone."

In the New York Herald of October 26 it was reported that a revolutionary expedition of about 70 men had actually landed on the Isthmus. In the Washington Post of October 29 it was reported from Panama that in view of the impending trouble on the Isthmus the Bogotá Government had gathered troops in sufficient numbers to at once put down an attempt at secession. In the New York Herald of October 30 it was announced from Panama that Bogotá was hurrying troops to the Isthmus to put down the projected revolt. In the New York Herald of November 2 it was announced that in Bogotá the Congress had endorsed the energetic measures taken to meet the situation on the Isthmus and that 6,000 men were about to be sent thither.

Quotations like the above could be multiplied indefinitely. Suffice it to say that it was notorious that revolutionary trouble of a serious nature was impending upon the Isthmus. But it was not necessary to rely exclusively upon such general means of information. On October

15 Commander Hubbard, of the Navy, notified the Navy Department that, though things were quiet on the Isthmus, a revolution had broken out in the State of Cauca. On October 16, at the request of Lieutenant-General Young, I saw Capt. C. B. Humphrey and Lieut. Grayson Mallet-Prevost Murphy, who had just returned from a four months' tour through the northern portions of Venezuela and Colombia. They stopped in Panama on their return in the latter part of September. At the time they were sent down there had been no thought of their going to Panama, and their visit to the Isthmus was but an unpremeditated incident of their return journey; nor had they been spoken to by anyone at Washington regarding the possibility of a revolt. Until they landed at Colon they had no knowledge that a revolution was impending, save what they had gained from the newspapers. What they saw in Panama so impressed them that they reported thereon to Lieutenant-General Young, according to his memorandum—

that while on the Isthmus they became satisfied beyond question that, owing largely to the dissatisfaction because of the failure of Colombia to ratify the Hay-Herran treaty, a revolutionary party was in course of organization, having for its object the separation of the State of Panama from Colombia, the leader being Dr. Richard Arango, a former governor of Panama; that when they were on the Isthmus, arms and ammunition were being smuggled into the city of Colon in piano boxes, merchandise crates, etc., the small arms received being principally the Gras French rifle, the Remington, and the Mauser; that nearly every citizen in Panama had some sort of rifle or gun in his possession, with ammunition therefor; that in the city of Panama there had been organized a fire brigade which was really intended for a revolutionary military organization; that there were representatives of the revolutionary organization at all important points on the Isthmus; that in Panama, Colon, and the other principal places of the Isthmus police forces had been organized which were in reality revolutionary forces; that the people on the Isthmus seemed to be unanimous in their sentiment against the Bogotá Government, and their disgust over the failure of that Government to ratify the treaty providing for the construction of the canal, and that a revolution might be expected immediately upon the adjournment of the Colombian Congress without ratification of the treaty.

Lieutenant-General Young regarded their report as of such importance as to make it advisable that I should personally see these officers. They told me what they had already reported to the Lieutenant-General, adding that on the Isthmus the excitement was seething, and that the Colombian troops were reported to be disaffected. In response to a question of mine they informed me that it was the general belief that the revolution might break out at any moment, and if it did not happen before would doubtless take place immediately after the closing of the Colombian Congress (at the end of October) if the canal treaty were not ratified. They were certain that the revolution would occur, and before leaving the Isthmus had made their own reckoning as to the time, which they had set down as being probably from three to four weeks after their leaving. The reason they set this as the probable inside limit of time was that they reckoned that it would be at least three or four weeks—say not until October 20—before a sufficient quantity of arms and munitions would have been landed.

In view of all these facts I directed the Navy Department to issue instructions such as would insure our having ships within easy reach of the Isthmus in the event of need arising. Orders were given on October 19 to the *Boston* to proceed to San Juan del Sur, Nicaragua; to the *Dixie* to prepare to sail from League Island, and to the *Atlanta* to proceed to Guantanamo. On October 30 the *Nashville* was ordered to proceed to Colon. On November 2, when, the Colombian

Congress having adjourned, it was evident that the outbreak was imminent, and when it was announced that both sides were making ready forces whose meeting would mean bloodshed and disorder, the Colombian troops having been embarked on vessels, the following instructions were sent to the commanders of the *Boston*, *Nashville*, and *Dixie*:

Maintain free and uninterrupted transit. If interruption is threatened by armed force, occupy the line of railroad. Prevent landing of any armed force with hostile intent, either government or insurgent, at any point within 50 miles of Panama. Government force reported approaching the Isthmus in vessels. Prevent their landing if, in your judgment, the landing would precipitate a conflict.

These orders were delivered in pursuance of the policy on which our Government had repeatedly acted. This policy was exhibited in the following orders, given under somewhat similar circumstances last year, and the year before, and the year before that. The first two telegrams are from the Department of State to the consul at Panama:

JULY 25, 1900.

You are directed to protest against any act of hostility which may involve or imperil the safe and peaceful transit of persons or property across the Isthmus of Panama. The bombardment of Panama would have this effect, and the United States must insist upon the neutrality of the Isthmus as guaranteed by the treaty.

NOVEMBER 20, 1901.

Notify all parties molesting or interfering with free transit across the Isthmus that such interference must cease and that the United States will prevent the interruption of traffic upon the railroad. Consult with captain of the *Iowa*, who will be instructed to land marines, if necessary, for the protection of the railroad, in accordance with the treaty rights and obligations of the United States. Desirable to avoid bloodshed, if possible.

The next three telegrams are from and to the Secretary of the Navy:

SEPTEMBER 12, 1902.

RANGER, *Panama*:

United States guarantees perfect neutrality of Isthmus and that a free transit from sea to sea be not interrupted or embarrassed. * * * Any transportation of troops which might contravene these provisions of treaty should not be sanctioned by you nor should use of road be permitted which might convert the line of transit into theater of hostility.

MOODY.

COLON, *September 20, 1902.*

SECRETARY OF THE NAVY, *Washington*:

Everything is conceded. The United States guards and guarantees traffic and the line of transit. To-day I permitted the exchange of Colombian troops from Panama to Colon, about 1,000 men each way, the troops without arms in train guarded by American naval force in the same manner as other passengers; arms and ammunition in separate train, guarded also by naval force in the same manner as other freight.

McLEAN.

PANAMA, *October 3, 1902.*

SECRETARY OF THE NAVY, *Washington, D. C.*:

Have sent this communication to the American consul at Panama:

"Inform governor while trains running under United States protection I must decline transportation any combatants, ammunition, arms, which might cause interruption traffic or convert line of transit into theater hostilities."

CASEY.

On November 3 Commander Hubbard responded to the above-quoted telegram of November 2, 1903, saying that before the telegram had been received 400 Colombian troops from Cartagena had landed at Colon; that there had been no revolution on the Isthmus, but that the

situation was most critical if the revolutionary leaders should act. On this same date the Associated Press in Washington received a bulletin stating that a revolutionary outbreak had occurred. When this was brought to the attention of the Assistant Secretary of State, Mr. Loomis, he prepared the following cablegram to the consul-general at Panama and the consul at Colon:

Uprising on Isthmus reported. Keep Department promptly and fully informed.

Before this telegram was sent, however, one was received from Consul Malmros at Colon, running as follows:

Revolution imminent. Government force on the Isthmus about 500 men. Their official promised support revolution. Fire department, Panama, 441, are well organized and favor revolution. Government vessel, *Cartagena*, with about 400 men, arrived early to-day with new commander in chief, Tobar. Was not expected until November 10. Tobar's arrival is not probable to stop revolution.

This cablegram was received at 2.35 p. m., and at 3.40 p. m. Mr. Loomis sent the telegram which he had already prepared to both Panama and Colon. Apparently, however, the consul-general at Panama had not received the information embodied in the Associated Press bulletin, upon which the Assistant Secretary of State based his dispatch, for his answer was that there was no uprising, although the situation was critical, this answer being received at 8.15 p. m. Immediately afterwards he sent another dispatch, which was received at 9.50 p. m., saying that the uprising had occurred, and had been successful, with no bloodshed. The Colombian gunboat *Bogotá* next day began to shell the city of Panama, with the result of killing one Chinaman. The consul-general was directed to notify her to stop firing. Meanwhile, on November 4, Commander Hubbard notified the Department that he had landed a force to protect the lives and property of American citizens against the threats of the Colombian soldiery.

Before any step whatever had been taken by the United States troops to restore order, the commander of the newly landed Colombian troops had indulged in wanton and violent threats against American citizens, which created serious apprehension. As Commander Hubbard reported in his letter of November 5, this officer and his troops practically began war against the United States, and only the forbearance and coolness of our officers and men prevented bloodshed. The letter of Commander Hubbard is of such interest that it deserves quotation in full, and runs as follows:

U. S. S. NASHVILLE, THIRD RATE,
Colon, U. S. Colombia, November 5, 1903.

SIR: Pending a complete report of the occurrences of the last three days in Colon, Colombia, I most respectfully invite the Department's attention to those of the date of Wednesday, November 4, which amounted to practically the making of war against the United States by the officer in command of the Colombian troops in Colon. At 1 o'clock p. m. on that date I was summoned on shore by a preconcerted signal, and on landing met the United States consul, vice-consul, and Colonel Shaler, the general superintendent of the Panama Railroad. The consul informed me that he had received notice from the officer commanding the Colombian troops, Colonel Torres, through the prefect of Colon, to the effect that if the Colombian officers, Generals Tobal and Amaya, who had been seized in Panama on the evening of the 3d of November by the Independents and held as prisoners, were not released by 2 o'clock p. m. he, Torres, would open fire on the town of Colon and kill every United States citizen in the place, and my advice and action were requested. I advised that all the United States citizens should take refuge in the shed of the Panama Railroad Company, a stone building susceptible of being put into good state for defense, and that I would immediately land such body

of men, with extra arms for arming the citizens, as the complement of the ship would permit. This was agreed to and I immediately returned on board, arriving at 1.15 p. m. The order for landing was immediately given, and at 1.30 p. m. the boats left the ship with a party of 42 men under the command of Lieut. Commander H. M. Witzel, with Midshipman J. P. Jackson as second in command. Time being pressing, I gave verbal orders to Mr. Witzel to take the building above referred to, to put it into the best state of defense possible, and protect the lives of the citizens assembled there—not firing unless fired upon. The women and children took refuge on the German steamer *Marcomania* and Panama Railroad steamer *City of Washington*, both ready to haul out from dock if necessary. The *Nashville* I got under way and patrolled with her along the water front close in and ready to use either small-arm or shrapnel-fire. The Colombians surrounded the building of the railroad company almost immediately after we had taken possession, and for about one and a half hours their attitude was most threatening, it being seemingly their purpose to provoke an attack. Happily our men were cool and steady, and while the tension was very great no shot was fired. At about 3.15 p. m. Colonel Torres came into the building for an interview and expressed himself as most friendly to Americans, claiming that the whole affair was a misapprehension and that he would like to send the alcalde of Colon to Panama to see General Tobal and have him direct the discontinuance of the show of force. A special train was furnished and safe conduct guaranteed. At about 5.30 p. m. Colonel Torres made the proposition of withdrawing his troops to Monkey Hill if I would withdraw the *Nashville's* force and leave the town in possession of the police until the return of the alcalde on the morning of the 5th. After an interview with the United States consul and Colonel Shaler as to the probability of good faith in the matter, I decided to accept the proposition and brought my men on board, the disparity in numbers between my force and that of the Colombians, nearly ten to one, making me desirous of avoiding a conflict so long as the object in view, the protection of American citizens, was not imperiled.

I am positive that the determined attitude of our men, their coolness and evident intention of standing their ground, had a most salutary and decisive effect on the immediate situation and was the initial step in the ultimate abandoning of Colon by these troops and their return to Cartagena the following day. Lieutenant-Commander Witzel is entitled to much praise for his admirable work in command on the spot.

I feel that I can not sufficiently strongly represent to the Department the grossness of this outrage and the insult to our dignity, even apart from the savagery of the threat.

Very respectfully,

JOHN HUBBARD,
Commander, U. S. Navy, Commanding.

The SECRETARY OF THE NAVY,
Navy Department, Washington, D. C.

In his letter of November 8 Commander Hubbard sets forth the facts more in detail:

U. S. S. NASHVILLE, THIRD RATE,
Porto Bello, U. S. Colombia, November 8, 1903.

SIR: 1. I have the honor to make the following report of the occurrences which took place at Colon and Panama in the interval between the arrival of the *Nashville* at Colon on the evening of November 2, 1903, and the evening of November 5, 1903, when, by the arrival of the U. S. S. *Dixie* at Colon, I was relieved as senior officer by Commander F. H. Delano, U. S. Navy.

2. At the time of the arrival of the *Nashville* at Colon at 5.30 p. m. on November 2 everything on the Isthmus was quiet. There was talk of proclaiming the independence of Panama, but no definite action had been taken, and there had been no disturbance of peace and order. At daylight on the morning of November 3 it was found that a vessel which had come in during the night was the Colombian gunboat *Cartagena*, carrying between 400 and 500 troops. I had her boarded, and learned that these troops were for the garrison at Panama. Inasmuch as the Independent party had not acted and the Government of Colombia was at the time in undisputed control of the province of Panama, I did not feel, in the absence of any instructions, that I was justified in preventing the landing of these troops, and at 8.30 o'clock they were disembarked. The commanding officers, Generals Amaya and Tobal, with four others, immediately went over to Panama to make arrangements for receiving and quartering their troops, leaving the command in charge of an officer whom I, later learned to be Colonel Torres. The Department's message addressed to the care of the United States consul I received at 10.30 a. m. It was delivered to one of the ship's boats while I was at the consul's, and not to the consul, as addressed. The

message was said to have been received at the cable office at 9.30 a. m. Immediately on deciphering the message I went on shore to see what arrangements the railroad company had made for the transportation of these troops to Panama, and learned that the company would not transport them except on request of the governor of Panama, and that the prefect at Colon and the officer left in command of the troops had been so notified by the general superintendent of the Panama Railroad Company. I remained at the company's office until it was sure that no action on my part would be needed to prevent the transportation of the troops that afternoon, when I returned on board and cabled the Department the situation of affairs. At about 5.30 p. m. I again went on shore, and received notice from the general superintendent of the railroad that he had received the request for the transportation of the troops and that they would leave on the 8 a. m. train on the following day. I immediately went to see the general superintendent, and learned that it had just been announced that a provisional government had been established at Panama; that Generals Amaya and Tobal, the governor of Panama, and four officers who had gone to Panama in the morning had been seized and were held as prisoners; that they had an organized force of 1,500 troops, and wished the Government troops in Colon to be sent over. This I declined to permit, and verbally prohibited the general superintendent from giving transportation to the troops of either party.

It being then late in the evening, I sent early in the morning of November 4 written notification to the general superintendent of the Panama Railroad, to the prefect of Colon, and to the officer left in command of the Colombian troops, later ascertained to be Colonel Torres, that I had prohibited the transportation of troops in either direction, in order to preserve the free and uninterrupted transit of the Isthmus. Copies of these letters are hereto appended; also copy of my notification to the consul. Except to a few people, nothing was known in Colon of the proceedings in Panama until the arrival of the train at 10.45 on the morning of the 4th. Some propositions were, I was later told, made to Colonel Torres by the representatives of the new Government at Colon, with a view to inducing him to reembark in the *Cartagena* and return to the port of Cartagena, and it was in answer to this proposition that Colonel Torres made the threat and took the action reported in my letter No. 96, of November 5, 1903. The *Cartagena* left the port just after the threat was made, and I did not deem it expedient to attempt to detain her, as such action would certainly, in the then state of affairs, have precipitated a conflict on shore which I was not prepared to meet. It is my understanding that she returned to Cartagena. After the withdrawal of the Colombian troops on the evening of November 4, and the return of the *Nashville's* force on board, as reported in my letter No. 96, there was no disturbance on shore, and the night passed quietly. On the morning of the 5th I discovered that the commander of the Colombian troops had not withdrawn so far from the town as he had agreed, but was occupying buildings near the outskirts of the town. I immediately inquired into the matter and learned that he had some trivial excuse for not carrying out his agreement, and also that it was his intention to occupy Colon again on the arrival of the alcalde due at 10.45 a. m., unless General Tobal sent word by the alcalde that he, Colonel Torres, should withdraw. That General Tobal had declined to give any instructions I was cognizant of, and the situation at once became quite as serious as on the day previous. I immediately landed an armed force, reoccupied the same building; also landed two 1-pounders and mounted them on platform cars behind protection of cotten bales, and then in company with the United States consul had an interview with Colonel Torres, in the course of which I informed him that I had relanded my men because he had not kept his agreement; that I had no interest in the affairs of either party; that my attitude was strictly neutral; that the troops of neither side should be transported; that my sole purpose in landing was to protect the lives and property of American citizens if threatened, as they had been threatened, and to maintain the free and uninterrupted transit of the Isthmus, and that purpose I should maintain by force if necessary. I also strongly advised that in the interests of peace, and to prevent the possibility of a conflict that could not but be regrettable, he should carry out his agreement of the previous evening and withdraw to Monkey Hill.

Colonel Torres only reply was that it was unhealthy at Monkey Hill, a reiteration of his love of Americans, and persistence in his intention to occupy Colon, should General Tobal not give him directions to the contrary.

On the return of the alcalde at about 11 a. m. the Colombian troops marched into Colon, but did not assume the threatening demeanor of the previous day. The American women and children again went on board the *Marcomania* and *City of Washington*, and through the British vice-consul I offered protection to British subjects as directed in the Department's cablegram. A copy of the British vice-consul's acknowledgment is hereto appended. The *Nashville* I got under way as on the pre-

vious day and moved close in to protect the water front. During the afternoon several propositions were made to Colonel Torres by the representatives of the new Government, and he was finally persuaded by them to embark on the Royal Mail steamer *Orinoco* with all his troops and return to Cartagena. The *Orinoco* left her dock with the troops—474 all told—at 7.35 p. m. The *Dixie* arrived and anchored at 7.05 p. m., when I went on board and acquainted the commanding officer with the situation. A portion of the marine battalion was landed and the *Nashville's* force withdrawn.

3. On the evening of November 4, Maj. William M. Black and Lieut. Mark Brooke, Corps of Engineers, U. S. Army, came to Colon from Culebra and volunteered their services, which were accepted, and they rendered very efficient help on the following day.

4. I beg to assure the Department that I had no part whatever in the negotiations that were carried on between Colonel Torres and the representatives of the provisional government; that I landed an armed force only when the lives of American citizens were threatened, and withdrew this force as soon as there seemed to be no grounds for further apprehension of injury to American lives or property; that I relanded an armed force because of the failure of Colonel Torres to carry out his agreement to withdraw and announced intention of returning, and that my attitude throughout was strictly neutral as between the two parties, my only purpose being to protect the lives and property of American citizens and to preserve the free and uninterrupted transit of the Isthmus.

Very respectfully,

JOHN HUBBARD,
Commander, U. S. Navy, Commanding.

The SECRETARY OF THE NAVY,

Bureau of Navigation, Navy Department, Washington, D. C.

This plain official account of the occurrences of November 4, shows that, instead of there having been too much prevision by the American Government for the maintenance of order and the protection of life and property on the Isthmus, the orders for the movement of the American war ships had been too long delayed; so long, in fact, that there were but 42 marines and sailors available to land and protect the lives of American men and women. It was only the coolness and gallantry with which this little band of men wearing the American uniform faced ten times their number of armed foes, bent on carrying out the atrocious threat of the Colombian commander, that prevented a murderous catastrophe. At Panama, when the revolution broke out, there was no American man-of-war and no American troops or sailors. At Colon, Commander Hubbard acted with entire impartiality toward both sides, preventing any movement, whether by the Colombians or the Panamans, which would tend to produce bloodshed. On November 9 he prevented a body of the revolutionists from landing at Colon. Throughout he behaved in the most creditable manner. In the New York Evening Post, under date of Panama, December 8, there is an article from a special correspondent, which sets forth in detail the unbearable oppression of the Colombian government in Panama. In this article is an interesting interview with a native Panaman, which runs in part as follows:

* * * We looked upon the building of the canal as a matter of life or death to us. We wanted that because it meant, with the United States in control of it, peace and prosperity for us. President Marroquin appointed an Isthmian to be governor of Panama, and we looked upon that as of happy augury. Soon we heard that the canal treaty was not likely to be approved at Bogotá; next we heard that our Isthmian governor, Obaldía, who had scarcely assumed power, was to be superseded by a soldier from Bogotá. * * *

Notwithstanding all that Colombia has drained us of in the way of revenues, she did not bridge for us a single river, nor make a single roadway, nor erect a single college where our children could be educated, nor do anything at all to advance our industries. * * * Well, when the new generals came we seized them, arrested them, and the town of Panama was in joy. Not a protest was made, except the shots

fired from the Colombian gunboat *Bogotá*, which killed one Chinese lying in his bed. We were willing to encounter the Colombian troops at Colon and fight it out, but the commander of the United States cruiser *Nashville* forbade Superintendent Shaler to allow the railroad to transport troops for either party. That is our story.

I call especial attention to the concluding portion of this interview which states the willingness of the Panama people to fight the Colombian troops and the refusal of Commander Hubbard to permit them to use the railroad and therefore to get into a position where the fight could take place. It thus clearly appears that the fact that there was no bloodshed on the Isthmus was directly due—and only due—to the prompt and firm enforcement by the United States of its traditional policy. During the past forty years revolutions and attempts at revolutions have succeeded one another with monotonous regularity on the Isthmus, and again and again United States sailors and marines have been landed as they were landed in this instance and under similar instructions to protect the transit. One of these revolutions resulted in three years of warfare; and the aggregate of bloodshed and misery caused by them has been incalculable.

The fact that in this last revolution not a life was lost, save that of the man killed by the shells of the Colombian gunboat, and no property destroyed, was due to the action which I have described. We, in effect, policed the Isthmus in the interest of its inhabitants and of our own national needs, and for the good of the entire civilized world. Failure to act as the Administration acted would have meant great waste of life, great suffering, great destruction of property; all of which was avoided by the firmness and prudence with which Commander Hubbard carried out his orders and prevented either party from attacking the other. Our action was for the peace both of Colombia and of Panama. It is earnestly to be hoped that there will be no unwise conduct on our part which may encourage Colombia to embark on a war which can not result in her regaining control of the Isthmus, but which may cause much bloodshed and suffering.

I hesitate to refer to the injurious insinuations which have been made of complicity by this Government in the revolutionary movement in Panama. They are as destitute of foundation as of propriety. The only excuse for my mentioning them is the fear lest unthinking persons might mistake for acquiescence the silence of mere self-respect. I think proper to say, therefore, that no one connected with this Government had any part in preparing, inciting, or encouraging the late revolution on the Isthmus of Panama, and that save from the reports of our military and naval officers, given above, no one connected with this Government had any previous knowledge of the revolution except such as was accessible to any person of ordinary intelligence who read the newspapers and kept up a current acquaintance with public affairs.

By the unanimous action of its people, without the firing of a shot—with a unanimity hardly before recorded in any similar case—the people of Panama declared themselves an independent republic. Their recognition by this Government was based upon a state of facts in no way dependent for its justification upon our action in ordinary cases. I have not denied, nor do I wish to deny, either the validity or the propriety of the general rule that a new state should not be recognized as independent till it has shown its ability to maintain its independence. This rule is derived from the principle of nonintervention, and as a corollary of that principle has generally been observed by the

United States. But, like the principle from which it is deduced, the rule is subject to exceptions; and there are in my opinion clear and imperative reasons why a departure from it was justified and even required in the present instance. These reasons embrace, first, our treaty rights; second, our national interests and safety; and, third, the interests of collective civilization.

I have already adverted to the treaty of 1846, by the thirty-fifth article of which the United States secured the right to a free and open transit across the Isthmus of Panama, and to that end agreed to guarantee to New Granada her rights of sovereignty and property over that territory. This article is sometimes discussed as if the latter guarantee constituted its sole object and bound the United States to protect the sovereignty of New Granada against domestic revolution. Nothing, however, could be more erroneous than this supposition. That our wise and patriotic ancestors, with all their dread of entangling alliances, would have entered into a treaty with New Granada solely or even primarily for the purpose of enabling that remnant of the original Republic of Colombia, then resolved into the States of New Granada, Venezuela, and Ecuador, to continue from Bogotá to rule over the Isthmus of Panama, is a conception that would in itself be incredible, even if the contrary did not clearly appear. It is true that since the treaty was made the United States has again and again been obliged forcibly to intervene for the preservation of order and the maintenance of an open transit, and that this intervention has usually operated to the advantage of the titular Government of Colombia, but it is equally true that the United States in intervening, with or without Colombia's consent, for the protection of the transit, has disclaimed any duty to defend the Colombian Government against domestic insurrection or against the erection of an independent government on the Isthmus of Panama. The attacks against which the United States engaged to protect New Granadian sovereignty were those of foreign powers; but this engagement was only a means to the accomplishment of a yet more important end. The great design of the article was to assure the dedication of the Isthmus to the purposes of free and unobstructed interoceanic transit, the consummation of which would be found in an interoceanic canal. To the accomplishment of this object the Government of the United States had for years directed its diplomacy. It occupied a place in the instructions to our delegates to the Panama Congress during the Administration of John Quincy Adams. It formed the subject of a resolution of the Senate in 1835, and of the House of Representatives in 1839. In 1846 its importance had become still more apparent by reason of the Mexican war. If the treaty of 1846 did not in terms bind New Granada to grant reasonable concessions for the construction of means of interoceanic communication, it was only because it was not imagined that such concessions would ever be withheld. As it was expressly agreed that the United States, in consideration of its onerous guarantee of new Granadian sovereignty, should possess the right of free and open transit on any modes of communication that might be constructed, the obvious intent of the treaty rendered it unnecessary, if not superfluous, in terms to stipulate that permission for the construction of such modes of communication should not be denied.

Long before the conclusion of the Hay-Herran treaty the course of events had shown that a canal to connect the Atlantic and Pacific oceans must be built by the United States or not at all. Experience had demonstrated that private enterprise was utterly inadequate for the purpose; and a fixed policy, declared by the United States on many memorable occasions, and supported by the practically unanimous voice of American opinion, had rendered it morally impossible that the work should be undertaken by European powers, either singly or in combination. Such were the universally recognized conditions on which the legislation of the Congress was based, and on which the late negotiations with Colombia were begun and concluded. Nevertheless, when the well-considered agreement was rejected by Colombia and the revolution on the Isthmus ensued, one of Colombia's first acts was to invoke the intervention of the United States; nor does her invitation appear to have been confined to this Government alone. By a telegram from Mr. Beaupré, our minister at Bogotá, of the 7th of November last, we were informed that General Reyes would soon leave Panama invested with full powers; that he had telegraphed the President of Mexico to ask the Government of the United States and all countries represented at the Pan-American Conference "to aid Colombia to preserve her integrity," and that he had requested that the Government of the United States should meanwhile "preserve the neutrality and transit of the Isthmus" and should "not recognize the new government." In another telegram from Mr. Beaupré, which was sent later in the day, this Government was asked whether it would take action "to maintain Colombian right and sovereignty on the Isthmus in accordance with article 35 [of] the treaty of 1846" in case the Colombian Government should be "entirely unable to suppress the secession movement there." Here was a direct solicitation to the United States to intervene for the purpose of suppressing, contrary to the treaty of 1846 as this Government has uniformly construed it, a new revolt against Colombia's authority brought about by her own refusal to permit the fulfillment of the great design for which that treaty was made. It was under these circumstances that the United States, instead of using its forces to destroy those who sought to make the engagements of the treaty a reality, recognized them as the proper custodians of the sovereignty of the Isthmus.

This recognition was, in the second place, further justified by the highest considerations of our national interests and safety. In all the range of our international relations, I do not hesitate to affirm that there is nothing of greater or more pressing importance than the construction of an interoceanic canal. Long acknowledged to be essential to our commercial development, it has become, as the result of the recent extension of our territorial dominion, more than ever essential to our national self-defense. In transmitting to the Senate the treaty of 1846, President Polk pointed out as the principal reason for its ratification that the passage of the Isthmus, which it was designed to secure, "would relieve us from a long and dangerous navigation of more than 9,000 miles around Cape Horn, and render our communication with our own possessions on the northwest coast of America comparatively easy and speedy." The events of the past five years have given to this consideration an importance immeasurably greater than it possessed in 1846. In the light of our present situation, the establishment of easy and speedy communication by

sea between the Atlantic and the Pacific presents itself not simply as something to be desired, but as an object to be positively and promptly attained. Reasons of convenience have been superseded by reasons of vital necessity, which do not admit of indefinite delays.

To such delays the rejection by Colombia of the Hay-Herran treaty directly exposed us. As proof of this fact I need only refer to the programme outlined in the report of the majority of the Panama canal committee, read in the Colombian Senate on the 14th of October last. In this report, which recommended that the discussion of a law to authorize the Government to enter upon new negotiations should be indefinitely postponed, it is proposed that the consideration of the subject should be deferred till October 31, 1904, when the next Colombian Congress should have met in ordinary session. By that time, as the report goes on to say, the extension of time granted to the New Panama Canal Company by treaty in 1893 would have expired, and the new Congress would be in a position to take up the question whether the company had not, in spite of further extensions that had been granted by legislative acts, forfeited all its property and rights. "When that time arrives," the report significantly declares, "the Republic, without any impediment, will be able to contract, and will be in more clear, more definite, and more advantageous possession, both legally and materially." The naked meaning of this report is that Colombia proposed to wait until, by the enforcement of a forfeiture repugnant to the ideas of justice which obtain in every civilized nation, the property and rights of the New Panama Canal Company could be confiscated.

Such is the scheme to which it was proposed that the United States should be invited to become a party. The construction of the canal was to be relegated to the indefinite future, while Colombia was, by reason of her own delay, to be placed in the "more advantageous" position of claiming not merely the compensation to be paid by the United States for the privilege of completing the canal, but also the forty millions authorized by the act of 1902 to be paid for the property of the New Panama Canal Company. That the attempt to carry out this scheme would have brought Colombia into conflict with the Government of France can not be doubted; nor could the United States have counted upon immunity from the consequences of the attempt, even apart from the indefinite delays to which the construction of the canal was to be subjected. On the first appearance of danger to Colombia, this Government would have been summoned to interpose, in order to give effect to the guarantees of the treaty of 1846; and all this in support of a plan which, while characterized in its first stage by the wanton disregard of our own highest interests, was fitly to end in further injury to the citizens of a friendly nation, whose enormous losses in their generous efforts to pierce the Isthmus have become a matter of history.

In the third place, I confidently maintain that the recognition of the Republic of Panama was an act justified by the interests of collective civilization. If ever a Government could be said to have received a mandate from civilization to effect an object the accomplishment of which was demanded in the interest of mankind, the United States holds that position with regard to the interoceanic canal. Since our purpose to build the canal was definitely announced, there have come from all quarters assurances of approval and encouragement, in which

even Colombia herself at one time participated; and to general assurances were added specific acts and declarations. In order that no obstacle might stand in our way, Great Britain renounced important rights under the Clayton-Bulwer treaty and agreed to its abrogation, receiving in return nothing but our honorable pledge to build the canal and protect it as an open highway. It was in view of this pledge, and of the proposed enactment by the Congress of the United States of legislation to give it immediate effect, that the second Pan-American Conference, at the City of Mexico, on January 22, 1902, adopted the following resolution:

The Republics assembled at the International Conference of Mexico applaud the purpose of the United States Government to construct an interoceanic canal, and acknowledge that this work will not only be worthy of the greatness of the American people, but also in the highest sense a work of civilization, and to the greatest degree beneficial to the development of commerce between the American States and the other countries of the world.

Among those who signed this resolution on behalf of their respective governments was General Reyes, the delegate of Colombia. Little could it have been foreseen that two years later the Colombian Government, led astray by false allurements of selfish advantage, and forgetful alike of its international obligations and of the duties and responsibilities of sovereignty, would thwart the efforts of the United States to enter upon and complete a work which the nations of America, reechoing the sentiment of the nations of Europe, had pronounced to be not only "worthy of the greatness of the American people," but also "in the highest sense a work of civilization."

That our position as the mandatary of civilization has been by no means misconceived is shown by the promptitude with which the powers have, one after another, followed our lead in recognizing Panama as an independent State. Our action in recognizing the new Republic has been followed by like recognition on the part of France, Germany, Denmark, Russia, Sweden and Norway, Nicaragua, Peru, China, Cuba, Great Britain, Italy, Costa Rica, Japan, and Austria-Hungary.

In view of the manifold considerations of treaty right and obligation, of national interest and safety, and of collective civilization, by which our Government was constrained to act, I am at a loss to comprehend the attitude of those who can discern in the recognition of the Republic of Panama only a general approval of the principle of "revolution" by which a given government is overturned or one portion of a country separated from another. Only the amplest justification can warrant a revolutionary movement of either kind. But there is no fixed rule which can be applied to all such movements. Each case must be judged on its own merits. There have been many revolutionary movements, many movements for the dismemberment of countries, which were evil, tried by any standard. But in my opinion no disinterested and fair-minded observer acquainted with the circumstances can fail to feel that Panama had the amplest justification for separation from Colombia under the conditions existing, and, moreover, that its action was in the highest degree beneficial to the interests of the entire civilized world by securing the immediate opportunity for the building of the interoceanic canal. It would be well for those who are pessimistic as to our action in peacefully recognizing the Republic of Panama, while we lawfully protected the transit from invasion and disturbance, to recall what has been done

in Cuba, where we intervened even by force on general grounds of national interest and duty. When we interfered it was freely prophesied that we intended to keep Cuba and administer it for our own interests. The result has demonstrated in singularly conclusive fashion the falsity of these prophesies. Cuba is now an independent Republic. We governed it in its own interests for a few years, till it was able to stand alone, and then started it upon its career of self-government and independence, granting it all necessary aid. We have received from Cuba a grant of two naval stations, so situated that they in no possible way menace the liberty of the island, and yet serve as important defenses for the Cuban people, as well as for our own people, against possible foreign attack. The people of Cuba have been immeasurably benefited by our interference in their behalf, and our own gain has been great. So will it be with Panama. The people of the Isthmus, and as I firmly believe of the adjacent parts of Central and South America, will be greatly benefited by the building of the canal and the guarantee of peace and order along its line; and hand in hand with the benefit to them will go the benefit to us and to mankind. By our prompt and decisive action, not only have our interests and those of the world at large been conserved, but we have forestalled complications which were likely to be fruitful in loss to ourselves, and in bloodshed and suffering to the people of the Isthmus.

Instead of using our forces, as we were invited by Colombia to do, for the twofold purpose of defeating our own rights and interests and the interests of the civilized world, and of compelling the submission of the people of the Isthmus to those whom they regarded as oppressors, we shall, as in duty bound, keep the transit open and prevent its invasion. Meanwhile, the only question now before us is that of the ratification of the treaty. For it is to be remembered that a failure to ratify the treaty will not undo what has been done, will not restore Panama to Colombia, and will not alter our obligation to keep the transit open across the Isthmus and to prevent any outside power from menacing this transit.

It seems to have been assumed in certain quarters that the proposition that the obligations of article 35 of the treaty of 1846 are to be considered as adhering to and following the sovereignty of the Isthmus, so long as that sovereignty is not absorbed by the United States, rests upon some novel theory. No assumption could be further from the fact. It is by no means true that a State in declaring its independence rids itself of all the treaty obligations entered into by the parent government. It is a mere coincidence that this question was once raised in a case involving the obligations of Colombia as an independent State under a treaty which Spain had made with the United States many years before Spanish-American independence. In that case Mr. John Quincy Adams, Secretary of State, in an instruction to Mr. Anderson, our minister to Colombia, of May 27, 1823, said:

By a treaty between the United States and Spain concluded at a time when Colombia was a part of the Spanish dominions * * * the principle that free ships make free goods was expressly recognized and established. It is asserted that by her declaration of independence Colombia has been entirely released from all the obligations by which, as a part of the Spanish nation, she was bound to other nations. This principle is not tenable. To all the engagements of Spain with other nations, affecting their rights and interests, Colombia, so far as she was affected by them, remains bound in honor and in justice. The stipulation now referred to is of that character.

The principle thus asserted by Mr. Adams was afterwards sustained by an international commission in respect to the precise stipulation to which he referred; and a similar position was taken by the United States with regard to the binding obligation upon the independent State of Texas of commercial stipulations embodied in prior treaties between the United States and Mexico when Texas formed a part of the latter country. But in the present case it is unnecessary to go so far. Even if it be admitted that prior treaties of a political and commercial complexion generally do not bind a new state formed by separation, it is undeniable that stipulations having a local application to the territory embraced in the new state continue in force and are binding upon the new sovereign. Thus it is on all hands conceded that treaties relating to boundaries and to rights of navigation continue in force without regard to changes in government or in sovereignty. This principle obviously applies to that part of the treaty of 1846 which relates to the Isthmus of Panama.

In conclusion let me repeat that the question actually before this Government is not that of the recognition of Panama as an independent republic. That is already an accomplished fact. The question, and the only question, is whether or not we shall build an Isthmian canal.

I transmit herewith copies of the latest notes from the minister of the Republic of Panama to this Government, and of certain notes which have passed between the special envoy of the Republic of Colombia and this Government.

THEODORE ROOSEVELT.

WHITE HOUSE,
January 4, 1904.

**ATTITUDE OF THE UNITED STATES GOVERNMENT IN THE EVENT
OF THE COLOMBIAN GOVERNMENT LANDING TROOPS IN THE
REPUBLIC OF PANAMA.**

DEPARTMENT OF STATE,
Washington, January 4, 1904.

THE PRESIDENT:

The undersigned, Acting Secretary of State, has the honor to lay before the President copies of the notes exchanged between General Reyes and the Secretary of State concerning this Government's attitude in case Colombian troops should be sent to the Republic of Panama; also copies of two notes addressed to this Department by the minister of the Republic of Panama at this capital, the first stating that it is the purpose of the Government of that Republic, as soon as its independence shall have been recognized by the Government of the Republic of Colombia, to assume a portion of the exterior debt of Colombia proportionate to the relative populations of the two Republics; the second in regard to the method of payment of the \$10,000,000, the payment of which by the United States to Panama is stipulated by the convention concluded between them on November 18, 1903.

Respectfully submitted.

FRANCIS B. LOOMIS,
Acting Secretary.

[Translation.]

LEGATION OF COLOMBIA ON SPECIAL MISSION,
ARLINGTON HOTEL,
Washington, D. C., December 8, 1903.

MR. SECRETARY: I have the honor to address your excellency for the purpose of stating respectfully that I have received from my Government instructions to inquire what attitude would be assumed by the Government of the United States in the event which may take place of Colombian troops or forces under the Colombian flag making their appearance on the Isthmus, or attempting a landing on that territory, for the defense of the sovereignty and integrity of Colombia, and respecting the railroad line and the terminal points in accordance with the stipulation of the treaty of 1846, which my country is ever ready to observe.

I salute your excellency with my distinguished consideration.

RAFAEL REYES.

Hon. JOHN HAY,
*Secretary of State of the United States,
Department of State.*

No. 1.]

DEPARTMENT OF STATE,
Washington, December 11, 1903.

SIR: I beg leave to acknowledge your communication of December 8, in which you state that you have been directed by your Government to ask "what attitude would be assumed by the Government of the United States in the event, which may take place, of Colombian troops or forces under the Colombian flag making their appearance on the Isthmus, or attempting a landing in that territory for the defense of the sovereignty and integrity of Colombia, and respecting the railroad line and the terminal points, in accordance with the stipulation of the treaty of 1846, which my country is ever ready to observe."

I have quoted your question textually, and in reference to it I am instructed by the President to bring to the attention of your excellency the following facts: That the Republic of Panama proclaimed its independence on the 3d of last month; that in consequence of this movement the independence of Panama has been recognized by this Government and by many others; that a treaty has been signed between the United States and Panama, which has been ratified by the latter State and is now waiting ratification by the American Senate; that by the provisions of the said treaty the United States agrees to maintain the independence of the Republic of Panama; that although the treaty has not yet become law by the action of the Senate, there are already inchoate rights and duties created by it which place the responsibility of preserving peace and order on the Isthmus in the hands of the Government of the United States and of Panama, even if such responsibilities were not imposed by the historical events of the last fifty years.

In view of these facts I am instructed to say to your excellency that the Government of the United States would regard with the gravest concern any invasion of the territory of Panama by Colombian troops, for the reason that bloodshed and disorder would inevitably result throughout the whole extent of the Isthmus, and for the broader

reason that, in the opinion of the President, the time has come, in the interest of universal commerce and civilization, to close the chapter of sanguinary and ruinous civil war in Panama.

I have the honor to be, sir, your obedient servant,

JOHN HAY.

Gen. RAFAEL REYES, etc.

LEGATION OF COLOMBIA ON SPECIAL MISSION,
Washington, December 29, 1903.

EXCELLENCY: On the 13th instant I telegraphed to my Government, pointing out the expediency of awaiting the result of my mission to the Government of the United States before moving forces on the territory of Panama to subdue the insurrection.

To that telegram I have received a reply which reads as follows:

BOGOTÁ, *December 26.*

Before the arrival of your telegram of the 13th, Colombian forces had entered the Panama territory with the object of subjugating the rebels. The Isthmus traffic will not be interrupted. Communication with commanding officers is difficult and very slow. Obtain from the Government of the United States official statement that military action to subjugate rebels will be declaration of war. Such a statement will not impede action. Government requires such statement in order formally to determine its attitude and support it before the nation and history. Press for prompt categorical answer.

As a reply to the quoted telegram of my Government is extremely urgent, I beg that your excellency will tell me whether the military action of the Government of Colombia to subjugate the Panama rebels would be held by the Government of the United States to be a declaration of war.

I have the honor to be your excellency's humble and obedient servant,

RAFAEL REYES.

To His Excellency the Honorable JOHN HAY,

Secretary of State of the United States.

DEPARTMENT OF STATE,
Washington, December 30, 1903.

DEAR MR. MINISTER: I have received the letter which you have done me the honor to address me under date of yesterday, in which, obeying the instructions of your Government, you ask me to say whether the invasion of the territory of the Republic of Panama by Colombian soldiers will be considered by the United States as a declaration of war.

I beg to remind your excellency that when, on the 8th of December, you addressed a similar question to this Department I replied on the 11th, reciting the following facts:

That the Republic of Panama proclaimed its independence on the 3d of last month; that, in consequence of this movement, the independence of Panama has been recognized by this Government and by many others; that a treaty has been signed between the United States and Panama which has been ratified by the latter State and is now awaiting ratification by the American Senate; that by the provisions of the said treaty the United States agrees to maintain the independence of the Republic of Panama; that although the treaty has not yet become a law by the action of the Senate, there are already inchoate rights and duties created by it which place the

responsibility of preserving peace and order on the Isthmus in the hands of the Government of the United States and of Panama, even if such responsibility were not imposed by the historical events of the last fifty years.

I then had the honor to inform you that—

The Government of the United States would regard with the gravest concern any invasion of the territory of Panama by Colombian troops, for the reason that bloodshed and disorder would inevitably result throughout the whole extent of the Isthmus, and for the broader reason that, in the opinion of the President, the time has come, in the interest of universal commerce and civilization, to close the chapter of sanguinary and ruinous civil war in Panama.

In reply to your question received yesterday, I can only reiterate what I had the honor to say on the 11th of this month, and to add that the time which has elapsed since then has only tended to deepen the painful impression which would be created in this country by the armed invasion of Panaman territory by Colombian troops, and the sense of the responsibility which would thereby be imposed on the Government of the United States; but that the formal action we should take upon such a contingency must be determined by the circumstances of the case. I am instructed further to inform you that this Government has only the friendliest intentions toward Colombia, and will not lightly be provoked into assuming a hostile attitude toward that Republic.

I have, etc.,

JOHN HAY.

Gen. RAFAEL REYES, etc.

INTENTION OF GOVERNMENT OF PANAMA TO ASSUME PORTION OF EXTERIOR DEBT OF COLOMBIA. METHOD OF PAYMENT OF \$10,000,000, THE PAYMENT OF WHICH BY THE UNITED STATES TO PANAMA IS STIPULATED IN TREATY OF NOVEMBER 18, 1903.

The Minister of Panama to the Secretary of State.

THE LEGATION OF THE REPUBLIC OF PANAMA,
Washington, D. C., December 31, 1903.

DEAR SIR: The treaty of the 18th of November, 1903, provides for the payment to the Republic of Panama of the sum of \$10,000,000 after the exchange of ratifications.

The Government of the Republic of Panama has always been anxious to insure a proper and useful employment of said sum. The delegates of the Government, Doctor Amador and Señor Don Frederico Boyd, have repeatedly told me that the principle which the Government intended to carry out for the employment of said sum was, not to invest any part of the capital in anything but consistent works which would permanently represent the counter value of the expenses incurred.

According to this principle the Government expressed the desire to take only \$2,000,000 out of the \$10,000,000 from the United States Treasury after exchange of ratifications, leaving the remaining \$8,000,000 in the United States Treasury to be later on employed according to the necessities of the future and to the principle which I explained above.

At the same time the Government desired that this sum should be productive of interest in order to help to obtain the equilibrium of the budget.

According to the recommendations that were made to me by the Government of the Republic, I was requested to ask the Government

of the United States if it would accept to pay an interest of 3 per cent on the sum remaining in its hands out of the total sum of \$10,000,000 provided for in the treaty of the 18th of November.

The interest to be paid on the \$8,000,000 that the Government intends now to leave in the American Treasury would be \$240,000.

The expression of this desire of my Government came by mail after the signature of the treaty, and I did not feel justified at that moment to call your attention to this point on account of the more important matters which required your attention, but now that the situation has progressed and that the Treasury Department may be considering the measures to be taken in the event of a prompt ratification of the treaty, I feel justified in submitting the case to your excellency, so that if the United States Government thinks the intentions of the Republic of Panama in harmony with its own, a special convention may be drafted to settle this particular point.

I am, sir, with great respect, your very obedient servant,

P. BUNAU-VARILLA.

His excellency JOHN HAY,
Secretary of State, Washington, D. C.

The Minister of Panama to the Secretary of State.

LEGATION OF THE REPUBLIC OF PANAMA AT WASHINGTON,
Washington, D. C., December 31, 1903.

DEAR SIR: I have the honor of bringing to your knowledge that by a telegram received during the night of the 21st of December, I have been authorized by my Government to declare that the Republic of Panama, as soon as its independence shall be recognized by the Republic of Colombia, intends to assume a part of Colombia's exterior debt, of which the principal was settled at £2,000,000 by special convention and which is now accrued by the unpaid interest. The Republic of Panama has determined that the proportion of that debt it is ready to assume will be equal to the proportion between its population and the population of Colombia, a proportion which is not very far from 1 to 15.

I beg, sir, to call your attention to the fact that the Government of the Republic of Panama in making such declaration is actuated by the desire of showing its good faith and its liberality toward the citizens of foreign countries who may think they have a just claim against it rather than by the sentiment that by right they owe any part of the Colombian debt.

The distribution according to the number of inhabitants of the two Republics would be just only if it could be established, which is generally the case, that the money has been employed for the common utility of all the parts of the Republic and that Panama has enjoyed its share of it. On the contrary, this distribution is not just and ought not to be made in strict right if, as is this case, no part of the loans were ever employed for the benefit of the State of Panama, now the Republic of Panama. Since its union to greater Colombia, for the liberation of which said loans were made, the State of Panama has never received any money from the mother country, but, on the contrary, it has sent to it very important sums, and one can say, as a rule, that the funds never went from Bogotá to Panama, but always from Pan-

ama to Bogotá. It will be easy to establish that the Department of Panama is the creditor of Colombia and not its debtor and that, therefore, it does not owe to Colombia anything neither for its external debt nor from any other cause.

This would have been a substantial and legal ground for nonassumption of any part of the Colombian debt, but, as I had the honor of stating to you, the Government of the Republic has felt itself bound to justify, not by arguments, but by facts, the testimony of confidence, esteem, and good will which have come from all the governments of the greatest nations of earth since the recent date of its birth.

I am, sir, with great respect, your very obedient servant,

P. BUNAU-VARILLA.

His Excellency JOHN HAY,
Secretary of State, Washington, D. C.

**RELATIONS OF THE UNITED STATES WITH COLOMBIA AND THE
REPUBLIC OF PANAMA.**

**MESSAGE FROM THE PRESIDENT OF THE UNITED STATES, TRANSMITTING A
REPORT FROM THE SECRETARY OF STATE COVERING COPIES OF ADDITIONAL
PAPERS BEARING UPON THE RELATIONS OF THE UNITED STATES WITH
COLOMBIA AND THE REPUBLIC OF PANAMA.**

To the Senate and House of Representatives:

I transmit herewith for the information of the Congress a report from the Secretary of State covering copies of additional papers bearing upon the relations of the United States with Colombia and the Republic of Panama.

THEODORE ROOSEVELT.

WHITE HOUSE, *January 18, 1904.*

The PRESIDENT:

In continuation of the papers previously submitted, the undersigned Secretary of State has the honor to lay before the President additional correspondence touching the relations of the United States with Colombia and Panama.

Respectfully submitted.

JOHN HAY.

DEPARTMENT OF STATE,
Washington, January 16, 1904.

[Translation.]

General Reyes to Mr. Hay.

LEGATION OF COLOMBIA ON SPECIAL MISSION,
Washington, December 23, 1903.

MOST EXCELLENT SIR: I have the honor to append to this note a statement of grievances that Colombia wishes to submit to the consideration of your excellency. Its presentation was deferred by reason of the condition of your excellency's health, and I beg that you will

put off the consideration of this note until your excellency may be able to give your personal attention to its examination.

If, after so doing, your excellency should wish to have an interview with me, I shall have the honor of calling on you at such place and time as your excellency may be pleased to designate.

With sentiments of the highest consideration and regard, I have the honor to subscribe myself your excellency's very obedient and faithful servant,

RAFAEL REYES.

HON. JOHN HAY,
Secretary of State.

General Reyes to Mr. Hay.

[Translation.]

LEGATION OF COLOMBIA ON SPECIAL MISSION,
Washington, December 23, 1903.

MOST EXCELLENT SIR: The Government and people of Colombia consider themselves aggrieved by that of the United States in that they are convinced that the course followed by its administration, in relation to the events that have developed and recently been accomplished at Panama, have worked deep injury to their interests.

If the matter were one of little importance, even though right were wholly on its side, my Government would not hesitate in yielding some of its advantages out of regard for the friendly relations which have happily existed without interruption between the two countries. But as the facts that have taken place affect not only valuable and valued interests, but also the independence and sovereignty of Colombia, my Government deems it its duty to remind that of the United States of the stipulation contained in section 5 of article 35 of the treaty of 1846, in force between the two countries, which reads word for word as follows:

If, unfortunately, any of the articles contained in this treaty should be violated or infringed in any way whatever, it is expressly stipulated that neither of the two contracting parties shall ordain or authorize any acts of reprisal, nor shall declare war against the other in complaints of injuries or damages, until the said party considering itself offended shall have laid before the other a statement of such injuries or damages, verified by competent proofs, demanding justice and satisfaction, and the same shall have been denied, in violation of the laws and of international right.

On formulating the statement of "injuries and damages," referred to in the quoted abstract, there is nothing as natural or just as to recall to mind that in the treaty concluded on the 22d of January of this year between your excellency and the chargé d'affaires of Colombia, Señor Doctor Tomás Herrera, there appears the following stipulation:

The convention when signed by the contracting parties shall be ratified in conformity with the laws of the respective countries, etc.

This condition, which rests at once on a correct conception of the doctrine accepted in such matters by nearly all the constitutional countries in the world, could not be foregone by Mr. Herran, since under our constitution and laws it is for the Congress to approve or disapprove the treaties signed by the Government, so that the said treaties are not valid unless the requirement has been observed, and as it like-

wise happens that under the law of nations covenants entered into with any authority that may not be competent are null, it is evident that no Colombian representative in the absence of a preexisting law conferring such authority could have signed the said convention without the above-quoted reservation. Furthermore, this formality was at the outset admitted by the American Government in the course of the negotiations that preceded the Hay-Herran convention, as shown in articles 25, 26, and 28 of the "Draft of convention" submitted by the American Administration and dated November 28, 1902. Article 25 says, textually, that the convention will be exchanged "after approval by the legislative bodies of both countries."

The Hay-Herran convention did not take in Washington a course different from that it took at Bogotá. The parliamentary debate that took place in the Senate was so full and earnest that it was not approved until the following extraordinary sessions. And if it had been rejected the disapproval would have involved no grievance for Colombia, for if the mere entering upon negotiations for a convention implied the obligatory approval of the legislative body it would be superfluous to submit it to its decision. Among the precedents of international usage that could be mentioned in this respect there may be cited the case that occurred between the same United States of America and Her Britannic Majesty, when, after the signing of the treaty intended to abrogate the convention known as the Clayton-Bulwer treaty, England, as I understand it, declined to accept the amendment introduced by the Senate, and her refusal delayed for some time the approval and ratification of the treaty.

It follows that the Congress of Colombia, which is vested, according to our laws, with the faculty or power to approve or disapprove the treaties concluded by the Government, exercised a perfect right when it disapproved the Hay-Herran convention. This course did not disqualify the Government for the conclusion of another treaty with the Government of your excellency; and it indeed resolved to make a proposition to that effect, and Mr. Herran, whom our minister for foreign affairs intrusted with that duty by cable, had the honor of bringing this purpose to your excellency's knowledge. Neither did that course imply any slight toward the Government of the United States, and, on the contrary, the Senate, observant of the existing friendly relations, relied on the sentiments of American fraternity, by which it is animated, for the introduction in the new agreement that was to be made of stipulations more consonant with the notion of sovereignty entertained by the people of Colombia.

It is proper to observe that under our constitution the Congress is the principal guardian, defender, and interpreter of our laws. And it can not be denied by anyone, I take it, that the Hay-Herran convention provides for the execution of public works on a vast scale and for the occupancy in perpetuity of a portion of the territory of Colombia, the occupant being not a juridical person whose acts were to be governed by the civil law and the Colombian code, but rather a sovereign political entity, all of which would have given occasion for frequent conflicts, since there would have been a coexistence in Panama of two public powers, the one national, the other foreign.

Hence the earnest efforts evinced by the Senate in ascertaining whether the American Government would agree to accept certain amendments tending especially to avoid as far as practicable any

restriction in the treaty of the jurisdiction of the nation within its own territory. There is abundant evidence of the efforts of the Senate in that direction, and I firmly believe that it would have approved the convention with amendments that would probably have been acceptable to the United States had not the American minister at Bogotá repeatedly declared in the most positive manner that his Government would reject any amendment that might be offered.

In a note dated April 24 last he made the following statement to the minister of foreign relations:

With reference to the interview I had with your excellency at which were discussed the negotiations for the annulment of the present concessions of the Panama Canal and railroad companies and other matters I have the honor to inform your excellency that I have received instructions from my Government in that respect.

I am directed to inform your excellency, if the point should be raised, that every thing relative to this matter is included in the convention recently signed between Colombia and the United States on the 22d of January last, and that, furthermore, any modification would be violative of the Spooner Act, and therefore inadmissible.

The memorandum handed by the same minister to the minister of foreign relations on the 13th of June of this year reads as follows:

I have received instructions from my Government by cable in the sense that the Government of Colombia to all appearances does not appreciate the gravity of the situation. The Panama Canal negotiations were initiated by Colombia and were earnestly solicited of my Government for several years. The propositions presented by Colombia with slight alterations were finally accepted by us. By virtue of this agreement our Congress reconsidered its previous decision and decided in favor of the Panama route. If Colombia now rejects the treaty or unduly delays its ratification the friendly relations between the two countries would be so seriously compromised that our Congress might next winter take steps that every friend of Colombia would regret with sorrow.

In his note of the 5th of August of this year he says this, among other things:

It seems to me that the commission (referring to the Senate commission) has not been sufficiently informed of the contents of my notes of April 24 and June 10, [sic] 1903, or that it has not given them the importance they merit, as being the final expression of the opinion or intentions of my Government. They clearly show that the amendment the commission proposes to introduce in article 1 is, by itself, equivalent to an absolute rejection of the treaty. I deem it my duty to repeat the opinion I already expressed to your excellency that my Government will not consider or discuss such an amendment in any way. There is another important amendment that the commission believes should be introduced in article 3, consisting in the suppression of the tribunals therein dealt with. I consider it my duty again to state my opinion that this will also in no wise be accepted by my Government.

And further, in the same note, he adds:

I avail myself of this opportunity respectfully to repeat that which I already stated to your excellency, that if Colombia truly desires to maintain the friendly relations that at present exist between two countries, and at the same time secure for herself the extraordinary advantages that are to be produced for her by the construction of the canal in her territory, in case of its being backed by so intimate an alliance of national interests as that which would supervene with the United States, the present treaty will have to be ratified exactly in its present form without amendment whatsoever. I say this because I am profoundly convinced that my Government will not in any case accept amendments.

The Congress being unable to accept in its actual wording at least one of the stipulations contained in the treaty, because inhibited from doing so by the constitution, no one will wonder that under the pressure of threats so serious and irritating and in presence of a formal

notification from the party which had authority to serve it that no amendment would be accepted, preference was given to disapproval.

The integrity of any nation [said Mr. William H. Seward] is lost, and its fate becomes doubtful, whenever strange hands, and instruments unknown to the constitution, are employed to perform the proper functions of the people, established by the organic law of the state.^a

Before dismissing this point, it is proper to observe, in accordance with article 4 of the Spooner Act:

SEC. 4. That should the President be unable to obtain for the United States a satisfactory title to the property of the New Panama Canal Company and the control of the necessary territory of the Republic of Colombia and the rights mentioned in sections 1 and 2 of this act, within a reasonable time and upon reasonable terms, then the President, having first obtained for the United States perpetual control by treaty of the necessary territory from Costa Rica and Nicaragua, upon terms which he may consider reasonable, for the construction, perpetual maintenance, operation, and protection of a canal connecting the Caribbean Sea with the Pacific Ocean by what is commonly known as the Nicaragua route, shall, through the said Isthmian Canal Commission, cause to be excavated and constructed a ship canal and waterway from a point on the shore of the Caribbean Sea, near Greytown, by way of Lake Nicaragua, to a point near Brito, on the Pacific Ocean.

This act, on account of its having served as the basis of the treaty draft on the part of the United States, as stated in the preamble, which adds that it is accompanied by a copy of the act, had for Colombia exceptional importance. For it is so imperative that it seems to leave no faculty other than that of selecting one of the two routes, Panama or Nicaragua, and therefore it was to be presumed that the action of the American Government could not overstep the limits therein fixed. Whence it follows that the sole evil that could befall Colombia if her Congress should disapprove the treaty was that the route eventually selected would be that of Nicaragua. It may be that we fell in error when we entertained that belief, but it was sincere, and we were led into it by the profound respect with which the American laws inspire us.

All governments being, as is well known, bound to respect the rights born of the independence and sovereignty of nations, the premature recognition by the United States of the province of Panama, rising in arms to detach itself from the country of which it is a part, while it is a matter of public knowledge that the mother country commands sufficient forces to subdue it, constitutes, according to the most ancient and modern authorities on international law, not only a grave offense to Colombia, but also a formal attack upon her wealth.

For, as the territory forms the most important part of the national wealth, its dismemberment impairs the revenues applied to the discharge of corporate obligations, among which are foreign debts and those enterprises entailed on the insurgent province, from which Colombia derives a considerable income.

If there be an end and eternal and immutable principles in right, that right of Colombia has been injured by the United States by an incredible transgression of the limits set by equity and justice.

Before the coup de main which proclaimed the independence of the Isthmus took place at Panama, there were in this very city agents of the authors of that coup in conference with high personages clothed with official character, as is asserted by reputable American newspapers. I have received information to the effect that a bank in New

^aSee p. 109, F. R., 1861, Mr. Seward to Mr. Adams.—Translator.

York opened a considerable credit in their favor, with a knowledge of the general use for which it was intended, even though unaware that it was to be applied in part to the bribery of a large part of the garrison at Panama.

Intercourse of any kind [said Mr. Seward] with the so-called "commissioners" is liable to be construed as a recognition of the authority which appointed them. Such intercourse would be none the less hurtful to us for being called unofficial, and it might be even more injurious, because we should have no means of knowing what points might be resolved by it. Moreover, unofficial intercourse is useless and meaningless if it is not expected to ripen into official intercourse and direct recognition.^a

It will be well to say that before the news was divulged that a revolution was about to break out on the Isthmus, American cruisers which reached their destination precisely on the eve of the movement were plowing the waters of the Atlantic and Pacific oceans. Cablegrams that are given public circulation in an official document show that two days before the movement the Secretary of the Navy issued orders to those cruisers not to permit the landing of troops of the Government of Colombia on Panama's territory.

A military officer of the Government of the United States stopped the railway from carrying to Panama, as it was under obligations to do, a battalion that had just arrived at Colon from Bogotá at the very time when its arrival in that city would have impeded or suppressed any revolutionary attempt. A few days thereafter, when my Government intrusted me with the duty of leading the army that was to embark at Puerto Colombia to go and restore order on the Isthmus, being unacquainted except in an imperfect manner with the attitude assumed by the American war ships, I had the honor to address a note on the subject to Vice-Admiral Coghlan, and in his reply, which was not delayed, he tells me that—

his present orders are to prevent the landing of soldiers with hostile intent within the boundary of the State of Panama.

The Republic of Colombia, with a population of 5,000,000 souls, is divided into nine departments, of which Panama is one of the least populous, as the number of its inhabitants does not exceed 250,000, while there are others in each of which they number over 900,000. The Colombian army at the time consisted of 10,000 men, a force more than sufficient to suppress the Panaman revolution if Your Excellency's Government had not prevented the landing of the troops under my command that were to embark at Puerto Colombia under Generals Ospina, Holguín, and Calballero, who soon thereafter accompanied me to that city, and at Buenaventura, on the Pacific, under Generals Velazco, Dominguez, and others. It is known that there is no overland way to reach Panama with troops from the interior of Colombia.

The gravity of the facts contained in this recital increases as they draw closer to the end.

In the midst of profound peace between the two countries, the United States prevented by force the landing of troops where they were necessary to reestablish order, in a few hours, in the insurgent province. Because of this circumstance, and as a coup de main, certain citizens of Panama, without taking into account the consent of the other towns of the department, proclaimed the independence of the

^a Mr. Seward to Mr. Adams, No. 10, May 21, 1861.—Translator.

Isthmus and organized a government. Two days after effecting that movement they were recognized by the American Government as a sovereign and independent republic, and fourteen days later the American Government signed a treaty with the Republic of Panama which not only recognized and guaranteed its independence, but agreed to open a canal for the purpose of uniting the waters of the Atlantic with those of the Pacific.

It is well known that the contract which Colombia made with the French company, in the exercise of its perfect right, for the construction of this canal, is in force and will remain in full force and vigor, legally at least, so long as Colombia does not give her consent for its transfer to a foreign government; since in the aforesaid contract it is expressly stipulated that a transfer to any foreign government, or any attempt whatever to make a transfer, would be cause for absolute nullification.

The same is true with regard to the Panama Railroad Company; so that, without the express consent of Colombia, no transfer can have legal effect, because it can not cancel the legal bonds which exist between the Republic of Colombia and those companies—bonds growing out of perfect contracts, which, according to the precepts of universal jurisprudence, can not be disregarded because one of the parties may consider that the strip of land in which the enterprise radiated has been conquered by a foreign country. The lapse of many years is necessary in order that the facts may establish the right, and even without the need of such time elapsing the Colombians feel sure that the justice and equity which control the acts of Your Excellency's Government in its relations with all nations are a sure pledge that our complaints and claims will be heeded.

Nor is it just to expect anything else in view of the constant practice which the United States has established in similar cases. Among many others, are set forth in its diplomatic annals the antecedent history relative to the independence of South American States, proclaimed in 1810; that of the new State of Hungary, in the middle of the last century; and that of Ireland, later, in 1866; not to make mention of the practice systematically observed by the powers, of which their procedure when the Netherlands proclaimed independence in the time of the Philips of Spain is an example. In this relation the precedent of Texas, when the United States Senate disapproved the treaty signed by the Washington Cabinet with the secessionists of that Mexican province, has an especial significance.

In the note of Mr. Seward, Secretary of State, to Mr. Adams, United States minister, in 1861, this doctrine is found:

We freely admit that a nation may, and even ought, to recognize a new State which has absolutely and beyond question effected its independence, and permanently established its sovereignty; and that a recognition in such a case affords no just cause of offense to the government of the country from which the new State has so detached itself. On the other hand, we insist that a nation that recognizes a revolutionary State, with a view to aid its effecting its sovereignty and independence, commits a great wrong against the nation whose integrity is thus invaded, and makes itself responsible for a just and ample redress. (*Foreign Relations, 1861, pp. 76-77.*)

At another point, in the same note, the Secretary says to the minister:

To recognize the independence of a new State, and so favor, possibly determine, its admission into the family of nations, is the highest possible exercise of sovereign

power, because it affects in any case the welfare of two nations, and often the peace of the world. In the European system this power is now seldom attempted to be exercised without invoking a consultation or congress of nations. That system has not been extended to this continent. But there is even a greater necessity for prudence in such cases in regard to American States than in regard to the nations of Europe. (Foreign Relations, 1861, p. 79, Mr. Seward to Mr. Adams, No. 2, April 10, 1861.)

Referring to the consideration which nations should mutually observe, he adds:

Seen in the light of this principle, the several nations of the earth constitute one great federal republic. When one of them casts its suffrages for the admission of a new member into that republic, it ought to act under a profound sense of moral obligation, and be governed by considerations as pure, disinterested, and elevated as the general interest of society and the advancement of human nature. (Foreign Relations, 1861, p. 79, Mr. Seward to Mr. Adams, No. 2, April 10, 1861.)

It would seem that nothing could be added to the benevolence of these noble and humanitarian doctrines, written by the great man, who, unbappily for his country and for Colombia, is not living to-day.

If the sovereignty of a nation gives to it especially the power to govern itself; if the right to look after its own interests is an attribute of sovereignty; if, upon such right, rests the stability and security of international relations, respect for such sovereignty should be the more heeded by one who is obligated, as is the United States, not only by international precepts, but also by an existing public treaty from which it has derived indisputable advantages. The pertinent part of the thirty-fifth article of the treaty in force between the United States and Colombia reads as follows:

And, in order to secure to themselves the tranquil and constant enjoyment of these advantages, and as an especial compensation for the said advantages and for the favors they have acquired by the fourth, fifth, and sixth articles of this treaty, the United States guarantees, positively and efficaciously, to New Granada, by the present stipulation, the perfect neutrality of the before-mentioned Isthmus, with the view that the free transit from the one to the other sea may not be interrupted or embarrassed in any future time while this treaty exists; and, in consequence, the United States also guarantees, in the same manner, the rights of sovereignty and property which New Granada has and possesses over the said territory.

It may be said that the power of the United States is for the time being limitless, not only by reason of its laws and its resources of every kind, but also on account of the respect with which its greatness inspires the world. But in order to deal justly with a weak country this circumstance should be taken into account—that, in stipulating to guarantee “the perfect neutrality and property of the Isthmus,” it could not be supposed that the words “neutrality” and “property” could be given any other interpretation than the technical one they have. If, by a coup de main, the revolutionists have snatched from Colombia the property of the Isthmus, it seems natural that the United States, in view of the aforesaid stipulation, should return the property to its legitimate owner. It does not seem right to give the word “neutrality” the interpretation that, by its application, the acts of the revolutionists shall be left free, because, among other reasons, the stipulation contained in the thirty-fifth article above quoted excepts no case; nor did it foresee, as it could not have foreseen, that the United States would prevent Colombia from landing her forces in Panama territory in case of secession.

If Colombia had not sufficient force to compel Panama to remain a

part of the national unit, it would, without doubt, have asked the mediation of some friendly country in order to reach an understanding with the de facto government which has been established there.

But for it to have been able to subdue it by force it was necessary that Your Excellency's Government should remain neutral in the dispute; in not having done so, your Government itself violated "the rights of sovereignty and the property which Colombia has and possesses over the said territory," not complying, consequently, with the obligation it contracted to guarantee those rights as set forth in the above-cited part of the thirty-fifth article of the treaty. And it may be observed that the United States continues deriving the advantages granted under the treaty, while we lose those which we gave in order to obtain such guaranties.

The true character of the new State of Panama is revealed in the fact that it came into existence by a coup de main, effected by the winning over of troops, valorous without doubt, but who have fought against no one, assaulted no intrenchment, captured no fort—contenting themselves with putting in prison the constituted authorities.

If conserving our national integrity, with a few years of peace we could recover the powers we have lost through unfortunate civil wars and could hope, by reason of the moral and physical capacity of our race, to take a distinguished position in the American Continent; but if the Government of the United States, by preventing the military action of Colombia to subject the rebels to loyal obedience, should, in a way, make itself the ally of the Panama revolutionists, that Government will be responsible for any new secession movement that may occur, and also, before history at least, for any anarchy, license, and dissolution which a further dismemberment might occasion. Sad indeed is the fate of my country, condemned at times to suffer calamities from its own revolutions and at others to witness the unexpected attacks of a powerful but friendly state, which for the first time breaks its honored traditions of respect for right—especially the right of the weak—to deliver us pitilessly to the unhappy hazards of fortune.

There shall be a perfect, firm, and inviolable peace [says the first article of the aforesaid treaty] and sincere friendship between the United States of America and the Republic of New Granada (now Colombia) in all the extent of their possessions and territories, and between their citizens, respectively, without distinction of persons or places.

If the United States repels by force the action of our armies in Panama, is not this a clear violation of this article, since peace in one of the Colombian territorial possessions is broken?

The Panama revolutionists, counseled by speculators from several countries, who had assumed the direction of affairs, did not consult the opinion of the inhabitants of their own territory, for there are good reasons for the belief that there are in that territory thousands of persons who, respecting order and authority, have condemned the separatist movement with a determined will and in most energetic and severe terms.

Colombia, in its internal law, has never recognized the principle of secession, because, among other reasons, the obligations contracted with foreign nations by treaty, or with private parties by contract, rest upon the mass of the assets which the State possessed at the moment when the common authority contracted such obligations.

If the people of Panama, animated by the noble sentiments which induced men of action to seek quicker and more rapid progress, had proclaimed their independence and, without foreign aid, been victorious in battle waged against the armies of the mother country, had organized a government, drawn up laws, and proved to the world that it could govern itself by itself and be responsible to other nations for its conduct, without doubt it would have become entitled to recognition by all the powers.

But none of these things having occurred, and judging by the practice which in similar cases has guided the conduct of the American Government, the belief is warrantable that the recognition that has been given would probably not have been made if there had not existed in Panama the best route for the isthmian canal.

In the former case Colombia would have had no right to complain of the failure to fulfill the existing treaty, nor would it have shunned any legitimate means for seeking an arrangement that should dissolve the civil bonds which unite it with those enterprises radicated on Panama territory by contracts made in the exercise of a perfect right.

But Panama has become independent, has organized a Government, has induced a few powers prematurely to recognize her sovereignty, has usurped rights which do not belong to her in any case, and has ignored the debts which weigh upon Colombia (debts contracted, many of them, to reestablish order which her sons have often disturbed), because the Government of the United States has desired it; because, with its incomparably superior force, the United States has prevented the landing of Colombian troops destined to reestablish order after our having exhausted every possible means of friendly understanding; because the United States, even before the separatist movement was known in Bogotá, had its powerful war vessels at the entrances of our ports, preventing the departure of our battalions; because, without regarding the precedents established by statesmen who have dealt with this matter, the United States has not respected our rights in that strip of land which Colombia considers as a divine bequest for the innocent use of the American family of States; and, finally, because the Government of the United States, invoking and putting into practice the right of might, has taken from us by bloodless conquest—but by conquest, nevertheless—the most important part of the national territory.

Every nation is responsible to other nations for its conduct, whence it follows that all have among themselves rights and obligations, but these rights and obligations are limited by the right of property. The owner of an estate can not oppose the passage through his land—for example, of a railroad which the community needs—but he may demand that he be indemnified for the damage done him. In the same manner a State should certainly not obstruct the passage through its territory of a canal which the progress of the age and the needs of humanity have made necessary, but it has the right to impose conditions which shall save its sovereignty and to demand indemnification for the use thereof. Reasons based on the needs of humanity are undoubtedly very powerful, but they do not convincingly prove that the legitimate owner shall be deprived of a large part of his territory to satisfy such needs.

It might be said to me that exaggerated demands or obstacles which

are intentionally raised are equivalent to a refusal. But this is not our case. Colombia has made divers treaties and contracts with foreign countries for the construction of a Panama Canal, and if they have not been carried into effect, as was the case with the treaty with the United States in 1870 and the contract with the French company later, it was not the fault of Colombia. Our demands have not been exaggerated, inasmuch as the terms of the treaty negotiated with the American representative were more advantageous than those stipulated with the French representative, and the conditions set forth in the Hay-Herran convention were much more disadvantageous than those made with the French company. The fact that the United States demands from us, in order to carry out the enterprise, a part of our sovereignty, which, under our laws, we can not legally concede so long as the constitution is not modified, because the powers that did it would be responsible before the judicial branch, does not mean that we have been opposed nor that we are opposed to the realization of the greatest undertaking of the kind which the past and future centuries have seen or will see.

Civil wars are a calamity from which no nation has ever been able to free itself. This being true, to hold responsible the Government which suffers revolutions because it can not prevent them or because it hastens to remedy them when danger menaces seems a notorious injustice, because, if the principle of foreign intervention in civil conflicts were accepted, there would be few cases that would not be converted in the end into international wars. To refrain from dealing or treating with a State for fear of civil wars might be deemed equivalent to refraining from "constructing ships for fear of shipwrecks or building houses for fear of fire." Nor is it understood what power there would be that would assume the unhappy task imposing peace upon the rest, nor under what conditions it would do so, since to take away portions of their territory would be a punishment greater than the fault.

In this crisis of the life of my country, as unlooked for as it is terrible, Colombia rests its most comforting hopes in the sentiments of justice which animate the Government of your excellency, and confidently trusts that that Government, which has so many times surprised the world by its wisdom, will, on this occasion, astonish it by its example.

In any event, Colombia complies with the duty imposed upon her by the treaty of 1846 in that part of the 35th article which says:

* * * neither of the two contracting parties shall ordain or authorize any acts of reprisal, nor shall declare war against the other on complaints of injuries or damages, until the said party considering itself offended shall have laid before the other a statement of such injuries or damages, verified by competent proofs, demanding justice and satisfaction, and the same shall have been denied, in violation of the laws and of international right.

Since the aforesaid treaty is the law which governs between the two countries, and now that the weakness and ruin of my country, after three years of civil war scarcely at an end, and in which her bravest sons were lost by thousands, place her in the unhappy position of asking justice of the Government of your excellency, I propose that the claims which I make in the present note on account of the violation of the aforesaid treaty, and all other claims which may hereafter be made in connection with the events of Panama, be submitted to the Arbitration Tribunal of The Hague.

With sentiments of the most distinguished consideration and high esteem, I have the honor to subscribe myself.

Your excellency's very obedient and faithful servant,

RAFAEL REYES.

Hon. JOHN HAY,

Secretary of State of the United States,

Washington, D. C.

Mr. Hay to General Reyes.

DEPARTMENT OF STATE,

Washington, January 5, 1904.

SIR: The Government of the United States has carefully considered the grave complaints so ably set forth in the "statement of grievances" presented on behalf of the Government and people of Colombia, with your note of the 23d ultimo.

The Government and people of the United States have ever entertained toward the Government and people of Colombia the most friendly sentiments, and it is their earnest wish and hope that the bonds of amity that unite the two peoples may forever remain unbroken. In this spirit the Government of the United States, mindful that between even the most friendly nations differences sometimes unhappily arise, has given to your representations the most deliberate and earnest attention, and in the same spirit it will employ every effort consistent with justice and with its duty to itself and to other nations not only to maintain but also to strengthen the good relations between the two countries.

At the present moment the questions which you submit can be viewed only in the light of accomplished facts. The Republic of Panama has become a member of the family of nations. Its independence has been recognized by the Governments of the United States, France, China, Austria-Hungary, Germany, Denmark, Russia, Sweden and Norway, Belgium, Nicaragua, Peru, Cuba, Great Britain, Italy, Japan, Costa Rica, and Switzerland. These solemn acts of recognition carry with them international obligations which, in peace as in war, are fixed by the law of nations and which can not be disregarded. A due appreciation of this circumstance is shown in your admission, made with a frankness and fairness honorable alike to your Government and to yourself, that "Panama has become independent—has organized a government."

The action not merely, as you observe, of a "few powers," but of all the so-called "great powers" and many of the lesser ones, in recognizing the independence of Panama, leaves no doubt as to the public opinion of the world concerning the propriety of that measure. The law of nations does not undertake to fix the precise time at which recognition shall or may be extended to a new State. This is a question to be determined by each State upon its own just sense of international rights and obligations; and it has rarely happened, where a new State has been formed and recognized within the limits of an existing State, that the parent State has not complained that the recognition was premature. And if in the present instance the powers of the world gave their recognition with unwonted promptitude, it is

only because they entertained the common conviction that interests of vast importance to the whole civilized world were at stake, which would by any other course be put in peril.

The independence of the Republic of Panama being an admitted fact, the Department will proceed to consider the complaints presented by you on behalf of your Government as to the manner in which that independence was established. In performing this task I desire to avoid all appearance of recrimination; and if I shall not be wholly successful in so doing, it is only because I am under the necessity of vindicating the conduct of this Government against reproaches of the most grave and unusual character. The Department is in duty bound to deal with these charges in a spirit of the utmost candor; but in performing this duty it will not seek in unofficial sources material for unjust and groundless aspersions. It is greatly to be regretted that your duty to your Government could not, in your estimation, have been discharged within similar limitations.

With every disposition to advance the purpose of your mission, the Department has read with surprise your repetition of gross imputations upon the conduct and motives of this Government, which are said to have appeared in "reputable American newspapers." The press in this country is entirely free, and as a necessary consequence represents substantially every phase of human activity, interest, and disposition. Not only is the course of the Government in all matters subject to daily comment, but the motives of public men are as freely discussed as their acts; and if, as sometimes happens, criticism proceeds to the point of calumny, the evil is left to work its own cure. Diplomatic representatives, however, are not supposed to seek in such sources material for arguments, much less for grave accusations. Any charge that this Government or any responsible member of it held intercourse, whether official or unofficial, with agents of revolution in Colombia is utterly without justification.

Equally so is the insinuation that any action of this Government prior to the revolution in Panama was the result of complicity with the plans of the revolutionists. The Department sees fit to make these denials, and it makes them finally.

The origin of the Republic of Panama and the reasons for its independent existence may be traced in certain acts of the Government of Colombia, which are matters of official record.

It is a matter of common knowledge that the quest of a way to the westward, across the sea, from Europe to Asia led to the discovery and settlement of the American continents. The process of colonization had, however, scarcely begun when the adventurous spirits of that age, not to be balked in their undertaking by an obstacle that seemed to be removable, began to form projects for a canal to connect the Atlantic and Pacific oceans. As early as 1528 a proposal was laid before the Emperor Charles V for the opening of such a way across the Isthmus of Panama. From that day to the present the project has continued to occupy a place among the great enterprises yet to be accomplished. It remains unfulfilled only because the experience of four hundred years has demonstrated that private effort is wholly inadequate to the purpose, and that the work must be performed, if at all, under the auspices of a government of the largest resources. There was only one such government in a position to undertake it. By a well-settled policy, in which all American nations are understood to concur, the

assumption of the task by any of the great governments of Europe was pronounced to be inadmissible. Among American governments there was only one that seemed to be able to assume the burden, and that was the Government of the United States.

Such was the precise situation when the United States manifested its determination to construct the great highway across the American isthmus. Its purpose was universally applauded. The circumstance that this Government possibly might, in return for the great expenditures which it was about to hazard, derive from the construction of the canal some special advantage was not thought to be a reason for opposing what was to be of such vast benefit to all mankind. The Clayton-Bulwer treaty was conceived to form an obstacle, and the British Government therefore agreed to abrogate it, the United States only promising in return to protect the canal and keep it open on equal terms to all nations, in accordance with our traditional policy. Nor were indications wanting of appreciation on the part of the American Republics. On January 22, 1902, the second Pan-American conference, sitting at the City of Mexico, adopted the following resolution:

The Republics assembled at the International Conference of Mexico applaud the purpose of the United States Government to construct an interoceanic canal, and acknowledge that this work will not only be worthy of the greatness of the American people, but also in the highest sense a work of civilization and to the greatest degree beneficial to the development of commerce between the American States and the other countries of the world.

Among the delegates who signed this resolution, which was adopted without dissent, was the delegate of Colombia.

At that time the Government of the United States had not formally decided upon the route for the canal, whether by way of Panama or of Nicaragua. Owing to the lack of correct information there had long existed a strong tendency toward the latter route, but, as the result of more thorough investigations, a decided change in opinion had begun to appear. To Colombia this change was understood to be very gratifying. As early as May 15, 1897, the Colombian chargé d'affaires at Washington, speaking in the name of his Government, represented in a "friendly spirit" that any official assistance extended by the United States to the Nicaraguan Canal Company would work serious injury to Colombia.

In a similar sense Señor Martínez Silva, then Colombian minister at this capital, in a note of December 7, 1901, referring to a press report that the Isthmian Canal Commission had, by reason of the excessive price fixed by the Panama Canal Company, reported in favor of the Nicaraguan route, assured the Department that the price was not final, and after declaring that the matter was one that affected "the interests of the Colombian Government, which is well disposed to facilitate the construction of the proposed interoceanic canal through its territory," said:

It would indeed be unfortunate if, through misunderstandings arising from the absence of timely explanations, the Government of the United States should be forced to select a route for the proposed canal which would be longer, more expensive, both in construction and maintenance, and less adapted to the commerce of the world than the short and half-finished canal available at Panama.

On June 28, 1902, the President of the United States gave his approval to the act now commonly referred to as the Spooner Act, to provide for the construction of the interoceanic canal. Following the

report of the Isthmian Canal Commission, which confirmed the opinion expressed by the Colombian Government, it embodied the formal decision of the United States in favor of the Panama route. It accordingly authorized the President to acquire, at a cost not exceeding \$40,000,000, "the rights, privileges, franchises, concessions," and other property of the New Panama Canal Company, including its interests in the Panama Railroad Company, and to obtain from Colombia on such terms as he might deem reasonable, perpetual control for the purposes of the canal of a strip of land not less than six miles wide, such control to include jurisdiction to make and, through such tribunals as might be agreed on, to enforce such police and sanitary rules and regulations as should be necessary to the preservation of order and of the public health.

The act also provided, in a clause to which your statement adverts, that, in case the President should "be unable to obtain for the United States a satisfactory title to the property of the New Panama Canal Company and the control of the necessary territory of the Republic of Colombia," together with the "rights" mentioned in connection therewith, "within a reasonable time and upon reasonable terms," he should turn to Nicaragua. But this provision, while it indicated that the construction of the canal was not wholly to depend upon the success or failure to make reasonable terms with Colombia and the canal company, by no means implied that the question of routes was a matter of indifference.

In the nature of things it could not be so. Not only was the work to endure for all time, but its prompt construction was felt to be of vast importance; and it could not be a matter of less concern to the United States than to Colombia that this Government might possibly be forced to adopt a route which would, as the Colombian minister had observed—

be longer, more expensive, both in construction and maintenance, and less adapted to the commerce of the world than the short and half-finished canal available at Panama.

Nevertheless, even if the route by Panama had been found to be the only feasible one, it would have been highly imprudent for this Government to expose itself to exorbitant demands.

It possessed, indeed, the gratifying assurance that the Colombian Government was "well disposed to facilitate the construction of the proposed interoceanic canal through its territory," and the Department is pleased to add to this your present assurance that Colombia considers the canal strip "as a Divine bequest for the innocent use of the American family;" but it was fully understood that, before the canal was begun, arrangements of a very substantial kind would have to be made; and it was felt that, no matter how generous the views of the Colombian Government might be, the canal company might be indisposed to act in the same liberal spirit.

The Spooner Act, in providing for the acquisition by the United States of a limited control over the canal strip, merely followed the lines of previous negotiations with Nicaragua and Costa Rica. Under any circumstances, the exercise of such control could not have been considered unreasonable, but it was deemed to be altogether essential, in view of the unsettled political and social conditions which had for many years prevailed, and which unhappily still continued to exist, along the canal routes, both in Nicaragua and in Panama. Its neces-

sity was clearly recognized in the Hay-Pauncefote treaty, and it was on all sides fully understood to form a requisite part of any plan for the construction of the canal by the United States. Neither while the Spooner Act was pending before Congress nor at any previous time was it intimated from any quarter that it would form a bar to the carrying out of the great project for which the local sovereigns of the canal routes were then such ardent competitors.

After the Spooner Act was approved, negotiations were duly initiated by Colombia. They resulted on January 22, 1903, in the conclusion of the Hay-Herran convention. By this convention every reasonable desire of the Colombian Government was believed to be gratified. Although the concession to the United States of the right to construct, operate, and protect the canal was understood to be in its nature perpetual, yet, in order that no technical objection might be raised, it was limited to a term of one hundred years, renewable at the option of this Government for periods of a similar duration. The limited control desired by the United States of the canal strip for purposes of sanitation and police, not only in its own interest but also in that of Colombia and all other governments, was duly acquired. But in order that neither this, nor any other right or privilege, granted to the United States, might give rise to misconception as to the purposes of this Government, there was inserted in the convention this explicit declaration:

The United States freely acknowledges and recognizes this sovereignty [of Colombia] and disavows any intention to impair it in anyway whatever or to increase its territory at the expense of Colombia or of any of the sister republics in Central or South America; but, on the contrary, it desires to strengthen the power of the republics on this continent, and to promote, develop, and maintain their prosperity and independence.

This declaration was, besides, confirmed by the reaffirmation of article 35 of the treaty of 1846, as well as by the stipulations made with reference to the protection of the canal; for it was expressly provided that only in exceptional circumstances, on account of unforeseen or imminent danger to the canal, railways, or other works, or to the lives and property of the persons employed upon them, should the United States employ its armed forces without obtaining the previous consent of the Government of Colombia, and that as soon as sufficient Colombian forces should arrive for the purpose those of the United States should retire.

Moreover, in view of the great and to some extent necessarily unforeseen expenses and responsibilities to be incurred by the United States, the pecuniary compensation agreed to be made to Colombia was exceedingly liberal. Upon the exchange of the ratifications of the convention, \$10,000,000 in gold were to be paid, a sum equivalent to two-thirds of what is reputed to be the total amount of the Colombian public debt; and, in addition to this, beginning nine years after the same date, an annual payment of \$250,000 in gold was to be made, a sum equivalent to the interest on \$15,000,000 at the rate at which loans can be obtained by this Government.

Such was the convention. The Department will now consider the manner in which it was dealt with.

In the "statement of grievances," to which I have now the honor to reply, a prominent place is given to the stipulation that the convention when signed should be "ratified according to the laws of the

respective countries," and it is said that the course taken in Washington was not different from that at Bogotá. In a narrow, technical sense this is true, but in a broader sense no supposition could be more misleading. The convention was submitted to the Senate of the United States on the day following its signature. From first to last it was cordially supported by the Administration, and on the 17th of March it was approved without amendment.

The course taken at Bogotá affords a complete antithesis. The Department is not disposed to controvert the principle that treaties are not definitely binding till they are ratified; but it is also a familiar rule that treaties, except where they operate on private rights, are, unless it is otherwise provided, binding on the contracting parties from the date of their signature, and that in such case the exchange of ratifications confirms the treaty from that date. This rule necessarily implies that the two Governments, in agreeing to the treaty through their duly authorized representatives, bind themselves, pending its ratification, not only not to oppose its consummation, but also to do nothing in contravention of its terms.

We have seen that by the Spooner Act, with reference to which the convention was negotiated, the President was authorized to acquire, at a cost not to exceed \$40,000,000, "the rights, privileges, franchises, concessions, and other property of the New Panama Canal Company. It was, of course, well known to both Governments that the company under the terms of the concession of 1878 could not transfer to the United States "its rights, privileges, franchises, and concessions" without the consent of Colombia. Therefore the Government of the United States before entering upon any dealings with the New Panama Canal Company negotiated and concluded the convention with Colombia. The first article of this convention provides:

The Government of Colombia authorizes the New Panama Canal Company to sell and transfer to the United States its rights, privileges, properties, and concessions, as well as the Panama Railroad and all the shares or part of the shares of that company.

The authorization thus given, in clear and unequivocal terms, covers expressly the "rights, privileges, * * * and concessions" of the company, as well as its other property.

Some time after the convention was signed the Government of the United States learned, to its utter surprise, that the Government of Colombia was taking with the canal company the position that a further permission, in addition to that contained in the convention, was necessary to the transfer of its concessions and those of the Panama Railroad Company, respectively, to the United States, and that, as a preliminary to this permission, the companies must enter into agreements with Colombia for the cancellation of all her obligations to either of them under the concession. This proceeding seemed all the more singular in the light of the negotiations between the two Governments. The terms in which the convention authorized the New Panama Canal Company to sell and transfer its "rights, privileges, properties, and concessions" to the United States were the same as those embodied in the original draft of a treaty presented to this Government by the Colombian minister on March 31, 1902.

No change in this particular was ever suggested by Colombia, in all the discussions that followed, until November 11, 1902. On that day the Colombian minister presented a memorandum in which it was pro-

posed that the authorization should be so modified that "the permission accorded by Colombia to the canal and the railroad companies to transfer their rights to the United States" should "be regulated by a previous special arrangement entered into by Colombia." To this proposal this Department answered that "the United States considers this suggestion wholly inadmissible." The proposition was then abandoned by Colombia, and the convention was nearly three months later signed without any modification of the absolute authorization to sell.

The notices actually sent to the companies went, however, even further than the rejected and abandoned proposal presented by the Colombian minister, since they required the companies to cancel all obligations of Colombia to them, and thus to destroy the rights, privileges, and concessions which she had by the convention solemnly authorized the canal company to sell and transfer to the United States. The whole superstructure so laboriously reared was thus threatened with destruction by the removal of one of its foundation stones.

It was against this act of the Colombian Government itself that the remonstrance made by the American minister, Mr. Beaupré, by instruction of his Government, on the 24th of April last, was presented. Great stress is laid upon this remonstrance in Colombia's "statement of grievances," as the first of a series of three diplomatic representations which, by assuming to deny to the Colombian Congress the exercise of its constitutional functions, affronted that body and led the Colombian Senate to reject the convention. Unfortunately for this supposition, the Colombian Congress was not in session. It had not then been convoked; nor did it meet until the 20th of June. The representation was made solely with a view to recall to the Colombian Government the terms of the agreement which it had itself concluded, but of which it seemed to have become oblivious. The second representation was made, as you state, on the 18th of June, two days before Congress met, but the cabled instruction under which it was made was sent by this Government on the 9th of June. The third was made on the 5th of August, while the Congress was in session. Its obvious purpose was, if possible, to exhibit the situation in its true light.

The Department would here gladly end its recital of the course of the Colombian Government with what has already been exhibited, but the circumstances do not permit it to do so. As the "statement of grievances" presented on behalf of Colombia is founded upon the tacit assumption that her present plight is due solely to wrongs committed by this Government, it is necessary that the facts should be disclosed.

The violation by the Colombian Government, long before the Congress assembled, of its agreement to the sale and transfer to the United States of the rights and concessions of the canal and railway companies was not the only act by which it manifested its purpose to repudiate its own engagements. For some time after the convention was signed, its terms appeared to be as satisfactory to the people of Colombia as they seemingly had been to the Colombian Government.

This state of affairs continued until General Fernandez, in charge of the ministry of finance, issued more than a month before the Congress was convoked and more than two months before it met, a circular to the Bogotá press, which, as Mr. Beaupré reported, "had suddenly sprung into existence," inviting discussion of the convention. The circular in substance stated, according to Mr. Beaupré's report, that

the Government "had no preconceived wishes for or against the measure;" that it was "for Congress to decide," and that Congress would be largely guided by "public opinion." In view of what the Government had already done, it is not strange that this invitation to discussion was followed by violent attacks upon the convention, accompanied by the most extravagant speculations as to the gains which Colombia might possibly derive from its rejection. No thought whatever seems to have been taken of the incalculable benefits that would accrue to Colombia as the direct and necessary result of the construction of the canal. Only the immediate possibilities, which the resources of this Government and the situation of the canal company served to suggest, seem to have been taken into account.

It is entirely impossible [said Mr. Beaupré, writing on May 4, 1903] to convince these people that the Nicaragua route was ever seriously considered by the United States; that the negotiations concerning it had any other motive than the squeezing of an advantageous bargain out of Colombia; nor that any other than the Panama route will be selected. * * * Therefore, it is contended, and generally believed, that there is no immediate necessity of confirming the Hay-Herran convention; that the negotiations can be safely prolonged, in the end securing very much better terms for Colombia. The public discussion is largely along the lines of the loss of national honor by the surrender of sovereignty; * * * private discussion, which perhaps more clearly reflects the real situation, is to the effect that the price is inadequate.

That Mr. Beaupré's summary of the situation—a situation which seems logically to have followed from the Government's own measures—was correct is amply demonstrated in the sequel. The Department deems it unnecessary to enter into any argument upon the question raised at Bogotá as to Colombia's "sovereignty." The convention speaks for itself, and its provisions for the acknowledgment and assurance of Colombia's sovereignty have already been set forth. The explanations put forward in Colombia's "statement of grievances" merely repeat the pleas devised at the Colombian capital. The sudden discovery that the terms of the convention, as proposed and signed by the Colombian Government, involved a violation of the Colombian constitution, because it required a cession to the United States of the "sovereignty" which it expressly recognized and confirmed, could be received by this Government only with the utmost surprise. Nevertheless, the Colombian Senate unanimously rejected the convention.

This fact was communicated to the Department by Doctor Herran on the 22d of August last, by means of a copy of a cablegram from his Government. In that telegram the "impairment" of Colombian "sovereignty" was mentioned as one of the "reasons advanced in debate" for the Senate's action; but joined with it there was another reason, with which the Department had long been familiar, namely, the "absence" of a "previous agreement" of the companies with the Colombian Government for the transfer of their privileges. To these reasons there was added a reference to the representations made by Mr. Beaupré; but it was said to be "probable" that the Colombian Congress would "provide bases" for "reopening negotiations."

No such action, however, was taken by the Colombian Congress. On the contrary, by a report of the majority of the Panama canal committee, read in the Colombian Senate on the 14th of October last, it was recommended that a bill which had been introduced to authorize the Government to enter upon new negotiations should be "indefinitely postponed." The reason for this recommendation is disclosed in the same report. By a treaty concluded April 4, 1893, the original

concession granted to the Panama Canal Company was extended until December 31, 1904.

By a legislative act in 1900 a new extension was made till October 31, 1910; but the report, adopting a suggestion which had been put forward in the press, raises a question as to whether this legislative extension was valid, and adds that if it was not valid the aspect of the question would be entirely changed in consequence of the fact that when a year later the Colombian Congress should meet in ordinary session the extension of 1893 would have "expired and every privilege with it." In that case, the report goes on to say, the Republic would become the "possessor and owner, without any need of a previous judicial decision and without any indemnity, of the canal itself and of the adjuncts that belong to it," and would not only be able to "contract * * * without any impediments," but would be in more clear, more definite, and more advantageous possession, both legally and materially.

This programme, if not expressly, was at least tacitly adopted by the Colombian Congress, which adjourned on the 31st of October without providing any bases for the reopening of negotiations. It was a scheme to which this Government could not possibly have become a party. Of this fact the Colombian Government was duly notified when the first intimation of its purpose was, long anterior to the assembling of the Congress, first disclosed. The Colombian Government was expressly informed that such action on its part, or on that of the companies, would be inconsistent with the agreements already made between the United States and the canal company with the act of June 28, 1902, under the authority of which the convention was made, and with the express terms of the convention itself. It was, under the circumstances, equivalent to a refusal of all negotiation with this Government.

Under these circumstances it was the intention of the President before further action to submit the matter to Congress, which was then soon to assemble. The situation, however, was presently changed. If the Government at Bogotá, as the "statement of grievances" assures us, "fell into error" in supposing that the only consequence of its rejection of the convention would be the abandonment of the Panama route by this Government, its blindness to a situation at home that was attracting the attention of the world can only be imputed to itself. Reports of impending trouble, as the result of what was going on at Bogotá, were rife.

Advices came to this Government, not only through the press but also through its own officials, of the existence of dangerous conditions on the Isthmus, as well as in the adjacent States whose interests were menaced. Disorders in that quarter were not new. In the summer of 1902, as well as in that of 1901, this Government had been obliged by its forces to maintain order on the transit route, and it took steps, as it had done on previous occasions, to perform a similar duty should the necessity arise. The form the trouble might take could not be foreseen, but it was important to guard against any destructive effects.

The reasonableness of these precautions soon became evident. The people of Panama rose against an act of the Government at Bogotá that threatened their most vital interests with destruction and the interests of the whole world with grave injury. The movement assumed the form of a declaration of independence. The avowed object of this momentous step was to secure the construction of the

interoceanic canal. It was inspired by the desire of the people at once to safeguard their own interests and at the same time to assure the dedication of the Isthmus to the use for which Providence seemed to have designed it.

The situation thus suddenly created, as the direct and immediate consequence of the act of the Government at Bogotá, was, as has already been observed, one that deeply concerned not only this Government but the whole civilized world; but the interests of the United States were especially implicated by reason of the treaty of 1846 with New Granada. This treaty is frequently cited in Colombia's "statement of grievances," and the United States is repeatedly charged with having violated it. But, while its terms are employed as the basis of every accusation against this Government that they can with any plausibility be made to support, its great and fundamental design, the disregard of which by Colombia produced the revolution on the Isthmus, is wholly passed over and neglected. The Department is obliged to remedy this defect.

In speaking of the treaty of 1846 both Governments have in mind the thirty-fifth article, which forms in itself a special and distinctive international engagement. By this article—

the Government of New Granada guarantees to the Government of the United States that the right of way or transit across the Isthmus of Panama upon any modes of communication that now exist, or that may be hereafter constructed, shall be free and open to the Government and citizens of the United States.

In return—

the United States guarantees positively and efficaciously to New Granada * * * the perfect neutrality of the before-mentioned Isthmus, with the view that the free transit from the one to the other sea may not be interrupted or embarrassed,

and—

in consequence the United States also guarantee, in the same manner, the rights of sovereignty and property which New Granada has and possesses over the said territory.

The circumstances in which these engagements originated are matters of history. For some years exceptional efforts had been put forth to secure the construction of an interoceanic canal, and it was commonly believed that certain European governments, and particularly that of Great Britain, were seeking to obtain control of the transit routes. That no capitalist could be found to engage in the construction of a canal without some greater security for their investments than the feeble and irregular local governments could afford was universally admitted. But, on the other hand, it was apprehended that the introduction of European monarchical interests would prove to be but the beginning of a process of colonization that would in the end be fatal to the cause of republican government.

In this predicament all eyes were turned to the United States. The first result was the conclusion of the treaty of 1846 with New Granada. Its primary object was to assure the dedication of the Isthmus to purposes of interoceanic transits, and above all to the construction of an interoceanic canal. President Polk, in submitting it to the Senate, assigned as the chief reason for its ratification that a passage through the Isthmus—

would relieve us from a long and dangerous navigation of more than nine thousand miles around Cape Horn, and render our communication with our own possessions on the northwest coast of America comparatively easy and speedy.

It is true that the treaty did not require Colombia to permit such a passage to be constructed; but such an obligation was so obviously implied that it was unnecessary to express it.

Apart from the adaptation of the Isthmus to interoceanic transit, and its use for that purpose, there existed, as between the United States and New Granada, no common reason for the treaty's existence. This has always been well understood by both Governments. In a note of the Colombian chargé d'affaires at Washington, of January 3, 1899, commending the Panama enterprise to the good will of this Government, reference is made to the advantages which the United States "would derive from the Panama Canal, when studied in the light of that international agreement," the treaty of 1846. The same treaty was expressly incorporated into and perpetuated in the Hay-Herran convention. And it may be added that the Panama Canal, so far as it has progressed, was built under the protection of the same engagement.

The guaranty by the United States of the neutrality of the Isthmus, and of the sovereignty and property of New Granada thereover, was given for the conservation of precisely this purpose. To this end the United States undertook to protect the sovereignty of the Isthmus from attacks by foreign powers. The powers primarily in view were those of Europe, but the treaty made no discriminations. The theory on which the "statement of grievances" proceeds, that the treaty obliged the Government of the United States to protect the Government of New Granada against domestic insurrection or its consequences, finds no support in the record, and is in its nature inadmissible.

Only a few years before the treaty was made the original Republic of Colombia was dissolved into the States of Venezuela, Ecuador, and New Granada, and since the treaty was made the Republic of New Granada has been successively transformed into the United States of Colombia and the present Republic of Colombia. With these internal changes the Government of the United States was not permitted to concern itself, so far as they did not affect its treaty rights and obligations. Indeed, it is not to be imagined that New Granada desired or that the United States would have been willing to take part in the former's internal revolutions.

That the United States has faithfully borne, during the long period since the treaty was concluded, the full burden of its responsibilities does not admit of question.

A principal object of New Granada [said Mr. Fish, in a note to the Colombian minister of May 27, 1871] in entering into the treaty is understood to have been to maintain her sovereignty over the Isthmus of Panama against any attack from abroad. That object has been fully accomplished. No such attack has taken place, though this Department has reason to believe that one has upon several occasions been threatened, but has been averted by warning from this Government as to its obligations under the treaty.

In January, 1885, when Colombia appealed to the United States in the hope of averting the hostilities with which she was believed to be threatened on account of the Italian subject, Cerruti, this Government caused an intimation to be made of the serious concern which it—

could not but feel were a European power to resort to force against a sister republic of this hemisphere as to the sovereign and uninterrupted use of a part of whose territory we are guarantors, under the solemn faith of a treaty.

Such is the spirit in which the United States has on various occasions discharged its obligations.

The United States has done more than this. It has assumed and discharged, as if primarily responsible, duties which in the first instance rested on Colombia. According to the language of the treaty, the right of the Government and people of the United States to a free and open transit across the Isthmus was guaranteed by New Grenada; but the United States has been able to secure the benefits of it only by its own exertions; and in only one instance, and that as far back as 1857, has it been able to obtain from Colombia any compensation for the injuries and losses resulting from her failure to perform her obligation. The Department deems it unnecessary now to enter into particulars, but is abundantly able to furnish them.

Meanwhile, the great design of the treaty of 1846 remained unfulfilled; and in the end it became apparent, as has heretofore been shown, that it could be fulfilled only by the construction of a canal by the Government of the United States. By reason of the action of the Government at Bogotá in repudiating the Hay-Herran convention, and of the views and intentions disclosed in connection with that repudiation, the Government was confronted, when the revolution at Panama took place, with the alternative of either abandoning the chief benefit which it expected and was entitled to derive from the treaty of 1846, or of resorting to measures the necessity of which it could contemplate only with regret.

By the declaration of independence of the Republic of Panama a new situation was created. On the one hand stood the Government of Colombia invoking in the name of the treaty of 1846 the aid of this Government in its efforts to suppress the revolution; on the other hand stood the Republic of Panama that had come into being in order that the great design of that treaty might not be forever frustrated, but might be fulfilled. The Isthmus was threatened with desolation by another civil war; nor were the rights and interests of the United States alone at stake—the interests of the whole civilized world were involved. The Republic of Panama stood for those interests; the Government of Colombia opposed them. Compelled to choose between these two alternatives, the Government of the United States, in no wise responsible for the situation that had arisen, did not hesitate. It recognized the independence of the Republic of Panama, and upon its judgment and action in the emergency the powers of the world have set the seal of their approval.

In recognizing the independence of the Republic of Panama the United States necessarily assumed toward that Republic the obligations of the treaty of 1846. Intended, as the treaty was, to assure the protection of the sovereign of the Isthmus, whether the government of that sovereign ruled from Bogotá or from Panama, the Republic of Panama, as the successor in sovereignty of Colombia, became entitled to the rights and subject to the obligations of the treaty.

The treaty was one which in its nature survived the separation of Panama from Colombia. "Treaties of alliance, of guaranty, or of commerce are not," says Hall, "binding upon a new state formed by separation;" but the new state "is saddled with local obligations, such as that to regulate the channel of a river, or to levy no more than certain dues along its course." (International Law, 4th edition, p. 98.) To the same effect it is laid down by Rivier "that treaties relating to boundaries, to water courses, and to ways of communication," consti-

tute obligations which are connected with the territory and follow it through the mutations of national ownership. (Principes du Droit des Gens, I, 72-73.) This Government, therefore, does not perceive that, in discharging in favor of the present sovereign of the Isthmus its duties under the treaty of 1846, it is in any way violating or failing in the performance of its legal duties.

Under all the circumstances the Department is unable to regard the complaints of Colombia against this Government, set forth in the "Statement of grievances," as having any valid foundation. The responsibility lies at Colombia's own door rather than at that of the United States. This Government, however, recognizes the fact that Colombia has, as she affirms, suffered an appreciable loss. This Government has no desire to increase or accentuate her misfortunes, but is willing to do all that lies in its power to ameliorate her lot. The Government of the United States, in common with the whole civilized world, shares in a sentiment of sorrow over the unfortunate conditions which have long existed in the Republic of Colombia by reason of the factional and fratricidal wars which have desolated her fields, ruined her industries, and impoverished her people.

Entertaining these feelings, the Government of the United States would gladly exercise its good offices with the Republic of Panama, with a view to bring about some arrangement on a fair and equitable basis. For the acceptance of your proposal of a resort to The Hague tribunal, this Government perceives no occasion. Indeed, the questions presented in your "Statement of grievances" are of a political nature, such as nations of even the most advanced ideas as to international arbitration have not proposed to deal with by that process. Questions of foreign policy and of the recognition or nonrecognition of foreign states are of a purely political nature, and do not fall within the domain of judicial decision; and upon these questions this Government has in the present paper defined its position.

But there may be, no doubt, other questions which may form a proper subject of negotiation; among them, for instance, the establishment of diplomatic relations between the Republics of Colombia and Panama, the delimitation of their respective boundaries, the possible apportionment of their mutual pecuniary liabilities. If the Government of Colombia will take these matters up, with any others which they think may require discussion, and will put their suggestions in regard to them in a definite and concrete form, they will receive at the hands of this Government the most careful consideration, with a view to bringing them, in the exercise of good offices, to the attention of the Government of Panama.

Accept, sir, the renewed assurances of my highest consideration.

JOHN HAY.

[Translation.]

General Reyes to Mr Hay.

LEGATION OF COLOMBIA ON SPECIAL MISSION,
Washington, January 6, 1904.

MR. SECRETARY: I have received the note which your excellency did me the honor to address to me under date of the 30th of December last, in answer to mine of the 29th of the same month. I transmitted

it by cable to my Government and have received from it instructions to make to your excellency's Government the following declarations:

First. That the said note of the 30th of December from your excellency is regarded by my Government as an intimation that the Colombian forces will be attacked by those of the United States on their entering the territory of Panama for the purpose of subduing the rebellion, and that for that reason, and owing to its inability to cope with the powerful American squadron that watches over the coasts of the Isthmus of Panama, it holds the Government of the United States responsible for all damages caused to it by the loss of that national territory.

Second. That since the 3d of November last the revolution of Panama would have yielded, or would not have taken place, if the American sailors and the agents of the Panama Canal had not prevented the Colombian forces from proceeding on their march toward Panama, and that I, as commander in chief of the army of Colombia, would have succeeded in suppressing the revolution of Panama as early as the 20th of the same month if Admiral Coghlan had not notified me in an official note that he had orders from his Government to prevent the landing of Colombian forces throughout the territory of the Isthmus.

Third. That the charges officially made against the Government and Senate of Colombia that it was opposed to the work of the Panama Canal, and that its purpose was to obtain a greater amount of money from the American Government and to recover the concession of the French company are unfair and groundless, and the proof of this assertion is that the Colombian Senate refused to ratify the Hay-Herran treaty, not because a greater sum of money was demanded, but because the treaty was contrary to the constitution of the country, which prohibits the cession of sovereignty over national territory; but the necessity of the canal is so well recognized in Colombia that it was proposed, in the discussion of the Senate, to amend the constitution in order to remove the constitutional difficulty, and the minister of foreign relations, after the sessions of Congress were closed, directed the chargé d'affaires, Doctor Herran, to advise the Government of your excellency that that of Colombia was ready to enter into renewed negotiations for a canal convention, and that it purposed to remove the existing constitutional difficulties. The charge made against the Government of Colombia that it purposed to cancel the concession of the French company vanishes as soon as it be known that under the latest extension granted to it by Colombia the said concession would not lapse until the year 1910.

Fourth. That the failure of the Colombian Senate to ratify the Hay-Herran treaty, for the reasons above stated, can not be regarded as an act of discourtesy or unfriendliness, as the minister of foreign relations of Colombia, Señor Rico, told the minister of the United States, Mr. Beaupré, at Bogotá, because a treaty prior to its ratification is nothing but a project which, according to the laws of nations, neither confers rights nor imposes obligations, and therefore its rejection or delay in its ratification gives no ground for the adoption of measures tending to alter the relations of friendship between the two countries. If it were not so, the mere act of preparing a public treaty would be an occasion for serious danger instead of an element of peace and progress, which is the predicament in which Colombia finds herself at present, owing to her weakness.

Fifth. That while the treaty of 1846 gives to the Government of the United States the right to maintain and protect the free transit of the Isthmus at the request of Colombia and when the latter is unable to do so, it places it under the obligation of enforcing the respect of Colombia's sovereignty over the territory of the Isthmus, and that the American Government has now not only failed to discharge that duty, but has prevented the Colombian forces from recovering the national sovereignty on the Isthmus, and thus the said treaty of 1846 being in full force, Colombia holds that the Government of the United States has no other reason than that of its own strength and of Colombia's weakness for interpreting and applying it in the manner it has; that is to say, for availing itself of the advantages and rights conferred by the treaty, and refusing to fulfill the obligations imposed thereby.

Sixth. That it is known, from sworn statements, that the garrisons of Panama and Colon were bought with gold brought from the United States, toward the end of October, by the Panama revolutionists.

Seventh. That if these revolutionists had not relied, and did not now rely, on the armed protection of the United States, whose powerful squadrons on both the Pacific and Atlantic oceans have prevented, and are preventing, since the 3d of November, the Colombian army from landing its forces, the Panama revolution would have been foiled by Colombia in a few hours.

Eighth. That the Government of Colombia, holding a perfect right that the cession of the compact with the French canal company be not effected without its express consent, has instituted an action against the said company before the French courts and asked that the contract made with the American Government be declared null and void.

Ninth. That on the grounds above stated, the Government of Colombia believes that it has been despoiled by that of the United States of its rights and sovereignty on the Isthmus of Panama, and not being possessed of the material strength sufficient to prevent this by the means of arms (although it does not forego this method, which it will use to the best of its ability), solemnly declares to the Government of the United States:

(1) That the Government of the United States is responsible to that of Colombia for the dismemberment that has been made of its territory by the separation of Panama, by reason of the attitude that the said Government assumed there as soon as the revolution of the 3d of November broke out.

(2) That the contract made between the United States and the French canal company is null, since it lacks the consent of Colombia, and the latter has already brought suit against the said canal company before the French courts in the defense of its interests.

(3) That the Government of Colombia does not nor will it ever relinquish the rights it possesses over the territory of the Isthmus of which it is now despoiled by the American forces, and will at all times claim the said rights and try to vindicate them by every means within its reach, and that for that reason the title over the territory of the Isthmus that may be acquired by the United States for the opening of the canal is void, and Colombia reserves to herself the right to claim the said territory at any time.

(4) That if the work of the Panama Canal is undertaken and carried to completion in disregard and trespass of the rights of Colombia, the

latter puts it on record that she was denied justice by the United States; that she was forcibly despoiled of the territory of the Isthmus in clear violation of the treaty of 1846, and that she does not relinquish the rights she possesses over the said territory, and holds the United States responsible for the damages caused to her.

(5) That Colombia, earnestly wishing that the work of the canal be carried into effect, not only because it suits her interests but also those of the commerce of the world, is disposed to enter into arrangements that would secure for the United States the execution and ownership of the said work and be based on respect for her honor and rights.

(6) That the United States has never protected Colombia on the Isthmus of Panama against foreign invasion, and that when it has intervened to prevent the interruption of the traffic it has been in help, or be it at the suggestion of the Government of Colombia. In this one instance it did so on its own initiative, with the obvious purpose of protecting the secession of the Isthmus. The guarantee of neutrality, if it were privileged, would estop the sovereign of the land from maintaining order, which is contrary to the fundamental principles of every government; and

(7) That the course followed by the American Government at Panama at the time when Colombia enjoyed peace, after overcoming a revolution of three years' duration, which left her exhausted, is in favor of any rebellion, but not of the maintenance of order, which is contrary to the principles and antecedents of the policy of this great nation as established in the war of secession.

As the treaty with Panama, by which the rights of Colombia on the Isthmus are plucked from her, is now under discussion in the American Senate, I respectfully ask of your excellency that my note of December 23 and the present one be submitted to that high body, so that they may be taken into account in the discussion of the rights of Colombia.

Inasmuch as official charges have been made against my country in the documents sent to the Senate, I give notice to your excellency that, in reply to those charges, I will publish my note of the 23d of December and the present one.

I beg that your excellency will answer, as soon as possible, my aforesaid note of the 23d of December.

I have the honor to be, with sentiments of the highest consideration,

Your excellency's obedient servant,

RAFAEL REYES.

Mr. Hay to General Reyes.

DEPARTMENT OF STATE,
Washington, January 9, 1904.

MR. MINISTER: I have the honor to acknowledge receipt of your excellency's note of the 6th of January, 1904, which I have read with most respectful care.

I find that almost all the propositions brought forward in this communication have been considered and fully answered in advance in the note I had the honor to address you on the 5th day of January. I need, therefore, only briefly refer to a few matters which you have

brought forward for the first time in your note of the 6th of January. In the first paragraph of your note you state that your Government regards my note to you of the 30th of December as an intimation that the Colombian forces will be attacked by those of the United States on their entering the territory of Panama. This inference of yours is wholly gratuitous. We have considered it our duty to represent to you the serious responsibility which would have been assumed by Colombia in a hostile demonstration of the character you mention, and, at the same time, you were assured that the United States Government in that event would reserve its liberty of action and be governed by the circumstances of the case.

Your excellency is pleased to assert that if this Government had not intervened to preserve order on the Isthmus you would have been able to put an end to the revolutionary government of Panama in a few hours. This is hardly consistent with your statement that the late insurrection in Panama lasted three years. No human sagacity can decide with certainty what would have been the duration or result of such a conflict as would have ensued, nor what would have been the amount of bloodshed and devastation which would have afflicted the Isthmus, or the sum of the injury which would have resulted to the world at large if this Government had not taken the action of which you complain.

In the third paragraph of your note you repeat your claim that the action of your Government in respect to the canal treaty was not prompted by any desire for additional compensation, but solely by a regard for your constitutional law. In reply to this I can only refer your excellency to the repeated intimations we received during the discussion of the treaty in Bogotá from the highest and most honorable personages in the Republic, that a large increase of the pecuniary consideration would result in the ratification of the convention; to the attempt which was made to induce the French canal company to pay an enormous sum for permission to dispose of their property; and to the report of the canal committee to the Colombian Senate, suggesting the delay of all proceedings until the coming year, when the extension of the concession might be declared invalid and the nation might be in condition to deal with us without regard to the French shareholders. Your reference to the constitutional question I have already answered. The treaty which Colombia made and then rejected contained no cession of sovereignty; but, on the contrary, preserved the sovereignty of Colombia scrupulously intact.

I do not consider that this Government is called upon to take notice of your statement as to the sources from which the revolutionary government obtained its funds. As this Government had no participation in the preparation of the revolution, it has no concern with the details of its history.

I note with regret the continued protest you make in the name of your Government against the events which have taken place in Panama, and the determination of Colombia not to accept the situation to which they have given rise. I am in harmony with the sincere desire of the Government and the people of the United States in hoping that your Government may see its way to conclusions more in accordance with its true interests and those of its sister American Republics, and that it may not reject the friendly assurances I am charged to convey to you.

I will not for a moment accept the imputation of unfriendly motives

or sentiments on the part of this country toward Colombia, and, even if Colombia should persist in assuming a hostile attitude toward us, it will only be after the most careful deliberation and with extreme reluctance that this Government would shape its course in accordance with the deplorable conditions thus created.

I am, Mr. Minister, with sentiments of the highest consideration,
Your obedient servant,

JOHN HAY.

Gen. RAFAEL REYES,
*Envoy Extraordinary and Minister
Plenipotentiary on Special Mission.*

[Translation.]

General Reyes to Mr. Hay.

LEGATION OF COLOMBIA ON SPECIAL MISSION,
Washington, January 11, 1904.

MR. SECRETARY: I have the honor to acknowledge the reception of your excellency's notes of the 5th and 9th of the present month of January. In the first your excellency answers my statement of grievances of the 23d of December last; in the second your excellency makes a reply to my note of the 6th instant, containing various declarations.

I must state that, notwithstanding the respect that I owe to your excellency's efforts, I find in the present case that my arguments have not been refuted by the otherwise forceful papers to which I am referring. I could abide by and even further fortify my arguments, which the very cause they support make unanswerable, but I can see no result for such a course, since, under the circumstances that surround the debate, there is, on the part of your excellency's Government, no opinion to form, but a decision already reached.

I therefore confine myself to submitting a few remarks on your excellency's position in regard to my request that the pending difference be referred to The Hague tribunal.

True, it lies with the several states to recognize a new member of the family of nations; but haste and circumstances may always involve a disregard of international law while profession is made to maintain it.

The recognition of a new state separated from a friendly nation would be a legitimate act on the part of foreign nations, in so far as they observe strict neutrality between the contesting parties; but it is a violation of the principles that govern the relations of the international community when one of the belligerents is hindered from the exercise of his rights and the use of his forces, and much more so when a public treaty is infringed. The treaty of 1846 being in force between the Governments of the United States and of Colombia, the dilemma that confronted the former when the movement occurred at Panama may not have been that which your excellency contemplates, but rather the following: Either to recognize that Panama was an integral part of Colombia or invest it with the character of a separate entity.

In the first case, whatever be the position of your excellency's Government touching neutrality in intestine strifes, it had no cause for preventing Colombia from subduing the rebellion; in the other case the Government of the United States was obligated to enforce the respect of Colombian sovereignty, and, in either event, it is as untenable a proposition in law to hold obligations toward a nation as fulfilled in one of its rebellions or separated provinces as, in mathematics, to insist that the part and the whole are equivalent. And it is fit here to observe that the reason why I asserted to your excellency that if I had not been prevented from landing the forces under my command on the 19th of November, fifteen days after the rebellion had broken out, it would have been immediately smothered, is that the garrison bought off in Panama did not exceed 200 men.

At the close of the first of the notes hereby answered, your excellency, referring to my proposal to refer to the arbitration of The Hague tribunal the claims that my country desires to have settled in an amicable and decorous manner, states that the questions presented in my statement of grievances "are of a political nature such as nations of even the most advanced ideas as to international arbitration have not proposed to deal with by that process." I must point out to your excellency that the infringement of the treaty of 1846 has resulted in civil consequences of the greatest import which do come within the scope of the jurisdiction of courts. Colombia, for instance, has no claim against Germany, France, England, etc., by reason of the recognition of Panama as an independent State, little as the proceeding may be a friendly act, because she had and has no treaty with those countries that made them guarantors of her sovereignty and ownership; but with your excellency's Government the case is very different, for reasons that may be ignored but which will live as long as the sense of justice, slow but sure, shall endure in this world.

The injuries that Colombia has already suffered and will continue to suffer in consequence of the infringement of the treaty are manifest and actual, and the refusal to entertain her claims as well as her lacking the strength to secure redress put her under the painful necessity of asking of the mighty Government and people of the United States that the tribunal called upon to decide her case be one of unquestionable standing and impartiality. I have such a high opinion of your excellency's sound judgment that I still permit myself to hope that it will bring about a reconsideration of your decision or a suggestion to my Government of some other means of doing Colombia justice in a manner compatible with her honor.

I see from the second paragraph of your excellency's note of the 9th instant that the American Government does not and can not consider as a declaration of war on the part of Colombia the fact that the army of my country should enter Colombian territory, as is that of Panama, for the purpose of subduing the rebellion. This makes me confident that there will be no conflict between the Colombian and American forces when the former take the field on the Isthmus. And I have to point out here that, contrary to the statement made in official documents, Panama never was independent or belonged to any nation other than Colombia since the latter gained her independence. All of the royal letters patent issued from 1533 to 1803 incorporated the provinces of Darien, Portobelo, and Veragues, which embraced the whole territory of the Isthmus, into the viceroyalty of the new kingdom of

Granada. The declaration of 1821, made by those provinces when New Granada had already cleared the country of the enemy that held the former viceroyalty under its yoke, was nothing more, in fact, than the sanction of the *uti possidetis* of 1810, the main foundation of the rights of all Spanish-American countries.

I profoundly regret, on the failure of the mission which was intrusted to me, that my well-meant efforts to reach a fair and honorable settlement with your excellency's Government have thus far been in vain, and compelled, as I am thereby, to depart, I once more confirm the contents of my previous notes and, in the name of Colombia, enter a solemn protest against the denial of justice inflicted on my country by one of the most powerful governments in the world, bound by its very power to be equitable, and put on your excellency's Government the responsibility for all evils to come.

Being unable, under existing circumstances, to take personal leave of the most excellent President and of your excellency, I beg you will accept this excuse and the expression of my thanks for the personal attentions I have received at the hands of all the members of the Administration.

I am, with sentiments of the highest consideration,

Your excellency's obedient servant,

RAFAEL REYES.

Mr. Hay to General Reyes.

DEPARTMENT OF STATE,
Washington, January 13, 1904.

SIR: I have the honor to acknowledge receipt of your excellency's communication of the 11th of January, 1904, in which you ask that this Government shall reconsider its decision in regard to the submission of the claims of Colombia to the arbitration of The Hague, or, as an alternative to this, you invite a suggestion to your Government of some other means of doing Colombia justice in a manner compatible with her honor.

In reply I beg to inform you that this Government sees no reason to reconsider its attitude in these matters, which has been adopted after mature deliberation and reflection.

Referring to your communication above mentioned, and also to the conversation which I had the honor to hold with your excellency on the same day, I am now instructed by the President to make the following suggestion. This Government is now, as it always has been, and as I have frequently had the honor to inform your excellency, most desirous to lend its good offices for the establishment of friendly relations between the Republic of Colombia and that of Panama. We think that they might be exercised with a hope of a favorable result if Colombia, as may be inferred from our interchange of views, should consider that the conditions necessary to its recognition of the existing state of things are:

First. To submit to a plebiscite the question whether the people of the Isthmus prefer allegiance to the Republic of Panama or to the Republic of Colombia.

Second. To submit to a special court of arbitration the settlement of those claims of a material order which either Colombia or Panama by mutual agreement may reasonably bring forward against the other, as a consequence of facts preceding or following the declaration of independence of Panama.

I have the honor to be, sir, with sentiments of the highest regard and consideration,

Sincerely, yours,

JOHN HAY.

**RECEPTION OF UNITED STATES MINISTER ON SPECIAL MISSION
TO PANAMA, RELATIONS WITH PANAMA, ETC.**

Mr. Buchanan to Mr. Hay.

No. 4.]

LEGATION OF THE UNITED STATES
ON SPECIAL MISSION,
Panama, December 25, 1903.

SIR: I have the honor to advise you of my arrival at Colon on the morning of the 22d. I was met there by Dr. Gonzales Guill, sub-secretary for foreign affairs, and Dr. Juan Mendez, private secretary to the junta. A private car was placed at my disposal and every possible courtesy shown me.

I reached Panama at noon and was met at the station by the minister for foreign affairs and by him escorted to the hotel.

I transmitted the office copy of my credentials to the minister for foreign affairs, with a note, a copy of which I inclose, under "Inclosure 1," dated the 23d, and handed to the minister early on the morning of the 24th, together with a second note containing a confidential copy of the remarks I proposed to make upon presenting my letter to the junta. A copy of this note, together with its inclosures, will be found herein, under "Inclosure 2." * * *

I was notified by the minister for foreign affairs on the 24th that I would be received by the junta to-day (25th) at 3 p. m. At that hour I was conducted to the Government House, our carriage passing through two short streets which were lined on both sides with infantry. At the Government House I was awaited by the junta, the cabinet, the supreme court, and all the military officers of high rank in the Republic. My reception was marked by dignity and modest good taste shown by the Government. A military band played the Star Spangled Banner as I entered and when I retired from the Government House.

In response to my remarks Doctor Arango, for the junta, read a reply; a copy and translation you will find herewith, marked "Inclosure 3."

The entire consular corps was present at the reception, with the exception of the Central American consuls and those from Chile and Argentina. * * *

My reception to-day was in every way marked by a dignified, grateful respect and regard for our country, and was therefore very gratifying to me.

I have the honor to be, sir,

Very respectfully, your obedient servant,

WM. I. BUCHANAN.

[Inclosure 1.]

Mr. Buchanan to the minister for foreign affairs.

PANAMA, December 23, 1903.

SIR: I have the honor to advise your excellency of my designation by the President as envoy extraordinary and minister plenipotentiary of the United States of America on special mission to your excellency's Government, and to inclose herewith an office copy of the letter I bear from the President accrediting me in such capacity.

I beg to request your excellency to be good enough to designate a time at which I may have the honor to present the original to their excellencies, the members of the junta of the provisional government of the Republic of Panama.

I have the honor to be, sir,

Very respectfully, your excellency's obedient servant,

WM. I. BUCHANAN.

[Inclosure 2.]

Mr. Buchanan to the minister for foreign affairs.

Confidential.]

GRAND HOTEL,
Panama, December 23, 1903.

SIR: I beg to inclose for your excellency's information a copy of the remarks I shall have the honor to make to their excellencies, the members of the junta of the provisional government, upon the occasion of my presenting to their excellencies my letter of credence from the President of the United States.

I have the honor to be, sir,

Very respectfully, your excellency's obedient servant,

WM. I. BUCHANAN.

[Copy of Mr. Buchanan's remarks upon presenting his credentials.]

I have the honor to present to your excellencies the letter of credence I bear from the President of the United States of America accrediting me as an envoy on special mission to your excellencies' Government.

I am deeply sensible of the honor thus conferred upon me by the President and profoundly grateful for the opportunity I am thus afforded to meet your excellencies' people and to study the conditions and possibilities of the Republic of Panama.

The advent and the future development and life of this new nation is a subject of keen and kindly interest to the American people, who all wish for your excellencies' people and country that wide progress and advancement which peace, quiet, and economy bring to all countries.

I am charged by the President to express to your excellencies his fervent wish that these benefits shall come to the Republic of Panama, and that happiness, contentment, and prosperity may abide with your excellencies' people.

[Inclosure 3—Translation.]

SIR: The junta of the provisional government of the Republic of Panama receives from your hands with lively satisfaction the letter of His Excellency the President of the United States of America which accredits you before this new nation as special envoy of your Government. By this the greatest Republic of the American continent dignifies its appreciation of the least as an equal with her sister republics of the New World, thus clearly manifesting the high spirit of justice which animates the great people of the north, in whose favor our people extend their best wishes and their best intentions.

The junta of the provisional government of the Republic of Panama considers the selection by the United States Government of one who, like yourself, unites in himself such marked personal and public qualities as to enable him to duly appreciate the present conditions of our country as a high mark of deference. Your presence

in our midst will be the means, if that be possible, of more closely linking the two nations together in sincere friendship and accord.

Notwithstanding we know that the people of your country are interested in the existence and development of this nation, it has been especially gratifying to this junta to hear the fact repeated by the official representative of that people, as great as they are generous and as free as they are well ordered. We pray the Almighty that, as you have said, the benefits of progress, the advancements from peace, and the emoluments of order—the harvest the people of Panama aspire to—may follow, if possible, along the luminous path set by your country with marked advantage for humanity.

You can assure His Excellency the President of your nation that the Government and people of Panama thank him for his good wishes for this Republic, and that we in return fervently hope that all good may come to his people and to himself.

HISTORY OF UPRISING IN PANAMA AND ESTABLISHMENT OF REPUBLIC.

Mr. Buchanan to Mr. Hay.

No. 6.]

LEGATION OF THE UNITED STATES
ON SPECIAL MISSION,
Panama, December 27, 1903.

SIR: In view of the opinion held by some of our people to the effect that the revolution here had nothing at the base other than the canal question and that no serious dissension has existed in Colombia between the Bogotá ruling element and the different departments (or States), the inclosed clippings will interest you, I am sure.

The first is a translation of a remarkable letter recently written the Colombian minister of war by one of Colombia's best known and most valiant generals—Gen. Leopoldo Triana—now in command of a division (by rank) and actually president of the council of the capital of the Department of Cauca.

The weak hold on the nation exercised by the Bogotá government can be appreciated when one stops to realize that a letter such as the one I inclose can be written by an officer of the army to his Government and the writer escape punishment; it also indicates the extent to which secession from the Bogotá government has grown in the Department of Cauca.

As a most significant evidence of the fact that Bogotá fully appreciates the national situation now and is anxious by any means to avert further breaking away from the central Government, on the part of departments, the second inclosure herein will most certainly attract your attention.

It is, as you will note, an order from the Bogotá Government to all governors to immediately call for an expression from their different municipalities as to the urgency of some constitutional reforms and as to how they believe these shall be brought about. It is of course possible that this course may have been adopted by the Bogotá Government in order to gain time to work out some plan, but is more probable a necessary step they were obliged to take to save a critical condition in several of their departments, notably in Cauca.

I have taken the copy of the order from El Rigoletto, of Barranquilla, under date of December 16. I have made a translation of the order, which I also inclose.

I have the honor to be, very respectfully, your obedient servant,

WM. I. BUCHANAN.

[Inclosure 1.]

[Panama (Republic of Panama) Star and Herald, Friday, December 25, 1903.]

RES NON VERBA.

CALI, *November 20, 1903.*

Your excellency asks me, in a telegram of the 16th, whether it is true that I am propagating in the Cauca the idea of separation, and I am called upon to state frankly my views in this respect, and, with the characteristic frankness which your excellency acknowledges in me, I make this statement: It is true that I have written something like a dozen letters drafted on the same model as the one that was sent from Buenaventura to General Velasco, and sent by him to your excellency.

I have thought and do think, honestly, that the Cauca is in need of exercising in the nation the influence to which it has a right, in order that its legitimate interests be duly respected and cared for and to put a stop to the practice of abusing, as hitherto, the good faith and patriotism of its people, with detriment to its well-being and its hopes of progress. * * *

Watching attentively the march of national affairs, especially after the reestablishment of order in June last, I am persuaded by patriotic considerations that there is need of modifying the ultra central system in order that the Government may not put aside the interests of the departments, a system which has naturally been a cause for the separation of Panama and has germinated the same idea in the rest of the departments.

The voice of the Cauca, the great champion in time of war and the most despised at the time of reward, has had no weight at Bogotá, where we are treated as a horde of savages or a flock of sheep.

Innumerable are the recent scandalous acts which reveal the corruption of the national metropolis, where a traffic is carried on in which the conscience and everything else is involved, and which makes it abominable for people who anxiously desire peace and tranquillity to work with the hope of reaping the benefit of honest labor. The general attention there is given up to absorbing, like a huge sponge, the political combinations in which, however, no idea tending to the well-being of the public is ever considered, but only such as redound to preserve and acquire influence to be subsequently productive of pecuniary gain to those who dispose of the faith of the country for their own personal benefit.

So long as there is no public administration; so long as the men at the head of the Government do not persuade themselves that they are the agents of a free people, we shall continue sliding down the slippery slope of dissolution, thus shattering the bond of union honestly implanted by the delegates of 1886.

I am in favor of federation as the only means of preserving the national union, as it is only in this way that the different sections can be protected against the political, financial, and electoral trusts of the capital, and the only way of attending to their wants and stimulating the youth of the provinces not yet contaminated by the leprosy of the capital or by the corrupting mercantile spirit.

Public instruction, in a professional sense, has absolutely disappeared in the Cauca; the present generation, according to the opinion of a well-known writer of Antioquia will not encumber history.

In the new order of things the Government could reserve to itself the political direction of the country; the keeping of foreign affairs on a footing of open and honest friendship with all countries, especially with our neighbors; unification of the metallic coinage, the unity of the civil and penal legislation, and the settlement of the foreign debt, so as to uphold our public credit. Other matters would rest with the different sections, be these denominated States or Departments, including the redemption of the paper currency, which is a political and social evil, greater even than the scheme of separation which is bothering our minds.

Since your excellency desired to know my views I have expressed them openly and frankly, in the same way it is my duty to inform your excellency that the indignation is general in the Cauca in consequence of the blunders in Bogotá, and that in spite of information which the Government may have received to the contrary, the idea about separation is almost unanimous; to crush that opinion not a single battalion could be organized, because the outcome would be futile; further, if the Government wishes to keep intact the integrity of Colombia, instead of attempting the task by the use of bayonets it would do well to empower commissions to carry out the work diplomatically, offering something that shall be complied with in administrative matters of municipal life which does not exist, and of civil and political liberty.

The events in Panama being accomplished facts, there is, in my opinion, no other recourse left but to convene a national convention to be composed of the leading representatives of all the political parties in order to come to an agreement as to a modus vivendi and contrive to heal the wounds inflicted on the nation. In that laudable work we shall second the Government without vacillation and without distinction of opinions.

I beg to request your excellency, in a very special manner, to have this telegram brought to the knowledge of His Excellency the Vice-President of the Republic and the cabinet, for it conveys the general feelings of the people of Cauca.

I am, your excellency's devoted friend and compatriot,

LEOPOLDO TRIANA C.,
General of Division.

General Triana, author of the telegram to his excellency the minister of war, above quoted, is a native of Cauca, was chief of division of the Colombian army in that department, and is at present occupying the high position of president of the municipal council of Cali, its capital.

[Inclosure 2.]

BARRANQUILLA, *December 16, 1903.*

The DIRECTOR OF THE RIGOLETTO:

I have just received the following circular, marked "urgent," from the civil and military governor of the department. It is as follows:

CARTAGENA, *December 15, 1903.*

To all prefects and mayors:

I have received the following telegram from His Excellency the Vice-President of the Republic and his cabinet. This is as follows: Circular, official, dated Bogotá. To all governors: Competent citizens of various departments think that reforms must be introduced in our institutions which will tend to decentralize the public administration, and thereby develop the individual life of departments and of municipalities. It is their judgment that the integrity of the country can by this means be guaranteed and every motive for discord and lack of tranquillity be removed.

If such reforms are to follow the regular course provided by article 209 of the constitution, they can only be brought about by the vote of two legislatures, as provided therein.

The Government, always respectful and deferential to national opinion, is anxious to know the views of all Colombians with respect to such reforms and as to whether or not the country desires that they shall be introduced by some other method than that permitted by the constitution. To that end you are urgently requested to direct a communication to the different municipalities in your department, soliciting their opinion concerning the above points.

The vote of each municipality must be properly certified and sent as quickly as possible to the proper branch of each department, and by these immediately transmitted to the Government. God guard you.

JOSÉ MANUEL MARROQUIN.

(Here follows signatures of cabinet.)

The office enthusiastically participates in these ideas inspired for the country's good and for the tranquillity to you. The situation created by the pernicious example of Panama requires careful study and demands of Colombia's faithful sons that they shall forget past wrongs, errors, and unstableness, that they may enter the new pathway indicated, wherein lies the good and the upbuilding of our country.

For these reasons the determination taken by the national Government without reserve deserves the applause of all, since it points to the introduction of reforms in our institutions which will bring about the decentralization of the departments and municipalities and at the same time carry away all motives of discord and guarantee the integrity of the Republic.

The present is an hour calling for concord, patriotism, and for frank and full reconciliation. Colombia is now passing through an exceptional crisis, which can only safely be soived by the free and genuinely authentic force of public opinion. The imminent gravity of the problem of making the nation, now honeycombed with

the dissensions of partisanship, into a stable, solid entity, capable of victoriously taking care of every eventuality of the future, is apparent.

These things counsel us to promptly remedy existing evils, but this will come too late if the reforms desired were to be introduced through the medium provided by article 210 of the constitution, which says: "This constitution may be amended by a legislative act, after discussion and approbation by Congress and by this being transmitted to the Executive power and with that approval returned to the next Congress, wherein it must be debated and approved by two-thirds of the votes of both Houses."

This office desires, therefore, that you will immediately proceed to make the above noble aspirations of the Executive power known to all citizens, making use of all the postal and telegraphic facilities of the nation to this end, and that you will cooperate actively with the municipalities and see that these without delay carry out the important mission thus confided to them on this solemn occasion by the national Government, by giving their conclusion with respect to the necessity and urgency of such reforms and as to whether they desire to have them introduced by methods different from those permitted by the constitution.

I request you to immediately send the results to this office by special messenger.

JOSÉ FRANCISCO INSINARES.

(Here follow signatures of departmental cabinet.)

(Here follow orders from prefect to all mayors of provinces to see that this order is carried out.)

Mr. Buchanan to Mr. Hay.

No. 7.]

LEGATION OF THE UNITED STATES
ON SPECIAL MISSION,
Panama, December 28, 1903.

SIR: I beg to inclose herewith two copies of a pamphlet recently issued here and accredited by everyone with whom I have talked as an accurate story of the uprising here, to which I direct your attention. I believe it would be well to have parts of it translated and given to the press, since it tends to strongly show how long the separatist sentiment and the intention to bring it about have lain dormant hereabout. * * *

I have the honor to be, very respectfully, your obedient servant,

WM. I. BUCHANAN.

REPUBLIC OF PANAMA,
DEPARTMENT OF FOREIGN RELATIONS,
Panama, December 18, 1903.

MR. RAMON M. VALDÉS, *Present:*

The council (junta) of the provisional government of the Republic has received with great satisfaction the pamphlet you have been good enough to publish, concerning the history and causes justifying the secession movement effected November 3, last, which has resulted in the definite establishment of this Republic as a free and independent nation. I therefore take the liberty of manifesting to you the complete approval that such a historic work deserves because of its faithful exposition of the facts, the lofty sentiments which it contains, and the interesting data and official documents collected by you with such perseverance and skill.

I am, sir, your obedient servant,

F. O. DE LA ESPRIELLA.

THE INDEPENDENCE OF THE ISTHMUS OF PANAMA—ITS HISTORY, CAUSES, AND JUSTIFICATION.

There has been no lack nor will there be a lack of persons who will take upon themselves the task of maintaining that the Isthmus of Panama has been happy under the domination of the Government of Colombia; that the prevailing sentiments of the natives of this beautiful land, which serves as a bridge for the civilized world, have been and are of perpetual adhesion and of cordial gratitude to the Colombian nation for the great benefactions it has given us, in order to conclude with the demonstration that the secession movement, carried to such a successful termination on the 3d of the present month, is not the spontaneous outcome of the popular will, but a momentary aberration skillfully produced by a few bold speculators who sacrifice the purest ideals to the ungovernable desire of making or augmenting their fortunes out of the construction of an interoceanic canal.

Others, or perhaps the same persons, will attempt to prove that the first and only author of the transcendent event is the colossus of the North, who has overcome our loyalty to Colombia for the purpose of revenging itself for the rejection which that nation made of the Hay-Herran treaty, and which the former considers an unpardonable offense.

This must happen as we predict, and for that reason the time is opportune to state the truth, to reveal facts which it concerns the entire world to know, and to infuse even into the minds of the most incredulous or blind the conviction that the act executed on November 3 last is the logical sequence of a situation already unendurable, the solution of a grave and vexatious problem, the sincere, firm, definite, and irrevocable manifestation of the will of the people.

1. It would not be just to censure the heroes who emancipated us from the power of Spain by their determination to annex the Isthmus to the Republic of the Great Colombia, which seemed to rise all powerful and with a future full of promise and prestige out of the epicycle of independence. Under identical circumstances we of to-day would have acted in like manner; but it is well to bear in mind that the question of selecting a South American nation to which the Isthmus should unite was the cause of passionate and continued deliberations of patriotic statesmen. The uncertainty that a small country, sparsely populated, could maintain itself alone without danger to its sovereignty, and the fact of our country being contiguous to that of Colombia—although the vast extent of intervening territory was then, as it is now, a wilderness, without means of communication, and delivered up to the almost absolute dominion of the wildness of nature—were sufficient reasons for our forefathers to resolve to unite the provinces of the Isthmus to the republican state mentioned, contenting themselves with the sole means of maritime communication for the purpose of maintaining intercourse and communication with a government situated in the interior of the continent, hundreds of leagues distant, on a table-land of a chain of the Andes exceedingly difficult of access.

These physical disadvantages to which we have alluded were further complicated with others of a different character and exceptionally grave. Colombia was organized with a central government which boded ill to the Isthmus, inasmuch as that Government, leaving the provinces in a state of abandonment so much the greater because of their distance from the capital, took from them at the same time the means and resources of satisfying their wants and subjected them to a complete state of enervation. Deputies of the two isthmian provinces—Panama and Veraguas—attended the federal congresses, but the isolated action of these deputies could accomplish nothing for the well-being of their provinces, and their functions were reduced to the sharing of political responsibilities due to the operation of the established system.

As a climax of misfortunes the Granadines, like the Venezuelans, proved to be men opposed to every system of orderly government, and showed themselves to be a turbulent race with secession tendencies. Soon after independence was obtained the first symptoms of anarchy were noted, internal revolutions flourished, as did also the darkest of machinations, which wrung from the liberator, Simon Bolivar, that memorable expression, "I do not yet discern happiness for my country." The confusion of ideas was inexpressible. Some Colombians began to think, and even proposed the establishment of a monarchy in the country. This scheme had many proselytes, and the liberator (Bolivar), opposed to all monarchical ideas, declared that it was necessary to seek the protection of a foreign power.

The contemplation of that lamentable state of affairs caused a Colombian historian to record this melancholy thought: "Colombia had lived her years of fame and glorious deeds so fast that, child as she is, she has arrived at a premature old age."^a

^a Quijano Otero.

The spirit of disgust which was noticeable on the Isthmus was general, and regret at what had been done dominated the thought of our most prominent men. The tendency toward the separation of the Isthmus had its inception at that time on, and in 1830, nine years after the voluntary annexation to Colombia, it was rudely manifested in a popular gathering, convened in this city by Gen. José Domingo Espinar, a Panaman by birth, a distinguished military leader of the epoch of independence, and at the time intendent or governor of Panama, and one of the most enthusiastic partisans of the idea of separation.

The memorable resolution of that patriotic assembly contained the following recommendation: "Separation from the rest of the Republic, especially from the Government of Bogotá."

The first sectional impetus did not fail to be recorded in the annals of Colombia, and the same historian whom we have already mentioned describes it as follows:

"The picture of the Republic, which the liberator was already beginning to see between the shadows, was lamentable. The Congress of Venezuela, his country, demanded his expulsion; Montilla came to his support at Cartagena, and his example was followed by Espinar in Panama, and by the sons of the valiant Mompox. From various places in Venezuela he received enthusiastic encouragement to accept the challenge. Río Hacha rose up against Bolívar and asked assistance of Venezuela, and Carujo set out with a force that was soon to give battle to Coronel Blanco at San Juan de Cesar. The Atlantic provinces went so far as to consider the establishment of a fourth state, and Panama went to the untenable extreme of advocating annexation to Great Britain."

Yielding to the entreaties of the illustrious liberator, the Panamans assuaged their vehement desire of separation and submitted to the Federal Government, confiding all to the genius and sublime patriotism of their great South American chief.

II. But the sentiment was not and could not be extinguished, inasmuch as the causes producing it not only continued to exist, but were greatly aggravated. In 1840, as soon as a number of the provinces rebelled against the central Government of New Granada, the people of this capital also rose in rebellion, on November 18 of that year, led by the then Col. Thomas Herrera, for whom the future had in store such a brilliant career, and again proclaimed the independence of the Isthmus, leaving proof of that fact in an authentic popular proclamation. The idea of separation was looked upon with such favor that all the people of the isthmian provinces at once supported the proclamation and sent delegates to the convention which met soon thereafter in this city to establish the political bases of the independent state and to organize the federal government.

Our countrymen will read to-day with interest and enthusiasm the fundamental law which that admirable convention adopted and which we insert, as follows:

FUNDAMENTAL LAW OF THE STATE.

The convention of the State of Panama, considering—

First. That the majority of the provinces has expressly rebelled against the central Government, separating themselves from it and proclaiming the federation, completely breaking thereby the social compact of 1832.

Second. That while the Republic is being reconstituted in conformity with the vote of the people the Isthmus can not remain indifferent to its lot, but that it must employ, at least provisionally, the proper means for obtaining its security and welfare.

In conformity with article 15 of the popular will of November 18 last, decrees:

ARTICLE 1. The cantons of the ancient provinces of Panama and Veragua shall compose an independent and sovereign State, which shall be constituted as such by the present convention under the name of "State of the Isthmus."

ART. 2. If the organization given to New Granada be federal and suitable to the interests of the people of the Isthmus, the latter shall form a State of the federation.

SOLE PARAGRAPH. In no case shall the Isthmus be incorporated into the Republic of New Grenada under the central system.

ART. 3. The convention shall accredit two commissioners to the body which duly represents the provinces that composed the Republic of New Granada in order to negotiate for the incorporation of the State of the Isthmus to the federation which the former comprise. The convention shall issue by a special act the instructions which these commissioners shall follow, and shall arrange everything relating to this matter.

ART. 4. No community which, separating itself from any of the provinces of the federation and which desires to incorporate itself into the State, shall be received in it. Neither shall any of the communities who up to the present time have belonged to the ancient provinces of Panama and Veragua be permitted to separate themselves from the State of the Isthmus.

ART. 5. The State of the Isthmus recognizes and offers to pay in proportion to its population the proportion of the internal and external debt due at the present time by the Granadines, and also offers not to divert from their purpose the funds destined to the public treasury.

Given in the hall of sessions of the convention.
Panama, March 18, 1841.

The President,

JOSÉ DE OBALDÍA.

The vice-president, representative of Panama,

MARIANO AROSEMENA.

The representative of the canton of Alanje,

JUAN MANUEL LÓPEZ.

The representative of Bocas del Toro,

JOSÉ PALACIOS.

The representative of Bocas del Toro,

JOSÉ MARÍA TRIVALDO.

The representative of La Chorrera,

BERNARDO ARZE MATA.

The representative of La Chorrera,

JUAN BAUTISTA FERAUD.

The representative of El Darien,

MANUEL JOSÉ BORBUCA.

The representative of the canton of Darien,

MARIANO AROSEMENA QUEZADA.

The representative of Nata,

MARCELINO VEGA.

The representative of Nata,

SATURNINO CASTOR OSPINA.

The representative of Parita,

JOSÉ GARCÍA DE PAREDES.

The representative of Parita,

ANTONIO AMADOR.

The representative of Panama,

JOSÉ MARÍA REMÓN.

The representative of Portobelo,

RAMÓN VALLARINO.

The representative of Portobelo,

ANTONIO NICANOR AYARZA.

The representative of Los Santos,

JOSÉ MARÍA GOITIA.

The representative of the canton de los Santos,

FRANCISCO ASPRILLA.

The representative of the canton de Santiago,

JOSÉ FÁBREGA BARRERA.

The representative of Santiago,

NICOLÁS OROSCO.

The secretary of the convention,

JOSÉ ANGEL SANTOS.

Panama, 20 of March, 1841.

Let it be published, circulated, and observed.

[L. s.]

TOMÁS HERRERA.

Por S. E. el Jefe del Estado, el Secretario General,

JOSÉ AGUSTÍN ARANGO.

The convention, which remained five months in session, adopted laws governing all branches of the public service, and legalized the power intrusted to the skill of Col. Thomas Herrera, heart and soul of the movement, and to Dr. Carlos de Icaza, who were accompanied by, as assistant and general secretary, the talented, intrepid, and spirited patriot, Mr. José Augustin Arango.^a Of those acts the following, which we insert herewith and which seem to receive new life from contact with the exciting events of the present time, are worthy of mention:

^aHis son, of the same name, is one of the members of the present junta of the Republic of Panama.

DECREE GRANTING A MEDAL OF CIVIC HONOR TO COL. THOMAS HERRERA.

The constituent convention of the State of the Isthmus, considering:

First. That Col. Thomas Herrera is worthy of the gratitude of his fellow-citizens because of his able cooperation in the political transformation, proclaimed on that celebrated and memorable day, the 18th of the month of November, 1841, and for the administrative skill with which the provisional government of the State intrusted at that time to his wisdom and genius, has been conducted;

Second. That these services are worthy of remuneration by the representatives of all the Isthmian people, decrees:

SOLE ARTICLE. Col. Thomas Herrera is granted a gold medal to be worn on his left breast, suspended by a tricolored ribbon. This medal shall be of an elliptical form, 15 by 11 lines in diameter, and shall bear on its obverse side, in raised letters, the following inscription surrounded by a wreath of laurel: "Soldier citizen," and on the reverse, in the same manner, "The convention of the people of the Isthmus in 1841," all in the manner indicated in the description accompanying the decree.

Given in the hall of sessions of the convention.

Panama, April 6, 1841.

The President,

NICOLAS OROSCO.

The Secretary,

JOSÉ ANGEL SANTOS.

Panama, April 20, 1841.

Let it be published and duly observed.

[SEAL.]

CARLOS DE ICAZA.

For his excellency the vice-governor of the State in charge of the Government, the general secretary,

JOSÉ AUGUSTÍN ARANGO.

DECREE CONCERNING THE FLAG AND COAT OF ARMS OF THE STATE.

The constituent convention of the State of the Isthmus, decrees:

ARTICLE 1. The State of the Isthmus shall continue, for the present, to use the flag and coat of arms of New Granada.

ART. 2. All official acts which formerly read Republic of New Granada shall in future read State of the Isthmus.

Given in the hall of sessions of the convention.

Panama, April 26, 1841.

The President,

MARIANO AROSEMENA.

The Secretary,

JOSÉ ANGEL SANTOS.

Panama, May 4, 1841.

Let it be published and duly observed.

[SEAL.]

THOMAS HERRERA.

For his excellency the governor of the State, the general secretary,

JOSÉ AUGUSTÍN ARANGO.

The constituent congress of 1841 was, as has already been stated, composed of a brilliant personnel of Isthmians, surpassing all the other delegations in ability and political and social prestige. The Isthmian members of that congress were venerable representatives of distinguished families, and the plan of emancipation which they advocated with such firmness and vigor was to be, as it has been, a moral heritage which their successors have cherished and preserved.

The numerous gaps shown in the history of Colombia concerning the political events which succeeded each other in the second half of the last century have prevented us from discovering the details of the reincorporation of the Isthmus of Panama to the Republic of New Grenada, as it was then called. But we know that that reincorporation was the result of diplomatic negotiations, which took place in this city in 1842 between the government of the State of the Isthmus and the Granadine Government, represented by Gen. Thomas C. de Mosquera, in which negotiations the latter, in his official capacity, made liberal promises concerning political and

administrative decentralization, in order that the people of the Isthmus might themselves attend to their wants and interests, and expressed a hope for better and more favorable times for New Granada.

III. These promises were fallacious, inasmuch as a new constitution was adopted in 1843 which was nothing more than a copy of the former one, with alterations and modifications even more despotic and centralizing, and in which there was no provisions for creating in Panama a government adequate to its standing and requirements. The civil wars brought only very short periods of truce to the distressed people and devoured with vertiginous fury the private riches in search of public wealth.

But the ceaseless clamor of the Isthmians and their protests, which burst forth at times with relentless fury, convinced the Granadines at last that in order to prevent Panama—wounded to insensibility by a sense of danger—from unyoking herself from the cart which was so stealthily being drawn toward the abyss, it was necessary to grant her a special government, formed and organized by her own people, with partial autonomous powers, committing to her hands the charge of guiding this isolated region to the goal of its destinies.

Our countrymen of a former generation should have exclaimed "better late than never" when the act of February 27, 1855, was promulgated, which act amended the Granadine constitution of 1853, under which the sovereign federal State of Panama was created, while all the other Granadine provinces remained bound to the post of centralism.

The names of the illustrious citizens who filled the executive office in Panama from 1855 to 1860—Justo Arosemena, Francisco de Fábrega, Bartolomé Calvo, Ramón Gamboa, Rafael Núñez, and José de Obaldía—justify the affirmation that the administration of the government in that territory during said period of five years resulted in all the good that could reasonably be expected of it. It proved, nevertheless, insufficient to satisfy the patriotic aspirations of the people and to remedy the evils which oppressed the Isthmus, inasmuch as the sovereignty granted to the State was illusory, since in fact it was limited by powerful restrictions, which maintained between the State and the nation the bond that unites the serf to the lord whose plans he follows and to whom he must give the best he possesses as an inexcusable tribute.

In 1858 the federation of New Granada was established in a general manner, but the following year it was thought necessary to lower the sails for fear that the ship of state would take with too much impetus a direction that many thought dangerous to the power of the central government. In 1859 the national congress passed several laws, among them an election law, which greatly abridged the powers granted to the States and which was in conflict with the federal constitution of 1858.

The State of Cauca, led by General Mosquera, rose in rebellion, disavowing the laws which threatened its liberties and refusing obedience to the Government at Bogotá. Immediately thereafter Bolívar, Santander, and other States rebelled, taking for their standard the conquests of the federation, and a desperate and terrible struggle between the political parties of the Granadine Confederation ensued.

During that bloody revolution, which was prolonged even after the triumphant entrance of General Mosquera into Bogotá, the State of Panama remained comparatively quiet, inasmuch as there only occurred, on September 27, 1860, the pronunciamiento of Gen. Buenaventura Correoso and other companions, directed, not against the President of the State, but against the intendent, Mr. José Marcelino Hurtado, who was acting as agent of the President of the confederation, Mr. Mariano Ospina, and endeavored to involve the Isthmus in the conflict by assisting the cause of the Government which he served.

Simultaneously with the pronunciamiento of General Correoso, a new agitation was commenced among the people of the Isthmus directed toward its separation from the Granadine Confederation. The distinguished citizen and illustrious patriot, Mr. José de Obaldía, from the high position which he occupied, had categorically declared, in a circular which bears his signature, dated June 4, 1860, that the Isthmus, in order to insure its welfare, had no other course than that which he would adopt of freeing itself forever from the disorganized Granadine Confederation.^a The people were ardently engaged in fomenting a movement which was to give to the Isthmus an autonomous government under the protectorate of the United States of North America, of France, and of England, who found the intent justifiable. This city, that of Santiago de Veraguas, where the famous isthmian, Mr. Francisco de Fabrega, exercised a merited influence, and other towns in the interior of the Isthmus, were active centers of the secessionist movement.

^a Felipe Pérez, *Anales de la Revolucion.*

There was no lack of Panamans, as discreet as optimistic, who, confiding in the foresight and wisdom of the leaders of the Republic, extinguished the ardor of the rebels with the coldness of their counsel.

General Mosquera, having already occupied Bogotá, under the title of provisional President of the United States of New Granada, addressed, under date of August 3, 1861, to the governor of Panama, Mr. Santiago de la Guardia, an interesting message, in which he complained of the attitude taken against him by Mr. José de Obaldia, and, referring to the latter, said:

"The enunciation of these facts will show to you, Mr. Governor, the degree of responsibility which your predecessor incurred. His policy left the position which the inhabitants of the State have intrusted to you full of difficulties. And while his conduct as an official placed the Isthmus in a difficult predicament, the very same citizen comes now in his private character and promotes the secession of the State, thus breaking the fraternal bonds which perpetually unite it with all others in the union, and depriving it in this way of the future awaiting it when becoming, if not the capital, the center of a great confederacy in the world of Columbus."

And then added:

"I trust, Mr. Governor, that in reply to the letter you will advise me that the State of Panama is united to the other States, and that you will send the plenipotentiary who is to take a seat in the Congress, the convocation of which I communicate to you."

The great revolution, led by General Mosquera, had almost dissolved the political and social bonds which united the different ethnical portions of the nation. The States of Cauca and Bolivar, for the purpose of mutually assisting each other, had formed a compact by means of a treaty dated September 10, 1860, and adopted the name of United States of New Granada, and there was a tendency in each section to organize itself as it thought fit.

The occasion was favorable for Panama to constitute itself into a free and independent State. The President, Don Santiago de la Guardia, a loyal isthmian, and an enthusiastic secessionist, realized clearly the advantages of the situation, but he did not resolve to carry out the plan, because he expected to obtain the unanimous consent of all isthmians without dissent. Yet realizing the sincere and powerful feeling of the humiliated people by whom he was surrounded, who were inclined to struggle for their freedom, he deemed it his duty to take advantage of that occasion to declare, in the name of the people he governed, that the Isthmus would not again unite itself to the Granadine nation unless under conditions which would allow it to enjoy the autonomy which its welfare demanded.

Animated by such a spirit, he concluded an agreement in the city of Colon on the 6th day of September, 1861, with Don Manuel Murillo, an eminent public man, sent for that purpose by the President of the nation. Such agreement was to be submitted to the legislature of the State, and in it were stated, by way of stipulations, the demands made by the Isthmus in order for it to continue united to the Granadine nation.

The text of said agreement is as follows:

"The undersigned, Santiago de la Guardia, governor of the State of Panama, on the one side, and Manuel Murillo Toro, commissioner of the Government of the United States of New Granada, on the other side, in view of the circumstances under which the territory of the late Granadine Confederation finds itself at present, and considering the necessity of putting an end to the anomalous condition of this State, whose best interests require the recognition of a national government and the making of a compact of union wherein the federal principles, properly so called, should be duly acknowledged, have agreed to conclude the following arrangement, the execution of which shall depend upon the approval referred to in the last article of the same.

"ART. 1. The sovereign State of Panama incorporates itself into the new national entity called United States of New Granada, and consequently becomes one of the sovereign federal States composing the aforesaid confederation under the terms of the treaty celebrated at Cartagena on September 10, 1860, between the plenipotentiaries of the States of Bolivar and Cauca, to which the State of Panama adheres, with the sole reservations and conditions stipulated in the following articles:

"ART. 2. In conformity with the decree of the 20th of July last, supplementing that of the 22d of March previous, the State of Panama shall send to the capital of the United States of New Granada a representative to the congress of plenipotentiaries for the purpose of ratifying the compact of union, and calling a national convention to frame the constitution, and shall thereby become a member of the aforesaid United States. But the State, in use of its sovereignty, reserves the right to approve

or disapprove the new compact, and the constitution which gives expression to it, in its judgment, the principles established in the treaty of Cartagena of September 10, supplemented by the present one, are violated to the detriment of the autonomy of the States, or if the neutrality granted the Isthmus by the treaty with the United States of North America, in cases of international war, is not recognized in case of domestic struggles, civil wars, or revolts which may arise in the rest of the United States.

"Consequently, and in order to more clearly understand the treaty of September 10 between the States of Bolivar and Cauca, it is peremptorily stipulated:

"1. That there shall be in the State of Panama no other public employees with jurisdiction or command except those authorized by the laws of the State, who shall at the same time act as agents of the Government of the United States of New Granada in all matters which are or should come under their jurisdiction.

"2. That the administration of justice shall be independent in the State, and the acts of its judicial officers shall be final and shall never be subject to revision by other officers in so far as said administration and said acts do not relate to affairs appertaining to the National Government.

"3. The Government of the United States shall have no power to militarily occupy any point of the territory of the State without the express consent of the governor thereof, provided the State itself maintains the necessary force for the protection of the transit of either ocean; and

"4. That all the revenues, property, and rights of the Granadine Confederation in the State of Panama shall hereafter belong to the latter under the conditions stated in the eleventh clause of the treaty of September 10, 1860, between Bolivar and Cauca, except in so far as they may be affected by the obligations, debts, and liabilities incurred by the Government of the old Granadine Confederation and now assumed by the United States, on condition that all that the State should have to disburse or fail to perceive for such reason be deducted from the quota which it has to contribute to the general expenses of the Union, less the value of the public lands which may have to be disposed of by virtue of former promises. No deduction shall be made on account of this value.

"ART. 3. The territory of Panama, its inhabitants and government, shall be recognized as perfectly neutral in the civil wars or rebellions that may break out in the remaining portion of the territory of the United States, under the conditions specified in article 35 of the treaty with the United States of North America and in accordance with the neutrality of foreign nations as defined and established by international law.

"ART. 4. It is furthermore agreed that the neutrality mentioned in the preceding article shall, from now on, be scrupulously observed. Therefore the State shall take no part whatever, either in favor of or against the Government of the Union, while the latter is attacked by the adherents of the defunct Confederation and of the Government which represented it. Nor shall the State of Panama be bound to contribute by means of forced loans or special taxes in order to pay expenses made or to be made in the struggle now going on in the other States.

"ART. 5. The Government of the United States of New Granada shall recognize the expenditures made, or ordered to be made, up to the present date in the State of Panama for government purposes, provided that they are duly verified and authorized by the laws which were in force in the Confederation. The Union shall likewise recognize the expenditures which are absolutely essential to discharge and send home the men composing the garrison which, in the name or on account of the late Granadine Confederation, still exists in the city of Panama.

"ART. 6. Persons confined in jail or detained in any other manner, with or without a trial, for causes arising out of the civil war waged in other States, shall be given immediate and complete liberty.

"ART. 7. The vessels, arms, and other elements of war that may have been acquired with the funds of the late Confederation shall be placed at the disposal of the Government of the United States as property of the nation.

"ART. 8. The present agreement shall be submitted for examination and approval to the legislative assembly of the State of Panama at present in session, without which approbation said agreement shall not be put in force.

"In testimony whereof we sign two copies of the present agreement at Colon on the 6th day of September, 1861, which copies shall be attested by the Secretary of State.

"S. de la Guardia,

"The Secretary of State,

"M. MURILLO.

"B. ARZE MATA."

The legislative assembly of the State approved the treaty by a law of October 15 of the same year, which concluded with the following special provision for the purpose of protecting the interests of the Isthmus:

“* * * The governor of the State is authorized, upon the reestablishment of the Republic, to incorporate said State into the Republic: *Provided*, That the same concessions made by the agreement of September 6 ultimo are granted to said State.”

IV. Peace having been reestablished in the country in 1863, the great national convention to be held and which was held in the city of Rio Negro, State of Antioquia, for the purpose of making a new constitution for the Republic, was called. Messrs. Justo Arosemena, Buenaventura Correo, Gabriel Neira, Guillermo Lynch, José Encarnación Brandao y Guillermo Figueroa attended said constitutional convention as delegates of the Isthmus, and these gentlemen were carried away, willingly or unwillingly, by the wave of enthusiasm which sprung up among the delegates when discussing the draft of constitution, in which the federal organization established in the United States of North America was adopted for the Republic.

Without bearing in mind that the happiness and progress produced in that great country by its institutions are the result of a combination of circumstances quite different from ours, the members of the convention believed that they had discovered the wonderful expression of political perfection, and thought that nothing more was necessary to secure for the different entities of the Republic the calm and prosperity so much desired by them. The engagements entered into by the Republic in favor of Panama in the Guardia-Murrillo agreement were naturally rejected by the convention as undesirable disturbers of the harmony of the union.

The constitution of Rio Negro grew up as a luxuriant tree in the soil of the United States of Colombia, extending its branches over the nine confederated entities. But soon afterwards the Isthmian people discovered that this tree was growing in a stormy atmosphere, that it was nourishing itself with poisonous substances, and throwing an unwholesome shade. They noticed at the same time that one of its roots was extending vigorously and deeply in the territory of the Isthmus, absorbing its rich sap and spreading contagion of a frightful disease which seems to be congenial as well as chronic in the Colombian soil.

According to the constitution the election of the President of the Republic was to be made by the vote of the States, each State having one vote, which was that of the majority of its own electors under its law. The Congress, consisting of senators and representatives elected by the States, was to declare elected as President the citizen who had obtained the absolute majority of the votes of the States.

Such principle established in the supreme law and the authority granted therein to the executive power of the union to organize and maintain public force which was to be at his service in the States, were causes which largely contributed to the great disaster which befell the whole Republic, and especially Panama, but the principal factor, the factor chiefly responsible for all the evils, consisted in the ambition of command, the political fanaticism characterized by a ferocious intolerance, and the revolutionary spirit accustomed to all kinds of violence which, save in marked exceptions, seem to be inherent to the public men of Colombia, whether civil or military.

Inasmuch as the sectional governments exercised an inevitable influence over the result of the popular elections, whenever the time came to replace the presidents of the States, or to appoint a successor to the supreme commander of the nation, or to select, by the vote of the people, the senators and representatives who would contribute by their votes in the Congress to finally declare the election of said commander, the national public force quartered in each State devoted itself with frenzy to the immoral and unlawful task of restraining or violating the suffrage in order that there might be in the States, derisively called sovereign, only humble servants of the controlling political circle at the capital and in order that the final vote of each section might be given in the direction most convenient to the interest of such Bogotánian political machine.

If we add to the above the fact that the presidential election has been unwisely and arbitrarily regulated by short periods of two years, it will be easily explained why the evil with which the Colombian nation was afflicted became still more serious and deep. None other was the origin and cause of the general wars which broke out with fury, the collisions, scandals, headquarter revolts, insurrections, the iniquitous overthrowing of the regional presidents, all that series of tragical and mournful events which developed in the Isthmus of Panama during a quarter of a century and all of which can be traced directly or indirectly to the governors of Colombia, who caused the misfortune and unhappiness of the people of this land.

All the natives of Panama are aware of the accuracy of this statement, and it is only because we fear that outside of our territory our veracity may be doubted that

we present the following official and authentic testimonials, taken at random from among a great many other proofs.

Let the first be the famous reply, overflowing with indignation, which Dr. Pablo Arosemena, a distinguished statesman of Panama, who was audaciously overthrown from the presidency of the State because he would not approve and support the electoral schemes of a president of the nation addressed to Gen. Sergio Camargo, who carried out said outrage when the latter made known to the former his (Camargo's) scandalous intimation. Doctor Arosemena's reply is as follows:

UNITED STATES OF COLOMBIA, SOVEREIGN STATE OF PANAMA,
Panama, October 12, 1875.

To the Chief Commander of the Army of the Union.

SIR: I have just received, with your memorandum of this date which bears no number, the resolution which you have dictated to-day, wherein you brand me as an enemy of the general government, threaten me with arrest, and demand from me the disarming of the force which protects and maintains my government, and the surrender of all the elements of war.

In spite of all the outrages committed by the Government of the Union and by its agents, I have been surprised by the resolution which you communicated to me, which would cause a public protest even in Turkey, and which has been issued after I had been repeatedly informed by you that you would recognize my government as legitimate, that you would communicate with it, and that the rebels who might attack would receive no help from you.

This attitude proves to me that you strictly followed the policy of the Government under which service you are, which humiliates when it pretends to promote, interferes barefacedly and impudently when it pretends to yield, breaks into pieces the constitutions when it boasts of defending them, and breaks the bonds of union when it boasts and brags of strengthening them.

I refuse to become a prisoner in my own house, as well as to maintain the arrest that you pretend to impose on me by the authority of the Colombian guard at your command. Having no force to resist you, I have to limit myself to protest against the enormous outrage of which you make yourself responsible, and which is nothing but a new blow struck against the institutions, and which shows the absence of the spirit of justice and affords a new stain to the political title which has already reaped so abundant a harvest of this rare laurel.

I also protest in the name of my country, which is to-day humiliated, and which in happier days was also to resist the liberator of five republics, the man who now lives in history and who honored in Cuaspud the national colors, and against this lost power which has replaced the whole chapter of individual guaranties with the right of war.

The chief commander of the garrison will deliver to your forces all the elements of war at his disposal.

PABLO AROSEMENA.

That audacious act also give rise to the following protest of the legislative assembly of the State:

"The legislative assembly of the sovereign State of Panama:

"Whereas by the imprisonment imposed on the constitutional president of the State by Gen. Sergio Camargo, general in chief of the Colombian guards, supported by the national forces, said distinguished citizen can not fulfill his functions;

"Whereas the same general has substituted a de facto government for the constitutional government, ignoring the alternates;

"Whereas in the absence of the constitutional president the assembly has no one with whom it may communicate constitutionally for the sanction of the laws;

"Whereas the Colombian guard has given earnest aid to the rebels against the legitimate government of the State, in violation of the national law of April 16, 1867, on public order;

"Whereas the attack of the sovereignty of the State and the change of government was effected by the Colombian guard,

"Be it resolved, To protest, as it does protest, before the nation and as becomes the honor of the State, against the outrage committed by the chief of the Colombian guard by the imprisonment of the constitutional president, changing the government of the latter for a de facto government and destroying the sovereignty of the State, which from this moment is left at the mercy of the chief of said Colombian guard and of the revolutionists whom it has welcomed under its protection, to denounce the outrage to the federal powers and to the governments of the other States of the Union,

and to suspend its ordinary sessions until the constitutional regimen shall prevail again in the country.

"Panama, October 12, 1875.

"J. M. Alzamora, J. M. Casís, Claudio J. Carvajal, Joaquín Arosemena, Waldino Arosemena, Manuel Paulino Ocaña, J. Bracho, Manuel Marcelino, Herrera, Mateo Iturralde, Domingo Díaz, Francisco Olaciregui, B. Vallarino, Alejandro Arce, Carlos Y. Arosemena, C. Arosemena, José E. Braudao, Antonio María Escalona, José Maques."

In 1882 the president of the State, Señor Dámaso Cervera, in his message to the assembly, briefly described in the following eloquent terms the situation created on the Isthmus:

" * * * As will be readily understood, the result of a frank and friendly policy were necessarily favorable to the order and the stability of the government of the State, which generally was the victim of the improper influence of public officers of the nation who were sometimes purposely and premeditatedly appointed, without due regard to the permanent interests of the country, and, what is still worse, with the deliberate purpose of annoying or attacking the government of the State.

"Many and very frequent have been the scandals by which a Federal policy, different from that recently put in practice, have taken away from this privileged soil even the hope of obtaining a tranquil, peaceful life under the protection of the law. And the worst of it all is that to Panama has almost always been charged before the civilized world the serious sin of the responsibility of these acts, and this in spite of the fact that but for the generally noble nature and character of its sons, the habits of work and activity would have been lost and the most trivial of public good would have been unknown, carrying us surely to barbarism.

"The administration of the State in 1878 has already knowledge of the great irregularities which were the direct cause of the most serious disorders in Panama. * * *"

In the following year, in another message, with an optimistic spirit, he said:

"I think that the time in which the Colombian guard used to overthrow constitutional government has passed, but so long as the law on public order is subject to captious interpretations by the officer charged with the enforcement thereof, the national governments, which are exclusively supported on such force, are liable to succumb when least expected, should it be convenient to the political interests of the chief of the union."

Upon the investigation of the general causes of the unfortunate condition of Colombia, Señor Victorino Lastarria, an impartial Chilean writer, in a book published in 1867, expressed his opinion, which was reproduced as a true one in *El Porvenir* of Cartagena in 1886, and of which opinion we will quote here only the following paragraph:

" * * * To this should be added the absolute lack of notions and habits of justice and morality in people educated under a regimen in which everything was justified by law or force, and we will have an explanation of the frenzy and cruelty with which parties have been persecuted, and how easily have they thought lawful every means of hostility, every exclusion, every attack on the rights of others, even by men who, because of their personal integrity, would not in their private relations allow such acts. This lack of political integrity and that lack of respect for the opinions and interests of adversaries, constitute two reminiscences of the Spanish civilization which have neutralized the democratic conditions of the Colombian people and which have given to its revolutions an atrocious character and a singular demoralization which deprives the institutions and the reforms of all their value."

And in 1862 Dr. Rafael Nuñez, who was about to be elected for the fourth time to the presidency of the Republic, in order to influence the people toward the reform in the institutions which he advocated, summed up the political history of Colombia in the following significant conclusion:

"In the course of nearly forty years of our political life, since 1832, the maintenance of public order has been, I regret to say, the exception, and civil war the general rule."

If, in a political sense, the guardianship of Colombia was so fatal to the Isthmus, it was not less so in an economic and fiscal sense. The institutions only left to the State property and revenues of scant importance to meet its most peremptory wants, while the nation enjoyed the most valuable receipts and revenues. The Isthmus being most advantageously situated for carrying on the trade of the world, it seemed fair to let it enjoy to a sufficient extent those means of prosperity with which she was bountifully endowed by nature. But it was not without great efforts that the Isthmus obtained the right to receive one-tenth of the revenues derived from the inter-oceanic railway; and as regards the contracts made for excavating the canal in our territory, the Isthmus was excluded from all participation in the immense profits which said contracts have produced to the Colombian nation.

Under the federal régime of 1863 to 1885 the secession spirit of the Isthmus was not openly revealed. It was calmed, but this fact should be considered at least until 1878 as one of the rare phenomena of the mad intoxication that the people found at the bottom of the golden cup which was perfidiously offered them under the name of sovereignty of the States, and after that year as a result of the hope which the contract for the opening of the canal made with Mr. N. B. Wyse led the Isthmians to entertain, and the favorable consequences of which to our independence we shall take into consideration hereinafter.

In the fifteen years preceding the celebration of said contract the Isthmians lived an artificial and fallacious life, in which they lost sight of their true interests and their traditional tendencies.

V. While a large immigration of men of all races and countries was flowing into the Isthmus, attracted by the great work of the canal, which was already in progress, and when the well-paid work came to relieve the condition even of the poorest classes, there was initiated in the nation the propaganda of an army of statesmen, at the head of which appeared Dr. Rafael Núñez, advocating with a stentorian voice a fundamental regeneration in order to prevent a political catastrophe, and holding the federation responsible for all the evils which afflicted the country.

There was a tremendous social convulsion in the Republic, followed by a frightful butchery and a change in the institutions.

We then returned to the régime of centralization which prevailed in 1843. To the political organism of the nation there was again given the contexture of a gigantic octopus, having powerful and innumerable tentacles spread all over the country, of which the monster made use in order to smother the slightest manifestation of autonomous life in the municipalities and to devour their very substance.

There also occurred in this city, in the crisis of 1885 and 1886, serious disturbances which were episodes incident to the bloody national tragedy; but it is obvious that the new order of things found the Isthmians with the black flag of political scepticism raised over all their homes. Thus it found them undeceived by all the vain promises and pompous theories with which the orators, statesmen, and governors of Colombia had quieted their spirits.

And as the streams of the Pactolus, which the canal company brought to this territory, flowed incessantly, the Isthmians established themselves on the margin of this marvelous river for the purpose of securing personal prosperity with the material means at their disposal. But few of the Isthmians interested themselves or participated in public affairs, with which the masses were not at all concerned, leaving such matters to the will of the Colombians, who had made of them a lucrative business. Who, then, could believe any longer in either the efficiency of centralism or federalism, in view of the fact that both systems had already been tried, with disastrous results to Panama because of the political incompetency and bad faith of the governors of Colombia? Were they not the same men, and their political successors and disciples those who were to enforce the laws? Why attempt to influence the destinies of the country when the Isthmus, as a political entity, was only a member the health of which depended on the hopelessly diseased body to which it was linked?

There was a novelty in the constitution of 1886, namely, the extraordinary article 201, in conformity with which the department of Panama was "subjected to the direct authority of the central government and governed in accordance with special laws."

It remains to be determined whether the majority of the legislature which established such special laws acted with an honest or dishonest intention toward the Isthmus; but the truth is that the said constitutional article did nothing but oppress Panama, establishing in it a dictatorship of the most odious sort. This department was then left in a worse condition than the others. Our assemblies, governors, corporations, and employees of all grades only exercised the most urgent functions which the governors of Bogotá had the mercy or the meanness to grant them. The chapter of individual guaranties, like the rights guaranteed by the constitution to Colombians, did not exist for the Isthmians. Such a life was unbearable to the people, and in 1894, after a great struggle, we succeeded in obtaining the repeal of such an odious provision.

The generosity which inspired the members of the Congress of Colombia on repealing article 201 of the constitution—which article may be called the Panama article—can be gauged by the text of the law that abolished the same, and which reads as follows:

[Law 41 (November 6), amending article 201 of the constitution, and clause 4 of article 76 of same.]

The Congress of Colombia decrees:

SOLE ARTICLE. Let article 201 of the constitution, and section 4 of article 76 of said constitution, be repealed. Consequently, the general laws of the Republic shall also be applicable to the Department of Panama.

§ In revenue matters, legislative, executive, and special regulations may be issued for the Department of Panama.

Given at Bogotá September 3, 1892.

JOSÉ DOMINGO OSPINA C.,
President of the Senate.

ENRIQUE DE NARVAEZ,
Clerk of the Senate.

ADRIANO TRIBÍN,
Speaker of the House of Representatives.

MIGUEL A. PEÑAREDONDA,
Clerk of the House of Representatives.

FOREIGN MISSIONS LIBRARY, *Speaker of the House of Representatives.*
156 Fifth Avenue, New York.

It was our lot to have a most excruciating experience and to realize the profound truth contained in this principle of constitutional law, taught by the most eminent jurists of the world; that all systems of government, even those which are intrinsically the best, are bad if they are to be put in practice by men who have not at heart the public welfare, who are not familiar with the character of the people or with their instincts, and who do not take into consideration their wants and ambitions.

The only possible salvation in sight for this territory was the opening of the canal, because this work, which was destined to satisfy the industrial wants of the people of the whole world, would place us under the vigilance of powerful and civilized nations which, in the logical course of events, would eventually exercise on us a collective and beneficial protectorate; would rescue us more or less from the power of the multitude of aliens in whose hands we foolishly placed ourselves in 1821; or they would cure the evils of said adventurers by the most advanced, scientific, and governmental processes.

That solution was considered as an equivalent of a virtual emancipation from the Colombian metropolis, and for that reason the spirit of secession was not again revealed frankly and openly, as had been shown on previous occasions, while there was hope of obtaining such a natural and peaceful termination.

The interoceanic canal was to be our redemption. Whether they acted by instinct, by presentiment, by conviction, or by the clearest evidence of the future blessings to which we have referred, the fact is that there has been not a single sensible Isthmian who has not based his hopes of peace and prosperity on the opening of the prodigious interoceanic canal, and who did not consider himself bound to do all that was possible for him to do in order that the great work should be carried to a successful termination.

Hence the clamorous petitions, the earnest propaganda, the plebiscites, the delegations of prominent men sent to Bogotá, all those manifestations by means of which the Isthmus signified to the Government of Colombia its desire that the French canal company requested the extension of time which it asked in order to meet its obligations and which the great bankruptcy of 1889 had rendered necessary.

At last it was discovered that the said French company did not have at its disposal sufficient means to open said route, but the feeling of stupor that such discovery might have produced on the Isthmus was neutralized by the announcement that the Government of the United States of North America, realizing at last the advantage of our route over that of Nicaragua, by reason of the foreign protection of said great nation, and by reason also of the necessity of developing its great wealth, consented to take charge of the execution of the great work, provided that suitable and fair agreements be made with the company holding the concession and the Government of Colombia.

The stockholders of the French company overcame the difficulties and an agreement was made, subject only to the consent of the Republic of Colombia.

Inasmuch as in the Salgar-Wyse contract it had been stipulated that the concession could not be transferred to any foreign government, and since, on the other hand, the written law of Colombia declares that said governments are judicially incapable of acquiring real estate in the territory of the Republic, the permission to make the transfer had to be granted exclusively by the Congress in which lies the power to repeal or amend the laws.

The will of that sovereign body could not be sounded on so important a matter except by means of an agreement ad referendum made between the governors of the two contracting nations, which agreement, after being ratified by the legislators of both countries, would assume the character of a solemn public treaty.

The Hay-Herran treaty was made and the Senate of the United States of North America immediately approved it; but not so the Senate of Colombia, which, against all reasonable expectation, disregarding the immense benefits which the treaty would bring to the Republic, without any regard for the great interests of the United States of North America and those of France, guided by a foolish pride and an antiquated

notion of patriotism, vetoed it in an indignant and emphatic manner which was equivalent to a foolish challenge to the civilization and progress of the world.

Quicquid delirant reges, plectuntur Achivi: "When kings blunder, the people are the victims."

The opposition to said treaty resounded throughout the isthmian territory like the awful announcement of an imminent cataclysm, because it was known that the rival route via Nicaragua had in North America bold and earnest friends for whom the attitude of the Colombian Senate has just helped to win the game, and because, simultaneously with the decision of said body of legislators, came the election of the President of the Republic, and there were heard sinister voices announcing a new conflict, and all eyes were turned with fear to the former prosperous villages and luxuriant fields of the Isthmus, which were converted by the last war into the devastated department of a vast necropolis.

The hour had come. The people of the Isthmus, after suffering the agonies of eighty years, received from their masters the death sentence.

But desperation works wonders. It, like faith, moves mountains, and at times, also, by a tremendous effort, breaks them to pieces. The longing for liberty, a long time suppressed and silent, though it was noticeable in the feelings of the masses like those fire streams which burn the very depths of the planets, finally bursting to the surface with indomitable force to blow to a distance the power which weighed with overwhelming heaviness on this virile and generous people.

VI. Suspicious and wicked men will perhaps accuse the United States of North America of having stimulated the insurrection on the Isthmus, but such a false and vile charge shall not stain the immaculate glory of this blissful moment and sacred hour in which the nations of the world salute with gladness the advent of the new Republic, and praise the wonderful civic valor of its founders.

Whoever reads this long statement of facts will realize that the secession tendency has been transmitted with the strength of an almost secular tradition from generation to generation in this Central American region, and that to it the most notable Isthmians of all times have offered enthusiastic devotion. Whoever calmly studies the great political transformation which has just been effected on the Isthmus of Panama, and examines the causes which produced it, will clearly see that an act of such magnitude and of such great social consequences can have no other origin than spontaneous and unanimous feeling of the people, who with a wise instinct seek their own welfare, and that such act and the way that it has been accomplished excludes all idea of foreign intervention.

Showing the qualities of statesmanship that had not been suspected in Colombia, the Isthmians have done nothing but follow in the critical moment the signs of the times; to estimate with a sound judgment the quality, the number, and the power of the elements that might favor their independence; to foresee the emergencies and to act with the faith and resolution which a lofty purpose inspires without hesitating before the tremendous consequences of a possible failure. The decisive step was taken without reckoning with the guaranties of the promises or obligations of any foreign power, because it was obvious that such step would deserve the applause and favor not only of the great North American Republic, which was about to break its relations with Colombia, and which is the natural and remarkable protector of all the oppressed peoples of this continent, but also of the other nations, all of which have such great interests in our territory, and which have just been so rashly slighted by the Government of Colombia.

Those interests, which are also ours, should be and have been the main reason for an alliance, which is none the less effective because it is not written, and which shall secure in a permanent way the independence and prosperity of our Republic.

All praise to the men who wisely conducted the movement and carried it out with such great success! All praise to the people who, in order to obtain their political liberty, did not resort to a process of extermination, nor even spilled a single drop of blood!

In order to corroborate the long enumeration that we have made of the internal causes which were the origin and which justify the final separation of the Isthmus from the nation to which it has belonged, we will quote here the following impressive words, which we invite the world to ponder, and which we, from a chair of the Colombian Congress, clearly and distinctly heard pronounced by Don José Manuel Marroquín, the present president of that republic, on the 7th of August, 1898, in the solemn act of taking the oath of office:

" * * * Hatred, envy, and greed cause men to differ in their opinions. In the political sphere, where we struggle with earnestness not so much in order to obtain a triumph of principles as we do for sinking or raising men and parties, public tran-

quillity, so essential in order that every citizen may enjoy in contentment the welfare which it has been his lot to secure, or which is the result of his labor, is becoming unknown among us. We live a sickly life; political crises are our normal condition; commerce and industry lack the peaceful condition which they require in order to advance. Poverty is knocking at all doors."

* * * * *

"Our political disturbances have caused the conception of country to be annulled or mistaken. The idea which we have of country is associated in such manner to political revolts and with the fears and distrust engendered thereby that it is not an uncommon thing to hear from one of our countrymen what we would not hear from a native of any other country, viz, 'I should like to have been born somewhere else.'

"Are there many among us who pride themselves in saying, 'I am a Colombian,' as a Frenchman prides himself in saying, 'I am a Frenchman?'"^a

Those were the honest words of the chief magistrate of Colombia, inasmuch as they were the exact picture of a general sentiment, subject to the analysis, the candid revelation of the condition of the feelings predominating in the majority of Colombians. Those clear-cut sentences, which sound almost biblical, have a particularly deep meaning for the inhabitants of Panama, and constitute the best, most complete, and eloquent vindication of the present attitude of the isthmians, and of those who, not having been born in our territory, came to it, built happy homes, identified their interests with ours, as well as their ambitions and hopes, suffered by our side by virtue of the awful outrages of the Government of Colombia, and in the supreme moment helped us to make a better country, being magnanimously willing to sacrifice for her sake with us wakefulness, tranquillity, and even life itself if necessary.

Those evils of which, like its predecessors, the present President of Colombia made a brief and gloomy enumeration of, no longer shall produce on the Isthmus their fatal effects, thanks to the glorious independence which destroyed forever their roots. The minds of men recovered their calmness; the mortal enemies of yesterday over the dry fields of the young Republic stripped themselves, as they would of a burning garment, of the political hatred kindled in their bosoms by the parties of Colombia, now come forward with firm and steady step and extend the hand of peace and friendship.

Blessed be the work which commences by accomplishing such a noble need.

Panama, November 18, 1903.

RAMON M. VALDES.

ACTION OF MUNICIPALITIES OF PANAMA APPROVING RATIFICATION OF CANAL TREATY BY THE JUNTA OF THE PROVISIONAL GOVERNMENT.

Mr. Buchanan to Mr. Hay.

No. 9.]

LEGATION OF THE UNITED STATES,
ON SPECIAL MISSION,
Panama, December 28, 1903.

SIR: I beg to inclose at the request of his excellency the minister for foreign affairs a certified document showing the action had by certain municipalities of this Republic in the matter of the ratification of the action of the junta of the provisional government in making the treaty with our Government known as the Hay-Varilla treaty. This method of ratification, as the Department knows, is that which has been followed in Colombia during many occasions and especially when any matter of importance has been before the country.

In this connection I beg to refer the Department to a portion of my note of the 27th instant.

I have the honor to be, sir, very respectfully, your obedient servant,

WM. BUCHANAN.

^a Inaugural address of the President of the Republic, Don. José Manuel Marroquín. Diario Oficial of Colombia, No. 10724, of August 7, 1898.

[Official Gazette, extraordinary number. Panama, December 12, 1903.]

ACT OF THE MUNICIPAL COUNCIL OF CALOBRE.

At the capital of the municipal district of Calobre, at 2 in the afternoon of the 2d day of December, 1903, in the hall of the municipal house, the district council constituted itself in solemn session with the attendance of its members, Messrs. Cristobal Castillo, president; Belisario Cocio, Salvador Vasquez, and Genarino Castillo; acting as secretary of the same, Mr. Juan Bautista.

There were also present, by special invitation, Mr. Demetrio Vasquez, mayor of the district; Pedro E. Vasquez, municipal attorney, and a large number of citizens.

At the opening of the session the president made known to the corporation the object of the call, and thereupon Salvador Vasquez, voting member, made the following motion:

The municipal council of the district of Calobre, voicing the sentiments of the community it represents, freely and spontaneously resolves—

To signify to the junta of government that represents our Republic of Panama that, animated by the absolute confidence we place in it, we give our vote of approval to any action it may take in regard to the canal contract.

This motion being submitted to debate, was approved by a unanimous vote. The council directed these presents be sent to the prefect of this province in order that it may be transmitted through him to the junta of government of Panama.

The present act is written out for record and signed by all the officers present at the session.

CRISTOBAL CASTILLO,
President.

P. URRIOLA,
Vice-President.

SALVADOR VASQUEZ,
GENARINO CASTILLO,

BELISARIO COCIO,
Voting Members.

DEMETRIO VASQUEZ,
Mayor.

Resolution unanimously approved at the special session of the 3d of December, 1903.

The municipal council of Panama, considering:

That on the 2d day of this month the treaty concluded in Washington between Mr. Philippe Bunau-Varilla, envoy extraordinary and minister plenipotentiary of the Republic of Panama, and His Excellency Mr. John Hay, Secretary of State of the United States of North America, on the 18th of November last, for the excavation of a ship canal across the territory of our Isthmus, was ratified in this city by the junta of provisional government;

That the said treaty maintains and guarantees on the part of the Government of the United States the independence of the Republic of Panama;

That the municipal council of this district, with full knowledge of its high mission, and also considering itself in the full enjoyment of popular sympathy and support, solemnly demonstrated on the 4th of November when the independence of the Isthmus was proclaimed in public meeting, adheres to its firm purpose to give expression to all that it feels ought to be done for the permanent safety of the Republic of Panama, its practicable and immediate advancement;

That it appreciates and applauds the inestimable benefit the Republic of Panama derives from the assurance of its protection given by the power of the American people;

That the Republic of Panama, under the mighty influence of the nation as pre-eminent as is that of the United States, will shine with splendor among all the other republics of America;

That the redeeming work of the interoceanic canal means material and moral progress, for it opens a wide field to commerce, to agriculture, to the progress of science, arts, and universal navigation, resolves:

To signify its complete approval of the Hay-Bunau-Varilla treaty and give public testimonial of applause to the junta of government and to every one of the ministers of the department.

To send a copy of this resolution to the junta of Government through the regular channel, and to make it known to the public by means of handbills and through the press.

DEMETRIO H. BRID,
President.
R. AIZPURU,
Vice-President.
JOSÉ MARIA CHIARI R.,
A. ARIAS F.,
S. LEWIS,
RICARDO M. ARANGO,
DARIO VALLARINO,
JOSÉ B. VILLAREAL,
FABIO AROSEMENA,
MANUEL J. CUCALÓN,
J. FRANCISCO DE LA OSSA,
Municipal Mayor.
LEOPOLDO GUILLÉN,
Municipal Attorney.

Resolution unanimously approved by the municipal council of Aguadulce in special session on the 2d of December, 1903.

The municipal council of Aguadulce, faithful interpreter of the sentiments of the community it represents, having heard that the most excellent junta of government of the Republic this day approved the treaty concluded with the Government of the United States for the construction of the canal, a measure of salvation and of transcendent importance for the interests of the Isthmus, resolves:

To signify its concurrence in the approbation given to the said treaty to the most excellent junta of government.

This resolution shall be transmitted by telegraph and published in the official bulletin of this city.

JOAQUIN MENDEZ,
President of the Council.
JOSÉ M. GALVO,
Vice-President.
JULIO VARGAS C.,
Voting Member.
LADISLAO SOSA,
Acting Secretary.

Resolution unanimously approved by the municipal council of Natá.

The municipal council of Natá, in the exercise of its legal powers, and faithfully interpreting the tacit will of the people it represents, and considering that the action of the most excellent gentlemen who constitute the junta of the government is in every way identical with the opinion of the communities of this Republic of Panama, resolves:

To give a vote of confidence and applause to the honorable junta of government for its final approval of the canal treaty, concluded between the plenipotentiary ministers of the United States of North America and of our Republic, which vote of confidence and applause for this so successful course we give to include its worthy ministers.

Given in the council hall on the 3d day of the month of December, 1903.

RAIMUNDO GONZALEZ,
President.
JUAN B. URRIOLA O.,
JOSÉ G. BARRAGÁN,
MANUEL SANDOVAL,
BERNARDO MACIAS,
Voting Members.
GREGORIO PORRAS,
Secretary.

Note of the president of the municipal council at Santiago de Veragua.

No. 8.]

REPUBLIC OF PANAMA,
OFFICE OF THE PRESIDENT OF THE MUNICIPAL
COUNCIL OF THE DISTRICT,
December 2, 1903.

The PREFECT OF THE PROVINCE, *Present:*

The municipal council of this district at its session of this date has just approved, by a unanimous vote, the following resolution:

The municipal council of Santiago de Veragua, having learned that the convention concluded with the North American Government for the opening of the interoceanic canal across the Isthmus has been signed and has been already approved by the most excellent junta of government of the Republic of Panama and by its ministry, resolves:

Declare its approval of the said treaty and give a vote of confidence to all the members of the Government of the Republic for the patriotic interest they have evinced on behalf of the community of this Republic.

Let it be communicated to the most excellent junta of government to the prefect of this province.

Which I communicate to you for all necessary purposes.

May God have you in His keeping.

ELIZARDO SANCHEZ.

Resolution No. 4, approved by the municipal council of Sona.

The municipal council of Sona, animated by the most generous feelings of patriotism, and as ever consistent with the acts of this corporation, and considering—

1. That the separation of the Isthmus of Panama from the remainder of the Republic, an act solemnly achieved in the city of Panama of the 4th of November, 1903, and in the sight of the civilized world, is a fact beyond controversy.

2. That this political evolution and the recognition of the new Republic by the greater powers of the world have in fact cut asunder the ties that united the Isthmus to Colombia and forever sealed the independence of the Isthmus; and

3. That in virtue thereof Colombia has no longer any more right to interfere in the matters concerning Panama than it would in those of Africa or any other region far distant from us, resolves:

To adhere once more and in spontaneous manner to the declaration of the independence of the Isthmus of Panama, signed in the city of that name on the 4th of November last, and to approve and ratify in all its parts the treaty for the interoceanic canal across the Isthmus of Panama, whatever be the terms or clauses that constitute the essence of this treaty, as well as all the acts that have emanated or may hereafter emanate from the most excellent junta of Government of the Republic of Panama.

Given in the hall of meetings of the municipal council of Sona, December 2, 1903.

JOSÉ F. CALVINO,
President.

A. GRAJALES,
JOSÉ MARIA DUTARI,
ANIBAL AROSEMENA,
Voting Members.

MANUEL H. AROSEMENA,
Mayor.

DIONISIO SOSA,
Municipal Attorney.

MANUEL S. REYES,
Treasurer.

JOSÉ F. CALVIÑO, B.,
Secretary.

Resolution No. 2, approved by the municipal council of El Montijo at its extraordinary session of the 3d day of December, 1903.

The municipal council of El Montijo, in the exercise of its legal powers, and considering that the eminent citizens and distinguished patriots who have conducted and brought to success the glorious act of the independence of the Isthmus are called upon to continue to have charge of its general interests, and that at the present critical time they need the encouraging words of all the communities that are benefited thereby, resolves:

That the spontaneous vote of approval and confidence be given the honorable junta of government of the Republic of Panama, in order that in the name of the people of the Isthmus, its constituents, they may approve the negotiations entered into with the Government of the United States of America in regard to the grand work of the interoceanic canal.

A copy of this resolution shall be transmitted by special delivery to the prefect of Veraguas, in order to be transmitted by him to the proper department with as little delay as possible.

JOSÉ M. TRUJILLO,
President.

GREGORIO URRIOLA,
VALENTIN RIVAS,
CLARO REYES,
Voting Members.

RAÚL AROSEMENA,
Secretary.

[Official telegrams.]

PESÉ, 4, SANTIAGO, December 7, 1903.

JUNTA OF GOVERNMENT AND MINISTERS OF THE DEPARTMENT, *Panama:*

Take pleasure in informing you that municipalities of Pesé, Los Santos, Las Minas y Ocu have enthusiastically approved treaty canal concluded by our Republic and the United States.

Resolutions will follow shortly.

JULIO ARJONA Q.

SANTIAGO, December 2, 1903.

The MINISTER OF GOVERNMENT, *Panama:*

The honorable council of this district authorizes me to inform the most excellent junta of government, through the most worthy channel of your excellency, that at the session of to-day it has given its approval to the canal treaty and passed a vote of confidence in the members of the government of the Republic for their patriotic interest in the great work of the salvation of the Isthmus.

I will send original by mail.

OSVALDO LOPEZ, *Prefect.*

CHORRERA, December 7, 1903.

The MINISTER OF GOVERNMENT, *Panama:*

Resolution unanimously approved by the municipal council of the district at the session of to-day, December 6, 1903.

The municipal council of La Chorrera, considering—

That the treaty concluded in Washington on the 18th of November last, for the opening of the Interoceanic Canal on the Isthmus, was approved by the provisional junta of the Republic of Panama, in the city of same name, on the 2d day of the present month;

That by the said treaty the independence of the Republic of Panama is assured and guaranteed by the Government of the United States of America;

That the municipal corporation of this district realizes the urgent necessity of proceeding promptly with the approval of the said document on grounds of external safety, though no official notice of any kind has yet been received;

That by virtue of the treaty in consideration the communities of the Isthmus will acquire the realization of the wishes of its sons and residents, inasmuch as the opening of the canal on their own territory is for the benefit of commerce and to the advantage of the world, resolves:

Unanimously to approve the treaty concluded between His Excellency Mr. Bunau-Varilla, envoy extraordinary and minister plenipotentiary of the Republic of Panama, and His Excellency Mr. John Hay, Secretary of State of the United States.

Let a copy of these presents be sent to the honorable junta of government through the regular channels.

JOSÉ DEL C. SANCHEZ,
Vice-President.

EUSEBIO DIAZ.

JOSÉ NEVERA.

I. NEVERA.

J. JIMÉNEZ.

LEOPOLDO ESCALA.

DANIEL AGUILAR.

D. DESEDAS, *Secretary.*

CONSULATE GENERAL OF THE UNITED STATES OF AMERICA,
 REPUBLIC OF PANAMA,
Panama, December 14, 1903.

I, H. A. Gudger, consul-general of the United States of America for Panama and the dependencies thereof, do hereby certify that I have examined carefully the original documents in the office of the General Government at Panama, sent in by the various municipalities throughout the Republic, approving the action of the provisional government, or junta, in ratifying the canal treaty with the United States of America, and that I have compared these original documents with those set forth in the printed sheet of the *Gaceta Oficial*, Numero Extraordinario, dated December 12, 1903, set forth above, and to which this certificate is attached, and that the publications therein set forth, in printed form, from the municipalities of Calobre, Panama, Aguadulce, Nata, Santiago de Veraguas, Sona, Montijo, Pese, Los Santos, Las Minas, Ocu, and La Chorrera are a true, correct, and perfect copy of the originals on file in the office of the Government of the Republic of Panama.

In testimony whereof I hereunto set my hand and affix the seal of this consulate general, this the 14th day of December, 1903.

H. A. GUDGER,
United States Consul-General.

[Official Gazette, extraordinary number.]

PANAMA, *December 16, 1903.*

Advice No. 17 (of December 6, 1903), by which ratification is given.

The municipal council of the district of Buenavista, considering—

That on the 2d instant the treaty signed at Washington on the 18th of November last for the excavation of an interoceanic canal was approved by the junta of the provisional government;

That in this agreement the independence of the Republic of Panama is guaranteed by the Government of the United States;

That for reasons of external security it is indispensable to proceed with celerity to the approval of the treaty;

That, by the treaty, the aspiration of the people of the Isthmus of Panama is realized—that the canal be excavated for its own service and for the benefit of universal commerce;

It is agreed:

SOLE ARTICLE. To give its approbation to the treaty solemnized between His Excellency Mr. Felipe Bunau-Varilla, envoy extraordinary and minister plenipotentiary of the Republic of Panama, and His Excellency Mr. John Hay, Secretary of State of the Republic of the United States of America.

Given at Bohio, December 6, 1903.

The president,

MATEO GUARDIA.

The secretary,

CELEDONIO ISAZA.

BOHIO, *December 7, 1903.*

At the office of the mayor of the district of Buenavista.

Approved. Let it be published.

The mayor,

ABEL HORMECHEA.

The secretary,

CELEDONIO ISAZA.

BOHIO, *December 7, 1903.*

The secretary of the mayor's office,

CELDONIA ISAZA.

Advice No. 16 (December 4, 1903), by which approval is given.

The municipal council of Porto Bello, considering—

That on the 2d instant the treaty negotiated at Washington the 18th of last November for the construction of the interoceanic canal was approved by the junta of the provisional Government of Panama;

That in that treaty the independence of the Republic of Panama is guaranteed by the Government of the United States;

That for reasons of external security it is indispensable to proceed with dispatch in the approval of the treaty;

That the treaty fulfills the aspirations of the people of the Isthmus of Panama that the canal be built for its own benefit and for the benefit of universal commerce;

It is agreed:

SOLE ARTICLE. To approve the treaty entered into between His Excellency Mr. Felipe Bunau-Varilla, envoy extraordinary and minister plenipotentiary of the Republic of Panama, and His Excellency Mr. John Hay, Secretary of State of the Republic of the United States of America.

Given at Portobelo, the 4th of December, 1903.

The president,

CELSO N. RODRIGUEZ.

The secretary,

JOSÉ R. ARROYO.

Republic of Panama, province of Colon.

Municipal mayorship of the District of Portobela, December 7, 1903.

Let this be carried into effect and published.

The mayor,

SEBASTIÁN DE LEÓN.

The secretary,

MODESTO MARK B.

True copy of the original. The secretary,

MODESTO MARK B.

Resolution approved by the municipal council of David in special session December 11, 1903.

The municipal council of David, considering:

First. That on the 3d of this month the municipal council of Panama, as the principal guardian of the public interests of the Republic of Panama, and at whose initiation the proclamation of independence of the Republic was made, has issued a resolution approving the treaty negotiated at Washington, the 18th of November last, between Señor Philippe Bunau-Varilla, envoy extraordinary and minister plenipotentiary of the Republic of Panama, and His Excellency Mr. John Hay, Secretary of State of the United States of North America, concerning the excavation of an interoceanic canal across the Isthmus of Panama;

Second. That the aforesaid treaty has merited the approval of the provisional government of Panama, as is shown by the specific ratification which the members of said junta made of such agreement;

Third. That the Panama Canal means for the Isthmus, among other things, consecration of labor and security in the well-being of the country.

It is agreed—

To give public assent to the Hay-Bunau-Varilla treaty, so that as soon as possible a beginning may be given to the work of excavation of the canal across the Isthmus of Panama;

To recognize the action taken by the members of the junta of the provisional government in having approved, with the celerity which the case demanded, the Hay-Bunau-Varilla treaty, and to extend to them a vote of approval for their conscientious zeal of the interests of the Republic of Panama which were intrusted to their care;

To send a copy of this resolution to the provisional government junta, and to publish it in separate sheets for the information of the public.

Given at David, in the conference hall, the 11th of December, 1903.

The president,

HORACIO BENITEZ.

The vice-president,

LUIS M. CLEMENT.
 JOSÉ DE OBALDÍA JOVANÉ.
 JOSÉ P. PALMA.
 CARLOS BAYÓ.
 JOSÉ MODESTO MOLINA.

The secretary,

L. BARRAZA P.

At the capital in the municipal district of Las Palmas, on the 3d day of the month of December, 1903, in the Municipal Hall, the council of the district met in solemn session with the attendance of its members, Uladislao Castellón, vice-president; Salvador Gordillo, José F. Benavides, and Julian Martinez, and the secretary, Mr. Rodolfo L. Castellón.

There were also present Mr. José Manuel de Adames, the municipal mayor, and a number of private citizens.

The session being opened, the vice-president enthusiastically set forth the purpose of the meeting, and the member, Julián Martínez, made the following motion:

The municipal council of Las Palmas, expressing the views of the free people, resolves—

To give, as is now given, a vote of approval of the interoceanic canal treaty, seconding the act of the Government junta and ministers.

Let this resolution be communicated to whom it may concern.

Upon the above resolution being submitted to discussion, it was unanimously approved.

For record, the resolution is signed by the members and officers present.

The vice-president,

ULADISLAO CASTRELLÓN.

Members,

SALVADOR GORDILLO,
JULIAN MARTINEZ,
JOSÉ F. BENAVIDES.

Mayor,

J. M. DE ADAMES.

The secretary,

R. S. CASTRELLÓN.

At the capital of the municipality of La Mesa, at 9 a. m. on the 5th of December, 1903, in the customary place, the municipal council of the district met, with the attendance of all its members—Messrs. Pedro Tristán, presiding; Eulogio Solís, Narciso Barrio, Lorenzo Chamiso, and Avelino J. del Barrio, the last acting as secretary. The session being opened, the president set forth the object of the meeting and read the telegram addressed by the minister of justice to the prefect of the province, stating the approval that the Government junta and ministers had given to the canal treaty, whereupon the member, Narciso Barrio, made the following motion:

“The municipal council of the district of La Mesa, expressing the views of the constituent people, free and voluntarily resolves—

“To advise the Government junta of its assent to the approval given by it to the canal treaty, and to tender to it every aid.

“Let this be communicated to whom it may concern, and let it be published.”

Being submitted to debate, the resolution was approved unanimously. For record, the resolution is signed by all the members of the corporation, copies being made for transmission to the mayor, to be by him sent to its destination.

The president,

PEDRO TRISTAN.

Member,

EULOGIO SOLÍS.

Member,

NARCISO BARRIO.

Member,

LORENZO CHAMISO.

The secretary,

AVELINO J. DEL BARRIO.

We, the undersigned residents of the municipality of La Mesa, comply with a just duty in announcing to the Government junta of the Republic of Panama our recognition and approval of its act approving the canal treaty negotiated between our minister and the Government of the United States. That act makes secure our future and our peace.

La Mesa, December 3, 1903.

José J. Alvarado, Alejandro Méndez, Nicolás Alcedo, Manuel María Alcedo, Octavio E. Ríos, José J. Tristán, Pedro Tristán, Manuel Medina, Lorenzo Chamiso, Manuel Medina, Valerio Medina, Darío Castillo, Eulogio Solís, Manuel S. Escudero, Moisés Vásquez, P. J. Alvarado, José Bolívar Castillo, José Dolores Barrio, Jerónimo Portugal, José J. Tristán M., Manuel S. Vargas, Efraín Castillo, José A. Castillo.

MEMBERS OF THE GOVERNMENT JUNTA, *Panama.*

GENTLEMEN: With the liveliest satisfaction we have learned of the approval which, in the exercise of your august faculties, you have given to the treaty negotiated by the United States and the commissioners of our Republic in Washington for the open-

ing of an interoceanic canal. That act guarantees the interests of the isthmian nation and consolidates our Republic.

We therefore respectfully present to you our cordial recognition.

San Francisco, December 3, 1903.

Ladislao Rodríguez, Pastor Paredes, T. A. Adames, Juan Bautista González G., Mateo Gonzáles, Nicolás González H., Gonzalo M. González, Sebastián Paniza R., Juan Bonilla, Francisco González, Jacinto G. Rodríguez, Julio Rodríguez, Miguel Robles, Adolfo Bonilla, Eufrasio Montero, Jeremías Jaén, D. Rodríguez, Eulogio J. González E., Valerio Manila, Manuel de J. Palma, Wenceslao Aguilar H., Manuel Salvador Sanchez, José de la E. Mérida.

Resolution unanimously adopted by the municipal council of Taboga in the session of the 3d of December, 1903.

The municipal council of Taboga having learned that the treaty negotiated between the representative of the Republic of Panama in Washington and the Secretary of State of the United States, of the Government of the United States of America, for the opening of an interoceanic canal across our isthmus, was ratified yesterday by the honorable junta of the provisional government of the Republic, resolves:

To advise that honorable body that the municipal council of Taboga, faithfully interpreting the aspirations of the people it represents, has noted with satisfaction that the aforesaid treaty has been ratified, a fact which meets a universal need, and it presents to the honorable junta for this reason its most cordial congratulations.

Let a copy of this resolution be transmitted to the honorable junta, and let it be published.

Taboga, December 3, 1903.

The president of the council,

The vice-president,

Member,

Member,

Member,

The acting secretary,

PROSPERO BELUCHE.

FELIPE SALINAS.

JOSÉ A. RIVERA.

JOSÉ MERCEDES CASAL.

MELCHOR RIVERA E.

JUAN N. RIVERA P.

Advice No. 2 (December 5, 1903), by which approval is given.

The municipal council of Gatun, considering:

That on the 2d instant the treaty negotiated at Washington on the 18th of November last for the construction of an interoceanic canal was approved by the junta of the provisional government of Panama;

That in this contract the independence of the Republic of Panama is guaranteed by the Government of the United States;

That for reasons of external security it is indispensable to proceed with dispatch in the approval of the treaty;

That by virtue of the treaty the aspiration of the people of the Isthmus of Panama is realized that the canal shall be built for its own benefit and for the advancement of universal commerce, it is agreed:

SOLE ARTICLE. To approve the treaty entered into between His Excellency Mr. Felipe Bunau-Varilla, envoy extraordinary and minister plenipotentiary of the Republic of Panama, and His Excellency Mr. John Hay, Secretary of State of the Republic of the United States of America.

Given at Gatun the 5th of December, 1903.

The president of the council,

The secretary,

H. HERRERA R.

U. SANGUILLÉN A.

Approved.

The mayor,

The secretary,

OFFICE OF THE MAYOR,
District of Gatun, December 5, 1903.

JOSÉ G. SALAZAR.

U. SANGUILLÉN A.

At the capital of the municipal district of Rio Jesus, 3d day of December, 1903, at 3 p. m., in the municipal hall, the municipal council met with an attendance of all its principal members: Messrs. Santos Guevara, president; José C. Cruz, vice-president; Diego Lopez, Santiago Bernal, and José D. Mendoza, acting secretary.

The session being called to order, the president advised the board of the object of the meeting and placed before them the telegram from the minister of justice. Whereupon the member, Diego Lopez, had the floor and proposed the following motion:

"The municipal council of the district of Rio Jesus, interpreting the desires of the constituent people, freely and voluntarily

"*Resolves*, To give its vote of approval to the government junta of the approval it has given of the canal treaty, and to extend to it every aid.

"Let this be communicated to whom it may concern, and let it be published."

Being submitted to discussion the resolution was unanimously adopted.

In conformity with the custom the present act is copied and is signed by all the members.

The president,

SANTOS GUEVARA.

The vice-president,

JOSÉ C. CRUZ.

Members,

DIEGO LÓPEZ.

S. BERNAL.

Secretary,

JOSÉ D. MENDOZA.

To the Government Junta, Panama:

The undersigned, residents of Soná, notwithstanding the fact that it does not clearly comprehend the difficulties and dangers between Colombia and Panama relative to the construction of an interoceanic canal across the Isthmus of that name, because the former country has no right to treat of a matter which does not pertain to it, since the Isthmus has separated itself from Colombia with the consent of all its citizens, and has proclaimed itself an independent Republic under the protection of the United States of the north, and now recognized as such by the greater part of the European powers; and notwithstanding that, by our adhesion to the act of independence of the Isthmus, signed in the city of Panama the 4th of November last, we gave tacit approval to all acts which in the future, and until a regular government is formed, should be effected by the most excellent government junta which to-day so ably watches over the destinies of this Republic, we certify anew by this present act our most ample and unconditional approval of the treaty for the opening of an interoceanic canal across the Isthmus of Panama, signed at Washington by the Governments of the United States of the north and of Panama, the only Governments having any right to deal with the subject.

Soná, December 2, 1903.

E. Abadía, A. Grajales, José F. Calviño, Demetrio Dutari, Dionisio Sosa, José María Dutari, Casimiro Bal, Milciades Calviño, Julio M. Ramírez, José F. Calviño B., Luis Romero G., Modesto Dutari F. Ortiz, Arcesio Grajales, Alcides Grajales, Aníbal Grajales, Aníbal Arosemena, J. M. Dutari A., Rogelio García, M. H. Arosemena, Ezequiel Calviño, Rodolfo L. Castrellón, L. Castrellón, U. Tristán Roberto Dutari, Gustavo Bal, J. F. Palacios, Belisario Sosa, José N. Ortiz, Daniel Abrego, C. Arosemena A., Andrónico Benavides, José F. Sánchez, Carlos B. Ortiz, F. Ortiz A., Balbino Alvarado, Manuel S. Benavides, Baltazar Abrego, Ezequiel Sánchez, Fidel Sánchez Q., Norberto Mérida, Eusebio Escarreola, Benedicto Pinilla, José del C. Alvarado, Modesto Escartin, Arquimedes Arosemena, Armando Rosa, Blas F. Araúz, Bernardo Arosemena, Manuel Robles G., Manuel H. Arosemena C., José Félix Sosa, Manuel del C. Benavides, Manuel S. Reyes, Enrique Urdaneta, Francisco Arosemena, Miguel Amores, Francisco Adames, Tiburcio Adames, Alberta Abrego, Liborio Abrego, Antonio Quintero, Baldomero Botacio, Manuel María Arosemena, Samuel Arosemena, Tiverio Ortiz, Juan C. Berguido.

The municipal council of the district of San Francisco, in representation of the constituent people, being informed of the ratification of the treaty with the United States of North America concerning the opening of the canal in the zone of the Isthmus of Panama,

Resolves. To extend its most sincere congratulations and applause to the government junta and commissioners in Washington for the happy and speedy way in which that treaty has been consummated, as it will assure the existence of the Republic of Panama.

San Francisco, December 3, 1903.

The President,

Members,

Secretary,

D. RODRIGUEZ.

VALERIO BARRERA.
MANUEL DE J. PALMA.
JOSÉ DE LA E. MÉRIDA.

LADISLAO RODRÍGUEZ.

RESOLUTION.

Being highly interested in the definitive consummation of the canal treaty which has been negotiated between the Governments of Panama and the United States of North America, we, the undersigned residents of the district of Rio Jesus, hasten to inform the most excellent government junta of our Republic and its honorable ministers that we approve the most important act of ratification given in Panama to this treaty, day before yesterday, of which we have been advised by telegraph.

ADOLFO HERRERA.
SANTOS CRUZ M.
JOSÉ CRUZ.
MANUEL DOBLAS.
TOMÁS ESCARTÍN.
JOSÉ E. BUSTAMANTE.
BERNARDINO ESCARTÍN.
EMILIO ESCARTÍN.
AQUILÍNO GUEVARA.
JOSÉ D. MENDA.
SACRAMENTO CASTILLO C.
DELFIN HERRERA.
CELEDONIO MONROY.

[SEAL.]

CONSULATE-GENERAL OF THE UNITED STATES OF AMERICA.

[SEAL.]

REPUBLIC OF PANAMA,
Panama, December 24, 1903.

I, H. A. Gudger, consul-general of the United States of America for Panama and the dependencies thereof, do hereby certify that I have examined carefully the original documents in the office of the General Government at Panama, sent in by the municipalities of Buenavista, Portobelo, David, Las Palmas, La Mesa, Taboga, Gatun, Rio Jesus, San Francisco, and citizens of La Mesa, Sona, and Rio Jesus, approving the action of the provisional government or junta in ratifying the canal treaty with the United States of America, and that I have compared these original documents with those set forth in the printed sheet of the *Gaceta Oficial*, Numero Extraordinario, dated December 16, 1903, and to which this certificate is attached, and that the publications therein set forth in printed form from the above municipalities and citizens are true, correct, and perfect copies of the original documents on file in the office of the Government of the Republic of Panama.

In testimony whereof I hereunto set my hand and affix the seal of this consulate-general this the 24th day of December, 1903.

[SEAL.]

H. A. GUDGER,
United States Consul-General.

Mr. Bunau-Varilla to Mr. Hay.

WASHINGTON, D. C., *January 6, 1904.*

SIR: I have the honor of informing you that I have received from my Government an extract of the *Gaceta Oficial* of December 16, duly certified by H. A. Gudger, consul-general of the United States, in

which the municipalities of Buenavista, Portobelo, David, Las Palmas, La Mesa, Toboga, Gatun, Rio Jesus, San Francisco, and the citizens of La Mesa, Sona, and Rio Jesus give in the warmest terms the expression of their satisfaction of the signature of the convention of 18th of November last, referring to the Panama Canal.

This completes the list of the elective bodies of the Republic, which have all expressed their unconditional approval of the treaty and of its ratification by the Panama Government. I must say that this expression of opinion is in harmony with the satisfaction of the whole country which was made conspicuous at the recent election, where, for the first time in the history of the State of Panama, every citizen has been at liberty to perform his duty according to his conscience. To adopt the formula employed in a private letter directed to me by an eminent person of the Isthmus, "The liberty of suffrage has been absolute and pure and every citizen has made use of this precious right, observing admirable order."

I am, sir, with great respect, your very obedient servant,

P. BUNAU-VARILLA.

[Official Gazette, extraordinary number. Panama, December 14, 1903.]

Decree No. 25, 1903 (December 12) concerning the holding of the national constitutional convention and manner of electing the delegates who are to compose the same.

The junta of the provisional government of the Republic in the use of its powers,
Whereas:

1. The country is now in a state of absolute peace and no fears of any kind exist as to interior disturbance; and

2. It is the imperative duty of the provisional government to proceed to the constitution and organization of the country by means of a national convention elected by the people;

It is decreed:

CHAPTER I.—General orders.

ARTICLE 1. A national constitutional convention is called for the 15th day of January, 1904, with the object of forming the constitution or fundamental law of the Republic.

ART. 2. The national constitutional convention shall be composed of 32 delegates, at the rate of 4 for each one of the provinces of Bocas del Toro, Cocolé, Chiriqui, Colon, Los Santos, and Veraguas, and 8 for the province of Panama.

There shall be as many alternates as there are delegates for each province. These alternates will be named first, second, third, and fourth in all the provinces with the exception of Panama, in which there shall be also the fifth, sixth, seventh, and eighth, and they will be summoned in their order to substitute the principals in case of complete or temporary absence.

ART. 3. The delegates and alternates to the national constitutional convention shall be elected by direct and secret vote on a separate ballot for each province.

ART. 4. All men of 21 years of age, born in and at this time residents of the territory of the Isthmus of Panama, who have not lost their political rights according to the law, natives of Colombia who may have manifested their desire to become citizens of the Republic and who have taken oath of allegiance or who may take the same before the day of the elections, and those who are found in the service of the country on the said date have the right to vote in the elections for delegates.

ART. 5. All individuals [men] born in the territory of the Isthmus of Panama, who have attained the age of 21 years, in the full enjoyment of their political rights, and natives of Colombia who may have sworn fidelity to the Republic or signed the articles of independence or manifested their desire to become citizens of the same previous to the publication of this decree may be eligible for election as delegates to the national constitutional convention.

Individuals who have formed part of the junta of the provisional government, the ministers of state, the magistrates of the court of justice, the attorney-general, and the

treasurer-general of the Republic, the commander in chief and the chief of staff of the national army, and in general any public officer throughout the entire Republic and the magistrates of provinces in the provinces under their jurisdiction, who may have discharged such duties ten days previous to the elections, can not be eligible for election as delegates.

ART. 6. The ministers of the cabinet shall have seat in the national constitutional convention and voice in its discussions.

CHAPTER II.—*Electoral boards.*

ART. 7. In the capital of each province there shall be an electoral board composed of four members named by the junta of the provisional government; there will be also four alternates named in the same manner to substitute the principals in case of complete or temporary absence.

The members of the electoral boards shall assume charge of their duties in the presence of the magistrates of the respective provinces on the same day the appointment is received by them.

ART. 8. The electoral boards shall be unable to transact their business without the attendance of the majority of their members. The day of their installation they shall name a president, a vice-president, and a secretary, who may or may not be from their membership. Their sessions shall be public, they shall make authentic reports of them, which each body will enter in a book, their votes when not unanimous shall be recorded by name, and appointments shall be made in secret.

ART. 9. When any member or members of the electoral board are wholly or temporarily absent it is the duty of the same body to summon the respective substitutes and under penalty of a fine of \$50 or less to compel those who decline to attend or delay their appearance.

The day upon which the board is to be installed or reassembled and is prevented from so doing by the failure of a majority of its members to attend, those present, in any number whatever, can compel them under the fine already expressed and call the respective substitutes.

CHAPTER III.—*Elections.*

ART. 10. The voting shall take place in the presence of the municipal council of each district, the respective quorum being present as in its ordinary session whether those acting be its principals or the alternates.

In those districts in which the number of citizens exceeds 400, the said municipal council, with due deliberation, shall choose from among the persons with a knowledge of reading and writing five persons to receive the votes, with the character of judges of elections, selecting as many of these as required by the number of voters, calculated at the rate of 400 for each body of judges, and where there is a number exceeding 100, another set of judges will be designated to receive the votes from them, but if the number be less, the voting of these will be in the presence of the first body named by the council, who thus will receive a number greater than 400.

ART. 11. The judges of election can not be installed or act with a less number present than three of their members, and can impose a fine of \$50 upon those who refuse to assist or delay their attendance. These fines will be made effective by the first political authority of the district.

ART. 12. For the act of voting, some fit location of easy access shall be designated in order that citizens may attend and deposit their votes.

ART. 13. Each body of judges of election on being installed shall name a president and a vice-president from among its members, and a secretary, who may or may not be a member of the same.

ART. 14. The municipal council, or the judges in its place, shall give the proper orders that the voting may begin promptly and be carried out with absolute freedom. In this respect, if necessary, it shall demand the cooperation of the alcalde (mayor) and the inspectors of police, who will be obliged to give him aid.

ART. 15. The municipal council or the judges of election shall so dispose that the voting may begin precisely at 8 o'clock on the morning of the 27th day of this month of December, the opening of the same being announced by means of the long roll of a drum at the street door of the place assigned for the voting. The voting shall cease at 4 o'clock in the afternoon, which will be announced by another long roll of the drum.

ART. 16. Every citizen has the right to cast his vote in the election herein named, and the municipal council or the judges of election can not refuse this right unless three citizens affirm under oath that he has not the said right, concerning which they will submit testimony for the purposes which are expressed in the following article.

ART. 17. If it happen that any person not a citizen attempts to vote, for this act alone he shall be sentenced to ninety days of imprisonment, after ascertaining the facts, by the judge of the respective circuit; also those individuals who falsely testify before the municipal council or the judges of election that a citizen does not possess the proper qualifications to vote shall suffer six months' imprisonment.

ART. 18. No citizen may cast more than one vote in the election. He who deposits more than one vote, be it in one voting place or another, shall suffer the punishment hereinafter to be expressed.

ART. 19. In order to prevent any citizen from casting more than one vote the name of each voter shall be inscribed in a register in regular order, which register shall be placed upon the voting table in view of the public, and at the close of the voting all the judges shall sign at the foot of the register and as many as four citizens who may desire to do so, and copy will be given of said registers to whomsoever solicits it.

ART. 20. The ballots for the election of delegates to the national constitutional convention shall state separately the names of the individuals to be voted for as principals and the names of those for whom a vote is to be cast for alternates.

Those who obtain the greater number of votes as principals shall be declared elected with that character, and those obtaining a majority of votes as alternates shall be declared elected alternates according to the order of the number of votes cast for each. In case of a tie the order shall be decided by lot.

ART. 21. The ballots shall not contain the name of the same person twice; they shall state under the heads of principals and alternates, properly separated, the names of the candidates; they shall be placed within an envelope or cover that they may be examined without reading their contents, and shall measure in length no more than a decimeter in order that they may easily be placed in the ballot box.

ART. 22. The judges of election shall be installed for the act of the elections and to superintend the same in such manner that they will be in view of the public, but separated from it by means of gratings.

ART. 23. A table shall be placed near the judges, around which they will place themselves, the voters having access to the table at one side. On the top of the table there will be an urn, which shall be a box of wood with an opening of a decimeter in length and a centimeter in breadth.

ART. 24. Immediately before the opening of the voting the box shall be opened and the public will be permitted to examine it, that it may be convinced that it is empty and that it does not contain a double bottom or other secret means for committing fraud.

ART. 25. The vote shall be taken in a single day in public and continuous session during the hours set forth by this decree. The hour having arrived for the termination of the voting, the same signal that announced the beginning of the same shall be given in the hearing of the judges.

ART. 26. Immediately after the closing of the voting the judges shall read aloud the list of the citizens who have voted; they shall state in the same manner the total number of the voters and will place at the bottom of said list the following note: "We, the undersigned, members of the judges of election, number —, do hereby certify that this day (giving number) citizens have voted for the election of delegates to the national constitutional convention, the names of whom are above noted." The date and signatures of the judges and the secretary shall then be attached.

ART. 27. The direction given in the foregoing article having been carried out, the urn in which the ballots were deposited shall be publicly opened. The secretary shall count them one by one. If there be a greater number than those of the individuals voting all of the ballots shall be replaced, and after moving them to change the location as many ballots as are excessive shall be drawn out by lot and without opening shall be immediately burned.

ART. 28. The ballots having been counted and collected, they shall then be examined, which shall be done by two of the judges, who shall keep the register of the number of votes cast in favor of each candidate. Another of the judges shall open and read the ballots aloud one by one and shall show them to those who are noting the result.

ART. 29. A vote that does not express in an intelligible manner the name and surname of the person in whose favor it is cast shall be considered a blank.

In like manner the votes cast in favor of women, other ineligible persons, and foreigners shall be considered as blanks.

ART. 30. Should an envelope contain two or more ballots, neither of them shall be counted and the vote shall be considered null.

ART. 31. The examination having been concluded, the result shall be read aloud, and a copy of the summary of it, signed by all the members of the municipal coun-

oil or of the judges present, will be furnished to anyone desiring the same. Then the ballots shall be inclosed in a package, upon the cover of which shall be placed a certificate of its contents, and it shall be directed to the president of the electoral board of the respective province.

ART. 32. The result of the examination shall be set forth in a register, in which shall be stated the number of votes obtained by each candidate and other circumstances concerning the matter. Three copies of this register shall be made, which shall be directed respectively to the convention, to the junta of the provisional government, and to the president of the electoral board of the province, sending to this last named the package that contains the ballots of the election and the list of the voters.

ART. 33. Each copy of the register shall be signed by all the members of the municipal council and judges and by those attending up to the number of ten who may wish to do so. The envelopes containing the other documents forwarded by the judges of election shall be signed in like manner.

ART. 34. The duties of members of the electoral boards or of the judges of election are obligatory.

CHAPTER IV.—*Examinations.*

ART. 35. It is the duty of the electoral boards to make the examination of the votes cast in the municipal districts before the municipal councils and the judges of election.

ART. 36. On the 3d day of January, 1904, at 10 o'clock in the morning, in a public place, and after having been announced by three rolls of the drum, the electoral board shall meet for the examination of the vote cast before the municipal councils or judges of election of the entire province.

ART. 37. The president shall allow for reading the register of the documents received by him up to one hour before the installation of that body and shall exhibit them to the other members.

Then shall be opened, one by one, the registers of the votes, but no package shall be opened until the votes in the previous one have been counted, nor will such registers be computed when they have been received after the hour indicated in this article.

ART. 38. The registers shall be read aloud by the secretary of the board and shall be shown to those spectators who desire the same, and to the examiners at the time of announcing the votes cast in favor of each candidate.

ART. 39. The reading of the registers concluded, and the count having been made of the total number of votes cast in each district, a general count shall be made of all the votes cast for each candidate in every province, and the result shall be entered in a register.

ART. 40. The electoral board, having completed the general count to which the preceding article refers, shall declare elected as delegates and alternates to the national constitutional convention by the respective electoral districts, those citizens who have received the majority of the votes lawfully deposited, and in the descending order of the same.

The president of the board shall give information of their election to those chosen and to the junta of the provisional government, through the cabinet of the government.

ART. 41. Three copies of the register shall be prepared and be forwarded as follows: One to the junta of the provisional government, another to the national constitutional convention, and the third, which will be forwarded with the other documents of the board, to the president of the municipal council of the capital of the province, that they may be preserved in the archives.

ART. 42. The electoral board, on making the examination, has the duty of declaring as null and void the votes cast in favor of persons who may (not ?) be eligible according to this decree.

ART. 43. The regulations established for the examination of elections are applicable to the examinations made by the electoral boards, provided they be not contrary to those given in this chapter.

CHAPTER V.—*Nullities.*

ART. 44. The popular elections discussed in this decree are null and of no value or effect in the following cases:

1. When they have taken place on any other day than that assigned in this decree;
2. When the voting and the examinations, respectively, have not been carried out in the presence of at least a full majority of the members of the body of judges or the council;

3. When violence has been used against the examiners, or the ballots of the election have been mixed with others, or they have been lost or destroyed through violence;

4. When the voting has not continued throughout the hours assigned in this decree;

5. When a register has not been made of the names of the voters, or it is proved that it has been falsified or altered; and

6. When the examination of the votes has been interrupted to be continued afterward.

ART. 45. The registers are of no value:

1. When it is proved that there has been substantial alteration in the writing, after having been signed by the members of the body;

2. When there appear corrections, erasures, or interlineations in the names or surnames of the candidates or in the number of votes each one may have obtained;

3. When they are found to be without the signatures of all the members of the municipal council or of the judges present at the examination, with exception of the case when it is known that a person or persons have refused to sign, and the cause of the refusal;

4. When the number of voters multiplied by the number of individuals to be voted for gives a result greater than appears in the register, counting the votes that have been declared null or blank; and

5. When it results that the register is falsified or doubtful.

ART. 46. The nullities stated under the numbers 1, 2, 3, 4, and 5 of article 44 include also those registers made by the municipal councils or judges of election.

CHAPTER VI.—*Penalties.*

ART. 47. The members of the electoral bodies described in this decree who, without the gravest cause, fail to attend the installation, shall pay a fine of from twenty-five to fifty dollars; and if for this reason the installation be not accomplished, the fine shall be doubled. This fine will be imposed by the members assembled.

If any individual fail to attend any other session whatever, without justifiable cause for the absence, the fine shall be from twenty-five to one hundred dollars; but should this prevent the session from being held, the fine will be from one hundred to two hundred dollars.

The same applies to those who attend the session in any one of the said cases whatever and do not sign the record of proceedings.

ART. 48. He who commits any act with the purpose of examining the ballot of another against the latter's will, and of violating the right of suffrage, employing force or fraud, any artifice or deceit to that end, shall be punished with a fine of from one hundred to five hundred dollars and from thirty to sixty days of arrest.

ART. 49. The members of the electoral bodies described in this decree who, in the discharge of their duties, exercise, or try to exercise, influence upon the result of the voting or the examination, shall suffer a punishment of from two to six months of imprisonment.

ART. 50. The individual who hinders, or endeavors to hinder, another who votes, or who changes his ballot without his consent, or removes it, or attempts to remove it, or in any other manner restrains him in his right to vote for the candidates of his choice or of his desires, shall suffer the same punishment expressed in the foregoing article.

ART. 51. He who votes or attempts to vote under a name not his own, or attempts to place in the urn two or more envelopes, shall suffer an imprisonment of from one to two years.

ART. 52. The individual who, being suspended or deprived of political rights by virtue of judicial sentence, attempts to vote or votes in the election for delegates, shall suffer a year of imprisonment, after which he suffers the first sentence.

ART. 53. He who knowingly hinders the meeting of the electoral bodies, in order that the voting or examinations may not take place with due punctuality, shall suffer an imprisonment of from one to two years.

ART. 54. He who takes away the urn or exercises violence against the officials charged with receiving the ballots or of making the examination, or seizes the ballots or the records of the examinations, shall be tried as guilty of using force and violence.

ART. 55. The members of the electoral bodies who maliciously give place to what for any reason causes nullity or vitiates the voting or examination, shall suffer an imprisonment of from six months to one year. If the act were committed inadvertently or through ignorance the penalty shall be a fine of from \$100 to \$200.

ART. 56. He who abstracts, changes, destroys, or delays any record of examination

shall suffer an arrest of from six to nine months. If he who committed the act be a member of some electoral body or public official, the punishment will be doubled.

ART. 57. The prefects of provinces, the mayors of districts, the inspectors of police who do not give protection to citizens on the day of the elections, or who do not give their cooperation in order that the judges of election, municipal councils, and electoral boards lack nothing at the time of complying with their obligations, and the members of such bodies who do not fulfill the duties that correspond to them, so that the elections and the examinations may be carried out promptly, shall pay a fine of from \$50 to \$200, which will be imposed by the junta of the Provisional Government; but if on account of the above reasons the elections or examinations are not carried out the penalty will be doubled.

ART. 58. The members of the municipal councils or of the judges of election who, after having received votes freely deposited, compute or count them in favor of persons other than those named in the same, or who cause to appear a greater number of votes than the number of persons who have actually voted, or who in any manner commit fraud, alteration, or omissions, with the purpose of favoring certain candidates shall be considered as guilty of falsifying public documents and judged accordingly.

ART. 59. The penalties of which the foregoing articles treat shall be imposed upon those accountable by the judges competent according to the laws of criminal procedure, in case that power has not been attributed to another authority by the present decree. Those articles shall be published in loose sheets and will be fixed in the most conspicuous places in all public offices.

ART. 60. The member of the municipal council or of an electoral body who withdraws from the session without leaving a majority, or without having finished the examination, or without the registers being made and signed and the covers that contain them sealed and directed, shall pay a fine of from \$25 to \$400, which will be imposed by the highest political authority of the province if it concerns one of the council and judges of election, and by the junta of the Government if it concerns one of the electoral boards.

ART. 61. The bearers of the documents of the elections who do not arrive at their destination in the time which has been fixed for them, if it be not on account of physical impossibility, duly proved, shall suffer imprisonment of fifteen days.

ART. 62. If he who is sentenced to payment of a fine does not pay it promptly, he will be placed under arrest, at the rate of one day for each dollar of the fine; but even after the change has been ordered the individual sentenced can pay the fine or the respective proportional part and free himself from arrest.

ART. 63. The fines which are imposed in conformity with this decree shall be turned into the treasury of the Republic.

ART. 64. In the elections which are to take place the electoral bodies by a relative majority of the members shall decide every case of a tie by lot.

ART. 65. The electoral boards shall be installed the 30th day of December of the present year, and for the making of the examination which is their duty, the 3rd day of January, 1904, is designated.

Publish.

Given in Panama on the 12th day of December, 1903.

The Minister of Government,

The Minister of Foreign Relations,

For the Minister of Justice, the subsecretary,

The Minister of the Treasury,

The Minister of War and Marine,

The Minister of Public Instruction,

J. A. ARANGO.
TOMAS ARIAS.
FEDERICO BOYD.

EUSEBIO A. MORALES.

F. V. DE LA ESPRIELLA.

DANIEL BALLEEN.

MANUEL E. AMADOR.

NICANOR A. DE OBRARIO.

JULIO J. FABREGA.

CUBA.

LEASE OF COALING OR NAVAL STATIONS TO THE UNITED STATES.

Agreement between the United States of America and the Republic of Cuba for the lease (subject to terms to be agreed upon by the two Governments) to the United States of lands in Cuba for coaling and naval stations.

Signed by the President of Cuba, February 16, 1903.

Signed by the President of the United States, February 23, 1903.

Agreement between the United States of America and the Republic of Cuba for the lease (subject to terms to be agreed upon by the two Governments) to the United States of lands in Cuba for coaling and naval stations.

The United States of America and the Republic of Cuba, being desirous to execute fully the provisions of Article VII of the Act of Congress approved March second, 1901, and of Article VII of the Appendix to the Constitution of the Republic of Cuba promulgated on the 20th of May, 1902, which provide:

“Article VII. To enable the United States to maintain the independence of Cuba, and to protect the people thereof, as well as for its own defense, the Cuban Government will sell or lease to the United States the lands necessary for coaling or naval stations, at certain specified points, to be agreed upon with the President of the United States.”

have reached an agreement to that end, as follows:

ARTICLE I.

The Republic of Cuba hereby leases to the United States, for the time required for the purposes of coaling and naval stations, the following described areas of land and water situated in the Island of Cuba.

1st. In Guantanamo (see Hydrographic Office Chart 1857).

From a point on the south coast, 4.37 nautical miles to the eastward of Windward Point Light House, a line running north (true) a distance of 4.25 nautical miles;

From the northern extremity of this line, a line running west (true), a distance of 5.87 nautical miles;

From the western extremity of this last line, a line running southwest (true), 3.31 nautical miles;

From the southwestern extremity of this last line, a line running south (true), to the seacoast.

This lease shall be subject to all the conditions named in Article II of this agreement.

2nd. In Northwestern Cuba (see Hydrographic Office Chart 2036).

In Bahia Honda (see Hydrographic Office Chart 520b).

All that land included in the peninsula containing Cerro del Morrillo and Punta del Carenero situated to the westward of a line running south (true) from the north coast at a distance of thirteen hundred yards east (true) from the crest of Cerro del Morrillo, and all the adjacent waters touching upon the coast line of the above described peninsula and including the estuary south of Punta del Carenero with the control of the headwaters as necessary for sanitary and other purposes.

And in addition all that piece of land and its adjacent waters on the western side of the entrance to Bahia Honda included between the shore line and a line running north and south (true) to low water marks through a point which is west (true) distant one nautical mile from Pta. del Cayman.

ARTICLE II.

The grant of the foregoing Article shall include the right to use and occupy the waters adjacent to said areas of land and water, and to improve and deepen the entrances thereto and the anchorages therein, and generally to do any and all things necessary to fit the premises for use as coaling or naval stations only, and for no other purpose.

Vessels engaged in the Cuban trade shall have free passage through the waters included within this grant.

ARTICLE III.

While on the one hand the United States recognizes the continuance of the ultimate sovereignty of the Republic of Cuba over the above described areas of land and water, on the other hand the Republic of Cuba consents that during the period of the occupation by the United States of said areas under the terms of this agreement the United States shall exercise complete jurisdiction and control over and within said areas with the right to acquire (under conditions to be hereafter agreed upon by the two Governments) for the public purposes of the United States any land or other property therein by purchase or by exercise of eminent domain with full compensation to the owners thereof.

Done in duplicate at Habana, and signed by the President of the Republic of Cuba this sixteenth day of February, 1903.

[SEAL]

T. ESTRADA PALMA.

Signed by the President of the United States the twenty third of February, 1903.

[SEAL]

THEODORE ROOSEVELT

Lease to the United States by the Government of Cuba of certain areas of land and water for naval or coaling stations in Guantanamo and Bahia Honda.

Signed at Habana, July 2, 1903.

Approved by the President October 2, 1903.

Ratified by the President of Cuba August 17, 1903.

Ratifications exchanged at Washington October 6, 1903.

The United States of America and the Republic of Cuba, being desirous to conclude the conditions of the lease of areas of land and

water for the establishment of naval or coaling stations in Guantanamo and Bahia Honda the Republic of Cuba made to the United States by the Agreement of February 16/23, 1903, in fulfillment of the provisions of Article Seven of the Constitutional Appendix of the Republic of Cuba, have appointed their Plenipotentiaries to that end.—

The President of the United States of America, Herbert G. Squiers, Envoy Extraordinary and Minister Plenipotentiary in Havana.

And the President of the Republic of Cuba, José M. Garcia Montes, Secretary of Finance, and acting Secretary of State and Justice, who, after communicating to each other their respective full powers, found to be in due form, have agreed upon the following Articles;—

ARTICLE I

The United States of America agrees and covenants to pay to the Republic of Cuba the annual sum of two thousand dollars, in gold coin of the United States, as long as the former shall occupy and use said areas of land by virtue of said Agreement.

All private lands and other real property within said area shall be acquired forthwith by the Republic of Cuba.

The United States of America agrees to furnish to the Republic of Cuba the sums necessary for the purchase of said private lands and properties and such sums shall be accepted by the Republic of Cuba as advance payment on account of rental due by virtue of said Agreement.

ARTICLE II

The said areas shall be surveyed and their boundaries distinctly marked by permanent fences or inclosures.

The expenses of construction and maintenance of such fences or inclosures shall be borne by the United States.

ARTICLE III

The United States of America agrees that no person, partnership, or corporation shall be permitted to establish or maintain a commercial, industrial or other enterprise within said areas.

ARTICLE IV

Fugitives from justice charged with crimes or misdemeanors amenable to Cuban law, taking refuge within said areas, shall be delivered up by the United States authorities on demand by duly authorized Cuban authorities.

On the other hand the Republic of Cuba agrees that fugitives from justice charged with crimes or misdemeanors amenable to United States law, committed within said areas, taking refuge in Cuban territory, shall on demand, be delivered up to duly authorized United States authorities.

ARTICLE V.

Materials of all kinds, merchandise, stores and munitions of war imported into said areas for exclusive use and consumption therein, shall not be subject to payment of customs duties nor any other fees

or charges and the vessels which may carry same shall not be subject to payment of port, tonnage, anchorage or other fees, except in case said vessels shall be discharged without the limits of said areas; and said vessels shall not be discharged without the limits of said areas otherwise than through a regular port of entry of the Republic of Cuba when both cargo and vessel shall be subject to all Cuban Customs laws and regulations and payment of corresponding duties and fees.

It is further agreed that such materials, merchandise, stores and munitions of war shall not be transported from said areas into Cuban territory.

ARTICLE VI.

Except as provided in the preceding Article vessels entering into or departing from the Bays of Guantanamo and Bahia Honda within the limits of Cuban territory shall be subject exclusively to Cuban laws and authorities and orders emanating from the latter in all that respects port police, Customs or Health, and authorities of the United States shall place no obstacle in the way of entrance and departure of said vessels except in case of a state of war.

ARTICLE VII

This lease shall be ratified and the ratifications shall be exchanged in the City of Washington within seven months from this date.

In witness whereof, We, the respective Plenipotentiaries, have signed this lease and hereunto affixed our Seals.

Done at Havana, in duplicate in English and Spanish this second day of July nineteen hundred and three.

[SEAL.]
[SEAL.]

H. G. SQUIERS.
JOSÉ M. GARCÍA MONTES

I, Theodore Roosevelt, President of the United States of America, having seen and considered the foregoing lease, do hereby approve the same, by virtue of the authority conferred by the seventh of the provisions defining the relations which are to exist between the United States and Cuba, contained in the Act of Congress approved March 2, 1901, entitled "An Act making appropriation for the support of the Army for the fiscal year ending June 30, 1902."

WASHINGTON, *October 2, 1903.*

THEODORE ROOSEVELT

MESSAGE OF THE PRESIDENT OF CUBA TO CONGRESS.

Mr. Squiers to Mr. Hay.

No. 479.]

LEGATION OF THE UNITED STATES,
Habana, April 11, 1903.

SIR: Confirming my telegrams ^a of the 7th and 9th instant relative to the President's message, I now beg to inclose a translation of that document.

My telegrams covered all that is of special importance to the United States, excepting so much as relates to sanitary questions. The execu-

^a Not printed.

tive discusses some of the difficulties which are now under consideration and to which I have referred in my reports on the sanitary condition of Santiago.

* * * * *

I have, etc.,

H. G. SQUIERS.

[Inclosure.—Translation.]

President's message.

The third legislature opens to-day and it is a pleasure for me to address to the congress the message required by law, giving an account of the acts of the administration and the general condition of the Republic, and mentioning some laws that, in my judgment, it is advisable to enact.

During the time transpired since November last the administration has given special attention to maintenance of public order throughout the island, so as to keep that order in the same satisfactory conditions now existing. To this end the administration has been seconded by the local authorities and governors of provinces with such energy that but a few occurrences of small importance and others of no importance are to be recorded. Exception must be made, however, of the happenings brought about by the general strike that occurred in this city during the second half of the month of November last—strike originated by differences between workmen of a few factories and the owners. The happenings mentioned are well known. They assumed such importance shortly as to concern the public, and forced the authorities to repress, with the salutary energy which the circumstances demanded, those who, overstepping the limits of a pacific demonstration, tried to stamp on it another character with acts of violence and excesses.

Order having been reestablished without delay as an effect of the measures taken, and because the good sense and prudence of our people contributed thereto in a high degree, the courts of justice proceeded to initiate the prosecutions necessary to clear up the things which occurred. It is their duty to apply the law to those who are found guilty of punishable acts.

The rural guard has, in the discharge of its duties, acted with the activity and circumspection that have always characterized its services and has performed some service of genuine importance to the tranquillity of certain districts. It is to be hoped that with the reorganization now going on in conformity with the law of October 18 this important security corps will be able to effectively answer the lofty object to which it is destined, avoiding in the future the deficiencies now noted, due to the limited number of men available for vigiling the extensive territory of the island.

Due to the magnitude and importance of the reform, and the natural objections it is necessary to obviate in order to carry out the work with probability of good success, it has not been possible to hasten the preliminary work of reorganization.

It is also indispensable that attention be given as quickly as possible to a necessity genuinely worthy of consideration and more urgent, since it refers not only to the rural guard, but the artillery corps as well. I refer to the reform to which the legislative power is now giving attention with the interest the subject merits. It is necessary to enact substantive penal laws and laws of procedure of a military character, that will revoke the incomplete and deficient provisions now governing, since the application of these provisions give rise to fretful questions of authority that the very precepts of them make insolvable, in addition to their being inadequate for the maintenance of a strict discipline in the armed forces of the Republic.

Ways of communication have been and are the object of special attention on the part of the executive, interested in improving them day by day until, as soon as possible, the perfection attained in other countries is reached here.

New routes have been established for interior correspondence, negotiations for the Republic's entrance into the Universal Postal Union have been completed, and special treaties have been prepared with countries that, like the United States of North America and Mexico, demand special consideration in the exchange of correspondence on account of their manifold relations with this country.

With respect to the telegraph service, endeavors have been made, and with success,

to utilize the system of lines we received in very bad condition on the inauguration of the Government of the Republic. Pains have been taken to improve their general condition; several branches which were almost unserviceable have been repaired, and new lines have been built so as to place in communication with the rest of the island regions which, until now, have not enjoyed such an advantage. This, notwithstanding a complete reconstruction of the present telegraph lines is indispensable to secure satisfactory communication and permit the establishment of modern scientific improvements in an appropriate manner and without greater expense. With respect to this particular extensive reports that set forth the necessities requiring attention in order to bring about a good telegraph service are now in possession of the house of representatives.

The great number of employees of this service are selected carefully, and this will be productive of positive benefits to the public and the administration. It is but just to mention that the majority of the subordinate employees receive a compensation that is very small in comparison with the delicate and highly responsible work required of them, and that in some instances there is a real lack of employees to perform the service, a service that is assuming greater proportions daily.

The following matters connected with sanitation merit special mention, namely: The organization of the superior sanitary board; the decision to temporarily continue allotments to various ayuntamientos for the purpose of sanitation and street cleaning; the measures taken to fight the disease which attacked cattle, and the measure adopted against Mexican arrivals by reason of the existence of the bubonic plague in the important port of Mazatlan.

The obligations of the executive department and the public services it is called upon to oversee and direct can not be properly managed until there is a law organizing and regulating them, or if the existing law is unconstitutional. Such a case occurs with respect to the services of sanitation in general, for the reason that this matter is now governed by order number 159, series of 1902, the provisions of which can not be harmonized with the precepts of the constitution. The superior sanitary board, created by the said military order, with powers of a legislative and executive character, armed with a power that extends its jurisdiction throughout the island, and with authority sufficient to create subordinate organisms and take upon itself the direction and administration of others, has become a sort of department of sanitation, with powers that are extraordinary and of such nature that they do not fit in with the system established by the constitution for the exercise of the executive power. For this reason it has been necessary to the orderly running of that branch to place it under the direction of the department of government, as was directed by the decree of January 2 last. It has also been necessary to rely on the efforts and good will of the board in order to avoid daily difficulties and friction over attributes in the decision of matters.

If it is not possible for the superior sanitary board to constitutionally discharge its duties governing itself strictly by the military order referred to, neither is it possible that the services of that branch of the public administration be performed without a central control to unify them, or without an allotment, necessary and permanent, with which to duly carry them on.

The Congress is aware of the fact that with respect to sanitary matters the Republic of Cuba has recorded in the appendix of Cuba a provision obliging the Government to give special attention to matters of public health. In order to faithfully discharge that obligation the executive made known in a message of November 3 last the immediate urgency of enactment of a sanitary law, for the reason that there was no fixed rule to which it could adjust its acts and resolutions, and the petition then made that Congress at once adopt the measures recommended in order to definitely fix the organization which should be given to such an important branch of the public administration must be repeated.

The executive has the satisfaction of announcing to the Congress that the disease which broke out among cattle in the month of January last with such alarming character has abated in such manner as to make it possible to assure that it will have no appreciable consequences other than the relatively small loss suffered during the early period of the invasion of the disease. The technical commission appointed to study the disease diagnosed the ailment as "carbuncló sintomático," and adopted such efficacious measures, under the authority of the superior sanitary board, that to the same, without doubt, is due the good results obtained. Up to the present time the expenses incurred have not amounted to half the allotment granted for the purpose by the executive.

The frequent and alarming reports received from the neighboring Republic of Mexico with regard to the appearance of the epidemic known as the "bubonic

plague" in Mazatlan, made it necessary to adopt rigorous quarantine measures against arrivals from the ports of that Republic. The reports mentioned were rectified later on to the effect that the epidemic was localized to Mazatlan and that the strict application of the quarantine rules would suffice to prevent the importation of that and other diseases existing in the said Republic, and it has been decided to annul the prohibition contained in the decree of February 1, enforcing only such measures as are counseled by prudence, in view of the continuous commerce with the Mexican nation.

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The Republic of Cuba has been recognized by all nations excepting Turkey, Morocco, and Liberia, and I have the pleasure to announce to the Congress that during the period transpired since the establishment of the new Government the smallest incident has not occurred that could unfavorably affect our international relations.

From the month of November to date foreign diplomatic representation in Cuba has been increased by a minister plenipotentiary of Salvador, a minister resident of His Majesty the King of Italy, and a chargé d'affaires of the Chinese Empire. The early arrival of Ecuador's diplomatic representative has been announced, and the Government has official advices to the effect that Germany will send shortly a diplomatic representative. The consular corps in Cuba consists of seventy-eight agents, consuls and honorary consuls.

The Republic has three legations with full personnel established at present, namely, at Washington, Mexico City, and Madrid. The Paris and London legations will be established soon. Twenty-four independent consulates, and one attached to the Madrid legation, are in operation and it is the purpose of the Government to accredit diplomatic representatives or consular representatives, as the nature of our relations may demand or the duties of international courtesy counsel, in all those countries in which we have any political or economic interest to look after, be it either to strengthen with those countries ties of friendship or broaden our commerce.

During the present legislature I expect to submit to the approval of the Senate two postal treaties with the Republic of Mexico. We have other treaties under study: One of extradition, proposed by the United States; another, commercial, proposed by Great Britain; another, extradition, proposed by Belgium; and another, of relations, proposed by the French Republic. Various governments have indicated a purpose to make various kinds of international agreements with Cuba.

Our Government having been invited to participate in an International Sanitary Congress, and also a Customs Congress, to be held in Washington and New York, respectively, it was considered advisable to send delegates to both. The congresses were held, the first on December 1 and the second on January 2. We have likewise been invited to attend an International Agricultural Fair in Rome and a Medical Congress in Madrid. No decision has yet been adopted in these matters.

The Universal Exposition at St. Louis will open in 1904. I have already had the honor to report the same to Congress in a previous message, urging the advisability of voting the appropriation necessary for Cuba to worthily take part in said exposition.

His Majesty the King of Belgium has addressed us a courteous invitation for the Cuban Republic to be represented in the International Exposition at Liege, which will be inaugurated in April, 1905. I consider it advantageous to our country to participate there also with our products, for we should avail ourselves of every occasion to exhibit to the world how advanced are our industries and intellectual culture.

It is extremely satisfactory that the friendly relations between the people of the United States and of Cuba continue to be most binding and cordial. And this flattering fact is much more pleasant when we remember the noble action, resolutely favorable to Cuba, of the illustrious president of that great Nation. It is sufficient to recall the obstacles his indomitable will has overcome to secure the ratification of the treaty of commercial reciprocity by the Senate of his country, and his firm intention to call the Congress to a special session in order to approve it definitively. Furthermore, the sympathies, the respect, and the just consideration which day by day and more and more we inspire in the American people by our exemplary conduct as an independent people, conscientious in its obligations, responsibilities, and rights, contribute powerfully to make secure the cordial understanding between the two nations.

It is to our interest to worthily cultivate those sentiments of the American people, and we can do it in no more certain a way than by acting frankly, promptly, and correctly in the fulfillment of our obligations to the Washington Government, be this to grant what we should or refuse what we consider it unjust to concede.

The agreement which under article 7 of the constitutional appendix was made with the President of the United States, fixing the places we are to lease for naval and coaling stations, has already been submitted to the Senate for its approval. I do not hesitate to call the attention of the Congress to the difference between what has been agreed upon and the purpose of the Washington Government to obtain two more places—Nipe and Cienfuegos—in addition to Guantanamo and Bahia Honda for the establishment of such stations.

The constant energy of that Government to secure the first two stations can only be compared with the efforts made by the Cuban Government not to cede more than the two stations previously mentioned. As it is not possible to elude the obligation assumed in consequence of the seventh article of the Platt amendment, accepted by us, the executive believes that the agreement made, by which there is fixed for naval or coaling stations a part of the bay of Guantanamo and likewise a part of Bahia Honda, is the most favorable that could have been made. Therefore, the executive did not hesitate to recommend its prompt approval, so that it could proceed immediately to make the additional agreement establishing the consideration of the lease and all other conditions and particulars which should regulate the possession of the areas of land and water designated in Guantanamo and Bahia Honda.

We are now busy with the matter of the Island of Pines and are hopeful that the negotiations will result satisfactorily to us. The permanent treaty of which the eighth article of the constitutional appendix speaks remains to be made. By the letter of that article it is obligatory that all the clauses of the appendix be inserted in that treaty. This once done it does not seem necessary that the American statutes known as the Platt amendment should continue to appear in the constitution of the Republic of Cuba, therefore the executive understands that without prejudice to making immediately the agreement on coaling and naval stations and the one relative to the Island of Pines, it is to our interest to make the permanent treaty as soon as possible, which will consist of the clauses of the said amendment inserted integrally, and the above-mentioned special agreements made in the fulfillment of articles 6 and 7 of the constitutional appendix. In this manner the terms of the political relations between Cuba and the United States will have been clearly established, and a problem definitely solved for us which, until it is solved, is susceptible of maintaining our minds in a state of some uncertainty, for the very reason of not knowing to a certainty what might be the final result of the negotiations.

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The confidence shown in the stability of Cuba's institutions and prosperity by the investment of capital of private enterprises in the construction of different railways is really a flattering sign for Cuba. One of these enterprises, the Cuba Company, has connected by railroad the capital of the province of Santiago with the capital of the nation, Santiago with Habana, building 571 kilometers of railroad to the east of Santa Clara. Therefore we have Pinar del Rio, the capital of the most westerly province, connected by rail with Santiago. This same enterprise is building a branch from Alto Cedro to Nipe, which will place that fine bay in connection with Santiago de Cuba and the Sancti Spiritus branch; it being the purpose of this enterprise to extend its railroad system and contribute with its own resources to the development of agriculture and the vast and fertile region that extends all along its lines.

Another new enterprise, the Cuba Eastern Railroad, after fulfilling all the requirements of the law, has been authorized to build a standard-gauge railroad that, starting from Boquerones on the bay of Guantanamo, will be extended 63 kilometers to the northeast of said bay. This company has been incorporated with a capital of \$2,000,000.

The Insular Railway Company, which obtained a concession for various important lines in the province of Habana, is building a branch toward Mariel and has already reached Buena Vista with its grade work.

The Western Railways of Habana began during the first half of January the extension of its principal line from Pinar del Rio to San Luis, which, within a very few months, will be united by railway with Habana. It is the purpose of this same railroad, so stated by its president, to carry its line up to the rich district of San Juan y Martinez as soon as the 17-kilometer branch in question is finished.

The Marconi Wireless Company secured a short time ago, and without privileges of any sort, authorization to place in operation in Cuba a system of telegraph without the use of wires.

Signs like these, as I have said before, are those that show the confidence of foreign capitalists in the high qualifications of the Cuban people to govern themselves.

The condition of the treasury continues to be satisfactory.

The following is a statement of receipts and disbursements from November 3, the date of my last message, to March 31:

| | | |
|-------------------------------------|----------------|----------------|
| Funds on hand November 1, 1902..... | | \$1,562,942.05 |
| Receipts: | | |
| November, 1902..... | \$1,156,871.56 | |
| December, 1902..... | 1,619,305.95 | |
| January, 1903..... | 1,527,407.59 | |
| February, 1903..... | 1,400,137.56 | |
| March, 1903..... | 1,457,421.01 | |
| | | 7,161,143.67 |
| | | 8,724,085.72 |
| Disbursements: | | |
| November, 1902..... | 975,560.18 | |
| December, 1902..... | 1,537,676.60 | |
| January, 1903..... | 1,172,449.21 | |
| February, 1903..... | 1,222,705.63 | |
| March, 1903..... | 1,177,157.77 | |
| | | 6,085,549.39 |
| On hand April 1, 1903..... | | 2,638,536.35 |

If we subtract from this money on hand about \$1,000,000, more or less, the total sum of special allotments granted for public works and other things by laws of Congress and resolutions of the Executive (the latter per the authority of June 12 and September 5 and the allotment of \$300,000) it results that we have at our disposal only about \$1,600,000, and as a foreseeing prudence counsels a treasury reserve fund of never less than \$1,500,000 to meet emergencies that might occur by unforeseen circumstances I, animated by the pure patriotism, do not hesitate for a moment to suggest to the Congress the advisability of not voting new appropriations unless they are recommended by the Executive and justified by reasons of urgent necessity. This suggestion is all the more proper considering that in a short while a heavy disbursement must be made for the purchase of horses, equipment, etc., for the rural guard and such things as may be necessary for the artillery corps, now pending organization. It must be borne in mind, also, that the ordinary expenses are much increased by the reform in the organization of the rural guard and that which is intended in the artillery, as well as by the fulfillment of article 84 of the constitution with respect to the municipal courts, which must be supported by the State.

The general auditing department of the State gives careful attention to the examination of accounts of internal revenues, postal revenues, State expenditures and property. This service, like the no less important ones of collection and disbursement of the public funds, is faithfully done by that office, the general treasury, and the central disbursing office, each in the sphere of its respective attributes.

Customs collectors and fiscal-zone administrators continue to discharge their duties with zeal and honesty. The payment of special and regular obligations has been effected with thorough punctuality and in conformity with the authority granted the Executive by the law of September 5, 1902, and the corresponding allotments. It can be assured that no disbursement in excess of the respective allotment has been made; on the contrary, there is a surplus from the allotments for said obligations.

The provisions of law in force on immigration have been fulfilled with all regularity, and that department, like the quarantine service attached to it at Triscornia, has effected important improvements. Other improvements to the benefit of those who by the immigration and sanitary laws have to reside at Triscornia for the time specified by those laws are contemplated.

The work on the railroad from Alto Cedro to Nipe Bay is well advanced, and as important properties of that district are under exploitation that port will soon have to be made a port of entry and export, to which end the Executive will issue in due time the proper orders.

The department of the treasury is engaged with interest in getting up the general inventory of State property and census, a work of unquestionable importance the data for which has been almost entirely gathered, thanks to the unceasing efforts that have been made. However, the work will be incomplete unless the lands which the State owns, unsurveyed in great part, above all in the province of Santiago, are not properly surveyed and their boundaries fixed so as to allow their free utilization for an advantageous colonization. Therefore it is the purpose of the Executive to organize a competent commission of land surveyors and experts, charged with effecting with the greatest possible accuracy the demarkation and survey of the

lands mentioned. All the data and records that the Congress has asked for on this matter have been sent to it.

Statistics of the Republic's foreign commerce are still being published with the proper punctuality, and monthly financial statements are published in the Official Gazette and sent to both houses of the Congress.

The law authorizing the executive to contract a loan of \$35,000,000 was published in the Gazette of February 28; the regulation for collecting the taxes for paying the interests and redemption has been drafted, and to begin to collect said taxes we are only waiting for Congress to make the necessary explanatory declaration relative to the power of the executive to at once begin said collection.

Due attention is being given to negotiation of the loan, and while it is not easy to prejudge a matter of such importance, indications are that it will be possible to effect the transaction on the terms fixed by the law. As soon as everything is ready to begin the collection of the taxes the conditions on which the loan will be contracted will be published.

It seems proper to call the attention of the Congress to the budgets presented in the first legislature, which, considering the present condition of the services shown therein and the circumstances attending their formation, do not fully meet the requirements they are to fulfill.

These budgets were gotten up very shortly after the Government of the Republic was inaugurated. They refer, the greater part of them, to services which were then in a period of organization on account of having been under the immediate jurisdiction of the military government, and the scope and development of which the present administration had not formed a perfect idea for lack of experience. This experience, later acquired, has demonstrated not only the defects in the organization of said services, but the rigidity with which certain requirements were considered (and which it has been necessary since to fulfill to greater extent) and the lack of foresight with respect to others which are not yet fulfilled and which demand the corresponding disbursements.

To prove the foregoing it suffices to cite as examples communications, sanitation, charities, prisons, public order, the diplomatic and consular service, artillery, navigation, etc., which to-day, by reason of their development and improvement, are far from being in the same status as they were when the budgets were made up.

It must also be remembered that \$1,200,000 was included in these budgets as a portion of the ordinary revenues, this sum having represented the increased duties on imported alcoholic beverages now comprised in the special taxes created by the loan law.

All the foregoing makes it clear that the budgets presented last November can not be applied to-day without provoking a disturbance in the services and that it is worth while to try by some means to remedy these serious objections.

I must also mention in this message another matter of great importance. I refer to the decrease noticed in silver money and the high price it is reaching as the natural result of that circumstance. The imperious need for this money as a constant medium of exchange in daily transactions and the fear that its scarcity will be felt more and more among us, since the only silver money we have comes from Spain and everything there decidedly points to the gold standard, are reasons warranting the recommendation that some measure be adopted in anticipation of the evil that might occur, be that measure to enact a law providing for the coinage of national silver money or any other which the good judgment of Congress may consider proper.

My duty under article 68 of the constitution having been complied with, it only remains for me to state to the Congress that I am convinced its work in the present legislature is to be of great benefit to the welfare of the country.

T. ESTRADA PALMA.

PRESIDENTIAL PALACE, April 6, 1903.

Mr. Squiers to Mr. Hay.

No. 712.]

LEGATION OF THE UNITED STATES,

Habana, November 7, 1903.

SIR: The President, in accordance with paragraph 4, article 68, of the constitution, which provides—

He (the President) shall present to Congress at the opening of each legislative session, and at such other times as he may deem proper, a message relating to the

acts of his administration, demonstrating the general condition of the Republic; and he shall furthermore recommend the adoption of such laws and resolutions as he may deem necessary or advantageous,

addressed to Congress a message (translation inclosed herewith) setting forth in considerable detail "the acts of the administration" and "the general condition of the Republic," but limiting his recommendations for future legislation to matters already touched upon in his previous messages or to questions of minor importance.

The message was laid before Congress Monday, November 2, the first day of the present session.

* * * * *

The most satisfactory reference is to the financial condition. He shows an increase from April 1 to November 1 (his last message being dated April 6)—a period of seven months—of \$1,204,903.06. The two most important matters now before the Cubans are the budget and the loan. Both have been reserved to a future time and message. I understand the budget is not to exceed \$16,000,000, although the President has endeavored to limit the amount to \$15,000,000.

The following is a brief summary of the various subjects mentioned:

With respect to the loan, the President says the commissioners sent to the United States returned with the impression that the loan could be secured in the American market. An increase of the artillery force is recommended, as well as a consolidation of the present armed forces.

Comparing the existing postal and telegraph service with that under the intervention, Mr. Palma is not generous enough to concede that we established this system and turned over to the Republic a well-founded working basis. Additional postal treaties have been proposed and the telegraph lines are rebuilding. Sanitary laws must be reformed, though it is conceded that under their working health conditions are excellent.

International relations are entirely satisfactory. Museums in Cuban consulates, where the country's products can be exhibited, are under study.

Political relations with the United States are progressing satisfactorily. The President has great faith in the early approval of the reciprocity treaty, and expresses appreciation of the generous support of the President of the United States. Treaties of friendship, commerce, and navigation are under way, as are also some extradition treaties. The Cuban Republic has been invited to participate in numerous expositions. The judiciary is satisfactory, but better salaries are needed in order to secure better officials. The department of public works has done much and has much room to do more, and at least \$1,500,000 should be spent in improvements for some years to come. The department of agriculture has discharged its routine duties, and attention is invited to the possibilities of this department. The department of public instruction is commended, though some minor changes in the law are necessary to insure a disinterested selection of teachers.

I have, etc.,

H. G. SQUIERS.

[Inclosure.—Translation.]

*President Palma to the Cuban Congress.*PRESIDENT'S PALACE, *Habana, November 2, 1903.**To the Congress:*

PEACE AND ORDER.

Three and a half months have elapsed since the last session of the national Congress ended. The public administration has continued in its regular course. The love of our people for the institutions that rule us and their firm purpose not to permit anyone nor anything to place them in danger has grown from day to day. Our people are thoroughly identified with the Republic. They consider it their own incarnation and they are extremely zealous for its preservation. Our people understand that the greatest guarantees of the stability of the Republic are peace and order, and consider any act directed to perturbation of public tranquillity a criminal attempt on the existence of their patria. Thus is to be explained the cry of indignation that resounded from one end of the island to the other on its becoming known about the middle of September that several armed men had tried to provoke a perturbation in the country. All classes of society, all the people, moved by the impulse of a single sentiment—their unblemished love for Cuba—hastened to energetically protest against that iniquitous attempt and to demonstrate with eloquent manifestations of adhesion to the legitimately constituted government their firm resolution to contribute at all costs to the preservation of order and thus maintain unimpaired the prestige of the Cuban nation. This noble attitude of our people honestly measures its political morality, its sound patriotism, and capacity for self-government. Be this reason for congratulation on the part of all, of just pride for our race, and of full confidence in our future.

RECENT DISTURBANCES.

The following is an exposition of what happened in consequence of the nonsensical act I have mentioned.

Several men, belonging or not to the liberating army, conceived, by their own initiative or influence of others, the absurd idea of gathering together 400 or 500 armed men, and, taking advantage of my visit to the eastern provinces, of presenting themselves to me in Santiago, demanding the immediate payment of the army. Did those men really believe that they would in that manner secure the immediate payment or did that ignoble and absurd purpose, necessarily rejected by the noble veterans of our wars of independence, cover some other purpose? Be the purpose that guided them what it may, hardly had they begun to put it into execution when they became convinced that agitators and disturbers have no place in Cuba; that here, without exception of classes, we are all equally subject to the requirements of the laws, under the action of the authorities, who have the people to rely upon as their most firm support.

On Sunday, September 13, the leaders of the movement gathered together in Sevilla, a ward of Caney. On that day and the following one they succeeded in getting to join them sixty or seventy men, the majority armed, some compelled by force and others attracted by deceptive methods. But on that same day, the 13th, the colonel, chief of the rural guard, in accord with the civil governor of the province, had taken proper steps to pursue the secessionists and prevent any other heedless fellows or others in harmony from joining them. Those measures and others adopted resulted on the 14th in the capture of four armed men; on the 15th in the band being fired upon and the seizure of horses, saddles, and a rifle; on the 16th mistrust and division now reigning between the leaders themselves, in them firing on each other, one being killed, another wounded; in all those men who had joined through deception or against their will taking advantage of the occasion to escape and make their way to their homes; and, after an active pursuit day and night, in the capture on the 21st and 22d of the remaining leaders. In this manner and a short space of time an end was put to the disturbance, which has served to demonstrate once more the efficacy of the rural guard, its discipline and the high opinion it has of its duties as an organization for public security (which duties it performs foreign to everything but obedience to the Government)—that is to thoroughly satisfy the honorable and patriotic ends of that institution. The only remaining trace of that incident is the judicial proceeding initiated to the end that the courts of justice may apply to the guilty ones the punishment prescribed by law.

Identical was the result of another attempt at disturbance, which, in the middle of last July, was initiated by four men of doubtful morality if not of bad antecedents,

who, starting from Vicana, in the district of Manzanillo, entered the district of Bayamo. They seized arms and effects in a shop in the ward of Bueycito and also proclaimed the payment of the army. They also sought irresponsibles who would follow them. The civil governor of the province and the chief of the rural guard issued orders that they be relentlessly pursued. The rural guard, efficiently aided by people of the surroundings, veterans of independence, overtook the band on the 26th and made one of them a prisoner. On the following day the band was again engaged, the leader and two companions being killed in the firing that took place.

The audiencia of Santiago de Cuba at once named a special judge to take cognizance of the affair.

It attracts attention that first the outlaws of Vicana and then those of Sevilla both gave the seditious cry of "the payment of the army." It can easily be supposed that behind those who had the boldness to show their faces and take the consequences were others less courageous but more responsible, genuine producers of both attempts at disturbing the public order. Be that as it may, the perpetrators of the deed in both cases, as well as the instigators, if instigators there were, tried to soil the clean history of the liberating army, villianously endeavoring to convert the sacred standard of the solitary star into the ignominious flag of vulgar and odious mercenaries. The pretext, further than being infamous and criminal, seemed to absolutely have some foundation.

LIQUIDATION OF THE ARMY DEBT.

The executive placed in the hands of commanders of great prestige, under the presidency of one of the most illustrious treasures of both wars of independence, the important mission of liquidating the army debt. The work was done without interruption, from August of 1902 up to July of the present year, resulting in a total of 53,774 men being recognized as members of the liberating army, whose pay has been liquidated in due form.

Liquidation for officers in civil capacities with military ranks remaining undone, the executive duly informed the Congress, which by a resolution of July 24 of the present year directed the appointment of another commission charged with terminating pending work and passing upon claims presented in a specific period. In compliance with this resolution, the names of those who had obtained the liquidation of their pay, and those whose claims had not been approved, have been published in the official gazette since July 31, and by groups.

The period prescribed for reclamations was then opened at once; rules were published for the better understanding of the various directions comprised in the resolution mentioned, and finally a new commission was appointed, assuming office on September 24.

THE LOAN.

The special tax law of February 27 last, to meet interests on and redeem the \$35,000,000 loan for the payment of the army, having been enacted, this matter has not been neglected for a moment. The most efficacious means of collecting the taxes and adoption of preliminary measures for enforcing the law from the first of this month have been studied with the greatest interest. At the same time the executive, considering it most important to send abroad a commission composed of one or two members of each house or of one of them, and of distinguished leaders of the liberating army, asked to that end, in a message of July 13, that Congress vote the necessary appropriation. This was done. The commission having been formed in the manner contemplated, it set out for New York on September 12, where it arrived on the 15th on precisely the same day that news of the trouble at Sevilla was given to the four winds. Fortunately the good judgment abroad in the good sense of the Cuban people, and to which they are entitled by prior proofs of love of order and exemplary patriotism, contributed not a little, together with the personal prestige of our commissioners, toward promptly causing to vanish the bad impression produced by the reports when first received and their not being an obstacle to the commission at once taking up its work. I will shortly report to the Congress, by a special message, the result obtained by the commissioners, who have already returned, considering it unnecessary to continue on to Europe, and the loan secured in the American market. By the preceding succinct statement of matters proof is given of the zeal and interest of the executive power in giving at the earliest date possible a satisfactory solution to the national problem of the payment of the army, which has served as a peace-breaking pretext to turbulent spirits, entirely foreign to the sublime ideals of the martyrs of independence and the noble patriots who struggled on and off the field of armed contention to establish, with an orderly and pacific

people, a free, prosperous, and happy patria. Excepting the disagreeable incidents referred to, there have been no disturbances of public order worthy of mention. Most thorough tranquillity reigns throughout the island, and the effects of the labor and activity of our people, unmistakable signs of the confidence animating all, are to be noted everywhere.

* * * * *

THE UNIVERSAL POSTAL UNION.

The Republic of Cuba has entered the Universal Postal Union through the adhesion of the Government, ratified by the Senate, to the convention signed in Washington on July 15, 1897, by the nations belonging to the Postal Union. Adhesion to the additional arrangements of the same convention relative to exchange of packages and postal orders and collection service has remained in suspense at the request of the department of posts until certain indispensable changes are made.

POSTAL TREATY WITH THE UNITED STATES.

The postal treaty for the exchange of mail has also been concluded between this Republic and that of the United States. It took effect on October 9 of the present year, and the making of another with that country is contemplated. It substitutes the present modus vivendi with respect to the exchange of postal orders.

POSTAL TREATY WITH MEXICO.

The convention for the exchange of mail and parcels made with the United States of Mexico, in the text of which the Senate of Cuba introduced some changes, can be considered to have failed, for the Mexican Senate being in recess when those amendments were made known to that country they could not be submitted in time for the approval of that body, consequently, the ratifications could not be exchanged in the stipulated time.

PROPOSED POSTAL TREATIES.

Up to the present date the German Empire and the Republic of France have signified their desire to make special conventions with Cuba for the exchange of packages and postal orders.

TELEGRAPHS.

In the department of telegraphs, as was said in my former message, the principal struggle has been with the poor construction of the lines, which were installed in all haste at the termination of the war, wooden posts of easy deterioration being used therein. The lines, therefore, have required frequent repairs, in some places complete reconstruction, and even different routes from those selected by the Signal Corps of the United States. This has occurred with the line to Baracoa, which previously went to Sagua de Tanamo to reach Guantanamo, and now goes direct to this point as in Spanish times.

The Government proposes to take important steps toward improving the lines, and to this end has set aside since the month of August last the sum of \$10,000 monthly.

Since the establishment of the Republic to the present date the following lines have been reconstructed: From Baracoa to Guantanamo, from Guane to Mantua, from Vinales to Consolacion del Norte, and from Guane to Las Martinas. All were of some length, and with these lines these towns have been put in communication with the rest of the island. In addition to this work a cable between Mariel and the quarantine station of the same name has been established.

When the intervention ended there were eighty-four telegraph stations. Now ninety are working, and the opening of others in towns of relative importance is under study.

NEED FOR LEGISLATION ON SANITARY ORGANIZATION.

In previous messages I explained in detail the singular situation of the executive power due to Military Order No. 159, of 1902, which regulates the "sanitary service of the Republic," and as the difficulties pointed out in said messages still exist I again call the attention of the Congress to the necessity of definitely fixing the organization to be given this important branch of the administration.

HEALTH CONDITIONS.

The state of public health is excellent throughout the island. Mortality statistics of Habana, prior to the present scarlatina epidemic, presented proportionally figures as low as those obtained in the best-cared-for cities. Particularly to be noticed is the extraordinary decrease in deaths from diseases known as "avoidable," and the entire absence of those which, such as smallpox and yellow fever, seem to have been torn by the roots out of this soil, where they always had their naturalization certificates. Under this aspect our credit abroad has been clearly demonstrated in the total suppression of quarantine in all United States ports with respect to vessels coming from Cuba; also is it proved by the congratulations and requests for data on sanitary methods received from different countries.

* * * * *

INTERNATIONAL RELATIONS.

International relations of the Republic are becoming closer each day with those nations to which we are united politically and commercially, and it can be affirmed that none of the matters pending settlement will affect the good friendship we maintain with them. Since the message I had the honor to send the Congress on April 6 last, credentials have been presented by the minister resident of His Majesty the Emperor of Germany and the envoy extraordinary and minister plenipotentiary of the Republic of Chile. Nearly all the Governments, even of those countries with whom we have limited relations, have established consular agencies in Cuba, there being accredited in this Republic now ninety-two agencies of the said kind, and eleven diplomatic representatives.

Due as much to the duty of courtesy as the advantage to our country of diplomatic and consular representation, the executive has corresponded to the high honor and friendship nations have dispensed to the Republic by accrediting to the Governments of those nations diplomatic ministers or establishing consulates. The Government believes that in view of the sympathies that South American nations have always shown for us, and the importance of establishing in all of them permanent missions, it would be proper to send a special mission to greet said sister nations in the name of the Republic and to present to them the testimony of our most sincere friendship. I propose to address you ere long a private message on this important matter.

Our representation abroad consists of five legations, twenty-six consulates, and twenty-three honorary consuls. The results obtained up to the present time correspond to the effort made to establish this representation, for the reports our ministers and consuls have been able to furnish and the opportune rectification of reports of certain happenings, exaggerated abroad, they have had opportunity to make have served in an efficacious manner to destroy the bad impression that in the first days was produced by the news of those occurrences. Confidence in the ordered progress of the Republic was thus established. The Government proposes to create in the consular offices best equipped for the purpose commercial museums where exhibition can be had of samples of the natural, agricultural, and industrial products of the country which, by reason of their demand in foreign markets, their quality, and price, will be able to compete with similar products of other countries, and where also can be registered the addresses of the agriculturists, farmers, or merchants sending such samples and note made of such other suggestions as they may make toward making said products known. Through these museums we can avoid defraudation of the producer and consumer with deceptive imitations. The plan has been submitted to the general association of merchants and manufacturers and the union of cigar and cigarette manufacturers of Habana, and with their favorable reports the best method of putting the plan into practice, without great cost to the state, is under study.

The exhibition of our products can be made on a broader scale in the coming universal exposition at St. Louis, in which the Congress resolved to participate, and in the universal exposition to be inaugurated in Liege in April, 1905, if the necessary appropriation for exhibiting them is granted. This I take the liberty to again recommend in consideration of the formal and repeated invitation of His Majesty the King of Belgium.

POLITICAL RELATIONS WITH THE UNITED STATES.

Our political relations with the United States have been definitely settled with the making of the treaties derived from the constitutional appendix, which appendix

can be eliminated from our fundamental code when ratifications thereof, to which Article VIII refers, are exchanged. The Congress, by the simple reading of those treaties, can appreciate that considering the precise and peremptory terms of the Platt law the Republic has attained not a few advantages in the negotiations had to make them. Our title to and sovereignty over the Island of Pines has been recognized; of two formulas of grant—"sale or lease"—of portions of territory to which the United States had the right for the establishment of naval and coaling stations, the one that would least wound Cuban sentiment was accepted; of said stations we granted the least number possible and the conditions inserted in the convention regulating the lease of the same are so many more limitations of that grant, all favorable to the Republic of Cuba. I should inform the Congress that the proper steps are being taken to acquire from the owners of private properties comprised within the limits given the naval and coaling stations, and to make formal transfer to the Government of the United States of the areas demarcated by the joint commission.

Honorable President Roosevelt, for whom the people of Cuba have such a deep appreciation, faithful to his promise and his own wishes, has convened the Congress in an extraordinary session to take up the commercial reciprocity treaty made with Cuba, from which we promise ourselves so many benefits. Information that the executive has from sources worthy of belief inspire the belief that the American Congress will ratify it, adopting the resolution necessary to put it in force.

ADHESION TO THE LITERARY AND ART UNION.

The invitation of the president of the Swiss Federation for Cuba to adhere to the Literary and Art Union and the Union for the Protection of Industrial Property having been accepted in principle the department of state has the matter under study, considering the advantageous results adhesion will give to the development of our exports; the industries of the country being protected against falsification of some of their products, such as tobacco, they will have greater demand in foreign markets. On this matter the Government of Germany has proposed to us the making of a convention. The department of state has under study also adhesion to the Brussels sugar convention of May 5, 1902.

TREATIES.

Regarding the treaties of friendship, commerce, and navigation mentioned in my former message, negotiations have been initiated with the Governments of France, England, the United States of America, and Italy, and the drafts of treaties on these matters that have been presented by those Governments for our approval are now under discussion. Through them our present friendly relations with those countries will be strengthened and the operation of our diplomatic and consular representation in the said countries regulated, to the unquestionable advantage of commerce and navigation. I should also state that the treaties of extradition under negotiation with Belgium and the United States are about to be signed.

INTERNATIONAL UNION OF AMERICAN REPUBLICS.

The International Union of American Republics, of which Cuba has formed a part since the early days of 1903, has been developing the programme resolved upon by the second conference held in Mexico in January of that year, and up to the present time a congress on coffee, a conference on international sanitary police, and a customs congress have been held. We were represented in the last two, as stated in my previous message. Important resolutions were adopted therein, such as recommending to the Governments of the American Republics the adoption of measures directed to favoring commerce and navigation and preserving them from the contagion of infectious diseases.

The congress of hygiene and demography, which was to meet in Brussels in the first week of September of this year, was held, and Cuba was duly represented therein.

Our Government is now invited by Argentina to attend the Latin Medical Congress to be held in Buenos Ayres in April of 1904; by the Government of Belgium to take part in a railway congress to be held in Washington in May, 1905, and by the Government of Italy to be represented in the sixth congress of the Postal Union to be inaugurated in Rome on April 21, 1904. Nothing has been done so far as to attending those congresses, although the Government is inclined to believe it should do so.

* * * * *

Acceptance having been decided by our Government of the invitation extended Cuba to participate with her agricultural, industrial, and commercial products, etc., in

the International Exposition at St. Louis, United States of America, to be inaugurated in that city on April 30, 1904, and the law of July 20 last appropriating \$80,000 to cover the expenses thereof having been enacted, the department has been since then looking after with the greatest interest the preparation of all the work necessary to that end, having appointed a board composed of the most prominent men of the organizations of commerce, science, arts, etc., to cooperate in carrying out our purposes. Cuba's commission has also been appointed, and is now at St. Louis, doing all that is possible to succeed in our exhibitions being made in the best possible manner.

* * * * *

FINANCE.

The moneys received and disbursed by the general treasury of the Republic since my former message, the 6th of April, to October 31 have been as follows:

| | | |
|----------------------------------|-------------------|-------------------------|
| Funds on hand April 1, 1903..... | | \$2, 638, 536. 33 |
| Receipts: | | |
| April..... | \$1, 372, 005. 94 | |
| May..... | 1, 349, 954. 21 | |
| June..... | 1, 884, 658. 12 | |
| July..... | 1, 844, 688. 23 | |
| August..... | 1, 555, 994. 24 | |
| September..... | 1, 733, 129. 15 | |
| October..... | 1, 644, 130. 20 | |
| | | 11, 384, 560. 09 |
| Total..... | | 14, 023, 096. 42 |

Disbursements:

| | | |
|----------------|-------------------|------------------|
| April..... | \$1, 311, 470. 72 | |
| May..... | 1, 359, 612. 16 | |
| June..... | 1, 401, 608. 71 | |
| July..... | 1, 602, 867. 52 | |
| August..... | 1, 428, 747. 79 | |
| September..... | 1, 629, 023. 90 | |
| October..... | 1, 446, 326. 23 | |
| | | 10, 179, 657. 03 |

| | | |
|-------------------------|--|-----------------|
| On hand November 1..... | | 3, 843, 439. 39 |
|-------------------------|--|-----------------|

Beginning with the month of April expenses have been increasing in consequence of the appropriations made by the Congress for public works, sanitation, and other things of general character, and by reason of the reorganization of the rural guard, as per the law of October 18, 1902, with the modifications later adopted. Despite the receipts of the treasury and the funds allotted in the time mentioned there is a surplus of \$1,204,903.06, and if to this is added the funds on hand April 1 the balance on the first of the present month is \$3,843,439.39.

From this balance we must deduct the sum of \$671,166.82, pledged for the public works ordered by the following laws:

| | | |
|---|------------|---------------------|
| By that of February 19, 1903, balance of the appropriation of \$600,000.. | | \$450, 166. 82 |
| Building for the House of Representatives, law of July 23..... | | 150, 000. 00 |
| For the transfer of the State prison, law of July 20..... | \$100, 000 | |
| Used..... | 29, 000 | |
| | | 71, 000. 00 |
| Total..... | | 671, 166. 82 |

To this sum must also be added \$212,031.56, unspent up to October 31 last of the sum allotted also for public works.

Said sum of \$212,031.56 is made up in the following manner:

Balances of allotments made by the military government:

| | | |
|-----------------------------------|---------------|----------------|
| Province of Matanzas..... | \$67, 147. 15 | |
| Province of Santa Clara..... | 9, 074. 91 | |
| Province of Santiago de Cuba..... | 47, 431. 66 | |
| | | \$123, 653. 72 |

Balance of allotments made by the Executive for works the continuation of which was ordered by article 3 of the law of February 19, 1903:

| | | |
|-----------------------------------|--------------|---------------|
| Province of Pinar del Rio..... | \$6, 218. 52 | |
| Province of Habana..... | 9, 596. 43 | |
| Province of Matanzas..... | 32, 657. 68 | |
| Province of Santa Clara..... | 13, 703. 78 | |
| Province of Puerto Principe..... | 16, 411. 11 | |
| Province of Santiago de Cuba..... | 4, 856. 50 | |
| General works..... | 4, 933. 82 | |
| | | \$88, 377. 84 |

Making a total of \$883,198.38.

In addition there is a monthly allotment of \$6,000 for the following works:

| | |
|---------------------------------------|----------|
| Road from Manzanillo to Calicito..... | \$1, 500 |
| Road from Bayamo to Baire..... | 3, 000 |
| Road from Manzanillo to Bayamo..... | 1, 500 |
| Total..... | 6, 000 |

Special and ordinary obligations have been paid with all punctuality with the authority granted me by the laws of July 12 and September 5, 1902. The examination of accounts of the last fiscal year, definitely closed by the limitation of the law of September 30 last, will be finished shortly. Subject to presenting them a general report on the use of public funds during the said period, I to-day comply with my duty of anticipating some data regarding the use of the authorizations mentioned.

By the first of said laws I was authorized to pay all expenses corresponding to the months of July and August of that year, including not only those appearing in the budget for the month of June, but the expenses of the allotments for the President's office, the houses of Congress, and the diplomatic corps, etc. By that of September 5 I was authorized, under the same conditions, to pay the expenses of the Government until the budget should be promulgated. The budget left approved by the military governor of the island of Cuba for the month of June, 1902, amounted to \$1,175,801.58, and the total amount of orders to advance funds in the past fiscal year was \$15,510,534.80, of which, deducting \$1,713,886.41, the amount of warrants chargeable to allotments made by special laws, give a net total for the year of \$13,796,648.39, regular obligations, or a monthly average of \$1,149,720.70, there being a difference in each month in favor of the ordinary allotment \$26,080.56, or \$312,966.64 for the year, of which no use has been made.

Funds placed to the credit of disbursing officers have been as follows for said fiscal year:

| | |
|--|------------------|
| Legislative power..... | \$438, 757. 15 |
| President and vice-president..... | 63, 563. 41 |
| Total..... | 502, 320. 56 |
| Department of state and justice, including the judicial power..... | 1, 212, 723. 64 |
| Department of government..... | 4, 619, 636. 64 |
| Department of public instruction..... | 3, 783, 161. 53 |
| Department of the treasury..... | 2, 181, 887. 86 |
| Department of agriculture, industries, and commerce..... | 103, 892. 45 |
| Department of public works..... | 3, 106, 912. 12 |
| Total..... | 15, 510, 534. 80 |

The sum of \$1,713,886.41, representing the amount of allotments deducted in consequence of special laws from the \$15,510,534.80 paid in requisitions for funds during the fiscal year of 1902-3, is made up as follows:

| | |
|--|-----------------|
| Legislative power..... | \$451, 055. 58 |
| Executive power..... | 53, 621. 98 |
| Department of government..... | 779, 395. 30 |
| Department of state and justice..... | 161, 424. 70 |
| Department of public instruction..... | 6, 567. 72 |
| Department of the treasury..... | 10, 998. 78 |
| Department of agriculture, industries, and commerce..... | 3, 875. 28 |
| Department of public works..... | 246, 947. 07 |
| Total..... | 1, 713, 886. 41 |

Of the \$779,395.50 for the department of government, \$412,248.08 is for "postal-order funds" and represents the remittances made to the United States during the said year to cover the value of orders issued against that country.

Of the allotment of \$300,000 made by the law of June 10, 1902, for incidental expenses there is yet a balance of \$31,690.80.

I take the liberty to again recommend to the Congress, as done in my message of April 6, the advisability of always having in the treasury a sufficient reserve fund to meet any emergencies that might arise. I also urge with no less interest the necessity of normalizing the economic affairs of the state, approving the draft of budget which, for the coming year, I will present shortly in compliance with the provision of the constitution, paragraph 5, article 68.

The state continues paying the expenses of provincial and municipal services, which amount to more than 40 per cent of the expenditures, and it is now time to take up the transfer of some of these expenses to the local organizations, since the last budgets of not a few municipalities have been balanced with a surplus. Thus a greater amount of national receipts can be used in public works to favor agriculture in the measure that circumstances require and in conformity with the wishes of the executive.

The advisability of our having some maritime legislation suggests itself, for ruling provisions are not in harmony with the new juridic status of the country.

In the draft of budget is proposed the creation in the department of the treasury of a special bureau of navigation and inspection of vessels attached to the customs service, in order to regulate those services in so far as it may be of their jurisdiction, but it is necessary that the thought be complemented with adequate legislation by the adoption also of measures tending to favor our merchant marine worthy of protection.

Due to the rigorous observance of the immigration and quarantine laws, we have succeeded in preventing from entering the country undesirable and pernicious people, and we have also avoided the importation of many maladies, among them the terrible yellow fever, smallpox, etc.

I likewise call the attention of the Congress to reforming the regulations on immigration, with the object in view of resolving that important social and economic problem which to-day more than ever preoccupies us by the necessity of immigrants coming here with the intention of working and establishing their home here, not to convert themselves into public charges or floating population, which would offer no benefit to the progress and betterment of the Republic; immigrants with families, healthy, strong, industrious, and easily adaptable to the climate and social conditions of Cuba. The executive urges the importance of the matter, which agriculturalists consider it of the greatest urgency to resolve.

The collection of the taxes created by the law of February 27 has begun in conformity with the regulation issued on September 11, and in virtue of the authorization granted me to put said taxes into effect immediately. The regulation has been adjusted to the limitations of that law, with the modifications made by the laws of May 8 and June 13. It has been impossible to enforce them before, because it was necessary to wait until the stamps used in their collection could be printed, they being considered the most efficacious manner of satisfactorily effecting the collection, and in order that it might be shown that each taxpayer had paid his proportion. At the start all taxes of this kind encounter difficulties of enforcement and collection, but the executive expects that they will be collected without obstacles and that those called upon to pay them will be disposed to do so legally in order not to incur the penalties prescribed. The revenue from these taxes is considered sufficient to pay the interests on the loan of \$35,000,000, and it is to be desired that occurrences will confirm this belief so that we will not have to recur to those taxes on exportation of tobacco and manufacture of sugar, suspended until the redemption begins.

The protests made against some of the provisions of the regulation have been heeded in so far as they were just, for it is the desire of the executive, as it will ever be, to harmonize in so far as it is his duty the interests of the administration and those of the contributors.

I take the liberty to call to mind the message I sent Congress on April 3, 1903, relative to the sale of the Triscornia Railroad. The contract on parcel No. 1, expiring on September 30 last, has been extended for three months at a rental of \$780, half of which was paid under the contract of November 13, 1900. This measure was adopted in order to give Congress time to pass upon my request in behalf of the interests of our treasury, otherwise that property will be completely ruined, it having no application whatsoever and being a burden by reason of the said rent and the cost of vigilance of the line and warehouses.

I have endeavored in this message to thoroughly comply with the constitutional pre-

cept, setting forth all that refers to acts of the administration and the general condition of the Republic. The purpose of the executive has always been to adjust all its acts to the laws and our fundamental charter, as well as to contribute to the extent of its power to the welfare of the Cuban people and aggrandizement and prosperity of the Republic.

T. ESTRADA PALMA.

AUTHENTICATION OF DOCUMENTS FOR USE IN CUBA.

Mr. Squiers to Mr. Hay.

No. 492.]

LEGATION OF THE UNITED STATES,

Habana, April 24, 1903.

SIR: I have the nonor to inclose herewith copy of correspondence had with the secretary for foreign affairs regarding refusal of the director of the department of state to certify to the genuineness of the signature of the second secretary of this legation who had, in the exercise of his office, authenticated the signature and seal of the Secretary of State of the United States, and to request instructions if further action is desired.

* * * * *

I am, etc.,

H. G. SQUIERS.

[Inclosure 1.]

Messrs. Runcie, Portuondo, and Lamar to Mr. Squiers.

HABANA, *March 31, 1903.*

SIR: We have the honor to inclose herewith a power of attorney given by the Fidelity and Deposit Company, of Maryland, to Antonio A. Martinez, and another, of Habana.

The said power has been duly executed and acknowledged, and is signed by the Secretary of State of the United States, and bears the seal of the Department of State; and is also signed by the United States second secretary of legation, and bears the seal of the American legation at Habana.

We to-day caused the said power to be presented to the director of the department of state of Cuba, with the request that he certify that the said signature of the second secretary of the United States legation at Habana is genuine, and that the said secretary was in the exercise of his office on the date of his so signing.

We are informed that the director of state refused to certify to the genuineness of the signature of the second secretary of the United States legation as requested, on the ground that the law organizing the diplomatic and consular service of the Republic of Cuba, promulgated February 17, 1903, prohibited the same.

We beg to be officially advised whether such is the decision of the department of state and justice, and whether the said department refuses to recognize the seal of the Department of State of the United States and the seal of the American legation at Habana.

We have, etc.,

RUNCIE, PORTUONDO, AND LAMAR.

[Inclosure 2.]

Mr. Squiers to Señor de Zaldo.

LEGATION OF THE UNITED STATES,

Habana, April 2, 1903.

YOUR EXCELLENCY: I have the honor to bring to your excellency's notice a complaint made by Messrs. Runcie, Portuondo, and Lamar, a firm engaged in the practice of law in this city, to the effect that the director of the department of state and justice had refused to certify the genuineness of the signature of the second secretary

of this legation, who had, in the exercise of his office, authenticated the signature and seal of the Secretary of State of the United States, before whom a power of attorney given by the Fidelity and Deposit Company, of Maryland, to Antonio A. Martinez, and another, of Habana, had been executed and acknowledged; and that this action is based on the ground that the law organizing the diplomatic and consular service of the Republic of Cuba, promulgated February 17, 1903, prohibits such certification.

I beg to submit that after a careful examination of the law mentioned I fail to find therein any justification or ground on which to base such refusal, and beg to submit to your excellency that, as the second secretary of this legation acted within the power conferred on him by Congress, see Revised Statutes, section 1750, as well as the regulations of the State Department, such instruction be given as will prevent a recurrence of the action complained of, and that the seal of this legation and signature of the second secretary thereof attached to the paper herewith inclosed be duly authenticated and returned.

I take, etc.,

HERBERT G. SQUIERS.

[Inclosure 3.—Translation.]

Señor de Zaldo to Mr. Squiers.

DEPARTMENT OF STATE AND JUSTICE,
Habana, April 13, 1903.

MR. MINISTER: Acceding to the request contained in your excellency's note of the 2d of the present month, and as an act of courtesy to the legation, I have the honor to return, duly certified, the document of Messrs. Runcie, Portuondo, and Lamar, which your excellency inclosed in said note for that purpose.

At the same time I take this occasion to inform your excellency that the director of the state department has good reasons for not legalizing the said document, not only because a document issued abroad, to be given due credence in Cuba, must be legalized by a diplomatic or consular agent of the Republic, but also because the fees for legalization, duly authorized by law of February 14, 1903, could not be taken advantage of by those agents, if the representatives of foreign nations accredited near the Government of Cuba legalize the documents to which I refer.

I take the occasion, etc.,

CARLOS DE ZALDO, *Secretary.*

[Inclosure 4.]

Mr. Squiers to Señor de Zaldo.

LEGATION OF THE UNITED STATES,
Habana, April 17, 1903.

YOUR EXCELLENCY: I have the honor to acknowledge the receipt of your excellency's note of the 13th instant, touching on the certification, by this legation, of the signature of the honorable the Secretary of State of the United States, and beg to inform your excellency that I have referred the matter to the Department of State at Washington for its consideration, and that until instructions to the contrary are received from my Government, I beg to request that the seal of this legation be certified to as heretofore.

I take the occasion, etc.,

HERBERT G. SQUIERS.

[Inclosure 5.—Translation.]

[Extract from Official Gazette of Monday, April 20, 1903.]

Decree No. 48.

DEPARTMENT OF STATE AND JUSTICE,
DIVISION OF STATE.

I hereby decree the following by virtue of the authority given me by the constitution:

ARTICLE 1. The legalization required by law for public or official documents of all kinds issued in foreign countries by foreign functionaries to become effective in Cuba must be made by a diplomatic or consular agent of the Republic, or such persons as act in their places. When a document has been issued in a country where there

is no accredited diplomatic or consular agent of Cuba, it may be legalized by the diplomatic agent or any of the consular agents of the same country accredited in the Republic.

ART. 2. For legalizations made in accord with the provisions of the foregoing article to be held as good in Cuba it shall also be an indispensable requisite that the signature of the functionary who appears as authorizing them to be legalized by the department of state or the director of the department. Notarial documents issued by diplomatic or consular agents of the Republic, and those they may issue referring to the civil registry, must contain the same requisite to be considered in Cuba as authentic.

ART. 3. The provisions of the two foregoing articles will be applicable to documents presented in courts or offices of the Government from the date the present decree takes effect.

Done at Habana, President's palace, on April 11, 1903.

T. ESTRADA PALMA, *President.*

CARLOS DE ZALDO,
Secretary of State and Justice.

Mr. Hay to Mr. Squiers.

No. 213.]

DEPARTMENT OF STATE,
Washington, May 2, 1903.

SIR: I have to acknowledge the receipt of your No. 492, of the 24th ultimo, reporting the refusal of the Cuban department of state to authenticate a paper for use in Cuba, certified under the seal of this Department, and then under the seal of your legation and signature of the second secretary thereof.

Your insistence upon its authentication appears to have been correct, as such authentication is customary in the intercourse of nations. You, however, inclose copy of a decree issued by the President of Cuba on the 20th ultimo, providing that to legalize documents for use in Cuba they must be authenticated by a Cuban diplomatic or consular officer residing in the country where the document is prepared, if there be such an officer, and, if not, by the diplomatic or consular agent of the country accredited to Cuba, and either of the above seals must in turn be authenticated by the Cuban department of state.

As this decree relates to Cuban internal affairs, it would seem that persons wishing their documents legalized will have to conform to it.

It will be made public by this Department.

I am, etc.,

JOHN HAY.

JURISDICTION OF SUPREME COURT OF CUBA IN CONSTITUTIONAL QUESTIONS.

Mr. Squiers to Mr. Hay.

No. 520.]

LEGATION OF THE UNITED STATES,
Habana, May 9, 1903.

SIR: I have the honor to forward herewith translation of a law passed by the Cuban Congress, signed by the President on March 31 and published in the Official Gazette April 1, establishing a procedure that enables the constitutionality of laws, decrees, regulations, etc., to be passed upon by the supreme court.

I am, etc.,

H. G. SQUIERS.

[Inclosure.]

Signed by the President March 31, 1903; promulgated in the Official Gazette April 1, 1903.

ARTICLE 1. All controversies between parties over the constitutionality of a law, decree, or regulation shall be decided exclusively by the supreme court of justice in the manner and by the procedure this law provides.

ART. 2. The supreme court shall also decide exclusively in the manner this law provides, and when subject of a controversy between parties whether or not any law, decree, regulation, order, or ruling in force on the 20th day of May, 1902, is contrary to the constitution in conformity with the provisions of the seventh transitory provision of the constitution.

ART. 3. If any of the parties claim or allege in a civil, criminal, or administrative suit the unconstitutionality of a law, decree, or regulation, the judge or court on whom it is incumbent to decide such suit will refrain from rendering a decision upon such point, so stating in the decision, and the parties may interpose appeal or have the recourse for annulment before the supreme court provided by existing laws, resting the same on such unconstitutionality.

The recourse shall be interposed and supported in the manner determined by existing laws of procedure, and the supreme court shall expressly determine in its decision such alleged unconstitutionality.

ART. 4. Although the suit may be one in which the recourse for annulment or appeal before the supreme court is not authorized, the recourse for annulment or appeal before the supreme court for breach of law against the decision in last instance may be interposed and it shall be rested exclusively on the unconstitutionality of a law, decree, or regulation. The recourse shall be regulated by existing law, and an article of the constitution must be cited as the law infringed.

ART. 5. The remedy the preceding article authorizes will not suspend the proceeding, and in order that it may be continued there shall remain with the judge or court a verbatim copy of the decision appealed and other parts of the record the judicial authority may deem necessary. Such copy will be made within the maximum period of five days, save in the case provided for in article 20.

ART. 6. The unconstitutionality of a law, decree, or regulation may be reason for the recourse for annulment, although it may not have been brought up or alleged in the suit.

ART. 7. The public prosecutor must participate in the said recourse as one of the parties and attend the hearing before the court.

ART. 8. Any person on whom a law, decree, or regulation that he deems unconstitutional is enforced outside of judicial proceedings will have the right to state the same in writing, within the five days following the notification and to the authority or functionary ordering such enforcement, informing them of his intention to appeal to the supreme court of justice to decide the controversy. However, when the matter in question is that of a resolution of a provisional council the interested party must ask, as a prior step, the governor of the province to suspend the same, and if he denies the suspension, then the President of the Republic.

Should it be a resolution of an ayuntamiento, the interested party must first ask the alcalde to suspend it. If he denies the suspension it must then be asked of the governor of the province, and if he also denies it, then of the President of the Republic.

The recourse provided by the preceding paragraph having been exhausted, the right of the interested parties is then free to interpose before the supreme court the recourse to which this article refers against the disposition giving rise to it.

The petition for suspension must be decided by the functionary to whom made within the exact period of eight days.

If the disposition in question shall have come directly from a governor of a province, an alcalde, or functionary of the administration against whose acts and resolutions a recourse of complaint or appeal is authorized, and what is ordered is not based on a preexisting law, decree, regulation, or provisional or municipal resolution, the recourse before the supreme court shall be established against the administrative decision having definitive character as provided by existing law.

The provisions of this article do not prevent the functionaries to whom articles 96 and 108 of the constitution refer from using, as a right of office and independently one of another, the power of suspension said articles confer on them.

ART. 9. The authority or functionary to whom the document mentioned in the preceding article is delivered shall deliver to the appellant, within the three days following, a verbatim copy of the resolution or order originating the controversy and cite all the parties to appear before the supreme court within the ten days following such delivery. The period of time shall be fifteen days for appeals established in the provinces of Santiago de Cuba and Puerto Principe.

ART. 10. The authority or functionary who makes such citation shall communicate by mail the date of same to the chief justice of the supreme court.

ART. 11. The appellant must appear within the period of time fixed by the chief justice of the supreme court, in person or by attorney with sufficient power, annexing the certification which shall have been delivered to him, the documentary evidence he may consider advisable, and a document, signed by an attorney, in which he shall set forth the case clearly and succinctly and allege his reasons for claiming the unconstitutionality of the law, decree, or regulation, with an express mention of the article of the constitution he believes infringed.

There must also be presented at the same time as many copies of the document and accompanying papers as there are parties cited or notified, and one additional for the public prosecutor.

ART. 12. If the resolution giving rise to the controversy shall have come from a provincial council or an ayuntamiento, these corporations shall have the right to appoint a representative before the supreme court within the period of citation, which for the purpose will have been communicated to their president. This representative shall accredit his status by presenting the official communication in which he is appointed.

ART. 13. The appellant having presented the document, the chief justice of the supreme court shall refer the same to the court's public prosecutor, and to the other parties cited, and to the representative of the provincial council or ayuntamiento who may have appeared, giving him one of the copies of the document and papers so that he may answer in writing, with the papers he may consider advisable and a copy of all for each party and the public prosecutor, within the common period of ten days. This document shall be limited to defining the case and setting forth the reasons there may be to oppose or support what is petitioned.

ART. 14. The chief justice of the tribunal shall immediately fix a day for hearing, which shall be effected within fifteen days following the presentation of the papers to which article 11 refers or at the expiration of the period granted therefor.

ART. 15. The hearing of this controversy, and likewise the recourse for annulment or appeal in which the unconstitutionality of a law, decree, or regulation is brought up, shall be had before the supreme court in full, the clerk of government (secretario de gobierno) of said court acting as clerk in this case.

ART. 16. In the papers which article 13 refers to, or in the hearing, any of the parties may oppose the granting of the appeal for breach of the rules established in articles 8 and 11. The court also, by its inherent power, may declare the appeal defective for the same reasons.

ART. 17. Decision must be rendered within the five days following the termination of the hearing, and shall be notified within the three days following its date to the parties in appearance, and communicated by mail within the same period to the authority or functionary from whom the resolution giving rise to the decision emanated.

ART. 18. The decisions to which the foregoing article refers must be published in the Official Gazette within the ten days following the date on which they are rendered.

ART. 19. The proceeding established in article 8 et seq. may be utilized by provincial councils when the governor of the province or the President of the Republic suspends their resolutions as contrary to the constitution, as provided by the constitution in articles 96 and 108. Ayuntamientos may also utilize this proceeding when the alcalde, the governor of a province, or the President of the Republic suspend their resolutions as contrary to the constitution, as provided by the constitution in articles 96 and 108.

The suspension decreed shall continue in force until the supreme court revokes it definitively.

ART. 20. On petition of one of the parties, and after hearing the other parties in appearance and the public prosecutor, the supreme court may order the suspension of the resolution giving rise to the appeal when its execution may occasion irreparable damages. The suspension may be ordered at any stage of the proceeding. If such suspension is ordered, bond to stand by the results shall be required of the party petitioning such suspension. In this case the court may also order that such measures as it considers necessary to guarantee the enforcement of the decision appealed for be adopted before the suspension.

ART. 21. The bond to which the preceding article refers must necessarily consist of cash or public securities of the State or preferential obligations of an ayuntamiento, at the quoted price of the day on which the suspension is decided, and shall be deposited in the treasury of the Republic.

ART. 22. The order of suspension shall not be carried out until the bond is deposited and accredited in court records with due precaution.

ART. 23. The decisions which in conformity with this law the supreme court may render shall have the same effect as executory decisions of said court in civil matters.

ART. 24. None of the periods of time this law refers to can be extended and the number of days will be understood as working days.

ART. 25. With respect to condemnation to payment of costs, and the payment thereof, the supreme court shall apply the rules established for recourse for annulment in Order 92, series of 1899, and other provisions of law in force.

ART. 26. The notifications and citations to be made by virtue of this law shall be effected in the manner prescribed by the existing laws of civil procedure.

ART. 27. All laws, decrees, and regulations in conflict with this law are revoked.

TOUR OF PRESIDENT PALMA THROUGH THE ISLAND OF CUBA.

Mr. Squires to Mr. Hay.

No. 669.]

LEGATION OF THE UNITED STATES,
Habana, September 19, 1903.

SIR: I have the honor to report the only important political event since the adjournment of Congress, July 18 last.

The President left Habana by rail on Sunday last on his long-contemplated tour through the island, the city of Santiago de Cuba being the main objective point. His itinerary will be through Matanzas, Santa Clara, Sancti Spiritus, Puerto Principe, Santiago de Cuba, and perhaps Guantanamo, over the United Railways of Habana to Jovelanos, thence via the Cuban Central Railways to Santa Clara, thence via the Cuba Railroad Company ("Central" Railroad) to Santiago, and will occupy some two or three weeks. The party travels in a special train furnished by the "Central" Railroad.

Mr. Palma was accompanied by Secretary of Government Yero, Secretary of Public Works Diaz, and General Rodriguez, chief of the armed forces, and his departure was made the occasion for friendly greetings and much enthusiasm on the part of his admirers and supporters. The object of the trip is to bring him into closer touch and sympathy with the people, but particularly to inform him as to the real necessities of the island, with a view to the development of its most available resources. * * * Mr. Diaz accompanies him for the express purpose of examining closely into the question of a better water supply at Santiago. * * *

The political result of Mr. Palma's journey ought to be to strengthen his Government, and make even the most bitter radical more conservative. The Government looks forward to a better and more representative element in the radical party as a result of the coming elections. * * *

I shall write further regarding Mr. Palma's journey, probable political effect of, etc., after his return.

I have, etc.,

H. G. SQUIERS.

Mr. Squires to Mr. Hay.

No. 689.]

LEGATION OF THE UNITED STATES,
Habana, October 17, 1903.

SIR: In continuation on my dispatch No. 669 of September 19, I have the honor to report the return of the President to Habana on the 7th instant.

His trip, generally speaking, has been successful. He has come into close contact with the people, whom he received with great cordiality and tact, and whose desires and necessities have received his closest attention. He has given out promises with respect to his policy regarding the payment of the army, to many the most important—in fact the only political question. * * * He has assured the people that the army will be paid, and that the Government is making every effort to secure the funds for that purpose. He promises payment even though it may become necessary to issue bonds directly to the claimants or to issue paper money for the purpose of liquidating this so-called “debt of honor.” He does not fix any limit as to time of payment, but the temper of the army is such that this matter can not drift on indefinitely. * * *

Mr. Palma's reception in the various towns and villages through which he passed was generally friendly, and the crowds of people who met him were sometimes very enthusiastic. * * *

I have, etc.,

H. G. SQUIERS.

COMMERCIAL CONVENTION BETWEEN THE UNITED STATES AND CUBA.

Signed at Havana, December 11, 1902.

Ratification with amendments advised by the Senate March 19, 1903.

Ratified by the President, March 30, 1903.

Ratified by Cuba, March 30, 1903.

Ratifications exchanged at Washington, March 31, 1903.

Proclaimed, December 17, 1903.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA,

A PROCLAMATION.

Whereas a Convention between the United States of America and the Republic of Cuba to facilitate their commercial intercourse by improving the conditions of trade between the two countries, was concluded and signed by their respective plenipotentiaries at the City of Havana on the eleventh day of December, 1902, the original of which Convention, being in the English and Spanish languages, is, as amended by the Senate of the United States, word for word as follows:

The President of the United States of America and the President of the Republic of Cuba, animated by the desire to strengthen the bonds of friendship between the two countries, and to facilitate their commercial intercourse by improving the conditions of trade between them, have resolved to enter into a convention for that purpose, and have appointed their respective Plenipotentiaries, to-wit:—

The President of the United States of America, the Honorable General Tasker H. Bliss;

The President of the Republic of Cuba, the Honorable Carlos de Zaldo y Beurmann, Secretary of State and Justice, and the Honorable José M. Garcia y Montes, Secretary of the Treasury;

who, after an exchange of their full powers found to be in good and due form, have, in consideration of and in compensation for the respective concessions and engagements made by each to the other as

hereinafter recited, agreed and do hereby agree upon the following Articles for the regulation and government of their reciprocal trade, namely:—

ARTICLE I.

During the term of this convention, all articles of merchandise being the product of the soil or industry of the United States which are now imported into the Republic of Cuba free of duty, and all articles of merchandise being the product of the soil or industry of the Republic of Cuba which are now imported into the United States free of duty, shall continue to be so admitted by the respective countries free of duty.

ARTICLE II.

During the term of this convention, all articles of merchandise not included in the foregoing Article I and being the product of the soil or industry of the Republic of Cuba imported into the United States shall be admitted at a reduction of twenty per centum of the rates of duty thereon as provided by the Tariff Act of the United States approved July 24, 1897, or as may be provided by any tariff law of the United States subsequently enacted.

ARTICLE III.

During the term of this convention, all articles of merchandise not included in the foregoing Article I and not hereinafter enumerated, being the product of the soil or industry of the United States, imported into the Republic of Cuba shall be admitted at a reduction of twenty per centum of the rates of duty thereon as now provided or as may hereafter be provided in the Customs Tariff of said Republic of Cuba.

ARTICLE IV.

During the term of this convention, the following articles of merchandise as enumerated and described in the existing Customs Tariff of the Republic of Cuba, being the product of the soil or industry of the United States imported into Cuba shall be admitted at the following respective reductions of the rates of duty thereon as now provided or as may hereafter be provided in the Customs Tariff of the Republic of Cuba:—

Schedule A.

To be admitted at a reduction of twenty five (25) per centum:

Machinery and apparatus of copper or its alloys or machines and apparatus in which copper or its alloys enter as the component of chief value; cast iron, wrought iron and steel, and manufactures thereof; articles of crystal and glass, except window glass; ships and water borne vessels of all kinds, of iron or steel; whiskies and brandies; fish, salted, pickled, smoked or marinated; fish or shellfish, preserved in oil or otherwise in tins; articles of pottery or earthenware now classified under Paragraphs 21 and 22 of the Customs Tariff of the Republic of Cuba.

Schedule B.

To be admitted at a reduction of thirty (30) percentum:

Butter; flour of wheat; corn; flour of corn or corn meal; chemical and pharmaceutical products and simple drugs; malt liquors in bottles; non-alcoholic beverages; cider; mineral waters; colors and dyes; window glass; complete or partly made up articles of hemp, flax, pita, jute, henequen, ramie, and other vegetable fibers now classified under the paragraphs of Group 2, Class V, of the Customs Tariff of the Republic of Cuba; musical instruments; writing and printing paper, except for newspapers; cotton and manufactures thereof, except knitted goods (see Schedule C); all articles of cutlery; boots, shoes, and slippers, now classified under Paragraphs 197 and 198 of the Customs Tariff of the Republic of Cuba; gold and silver plated ware; drawings, photographs, engravings, lithographs, cromolithographs, oleographs, etc., printed from stone, zinc, aluminium, or other material, used as labels, flaps, bands and wrappers for tobacco or other purposes, and all the other papers (except paper for cigarettes, and excepting maps and charts), pasteboard and manufactures thereof, now classified under Paragraphs 157 to 164 inclusive of the Customs Tariff of the Republic of Cuba; common or ordinary soaps, now classified under Paragraph 105, letters "A" and "B", of the Customs Tariff of the Republic of Cuba; vegetables, pickled or preserved in any manner; all wines, except those now classified under Paragraph 279 (a) of the Customs Tariff of the Republic of Cuba.

Schedule C.

To be admitted at a reduction of forty (40) per centum:

Manufactures of cotton, knitted, and all manufactures of cotton not included in the preceding schedules; cheese; fruits, preserved; paper pulp; perfumery and essences; articles of pottery and earthenware now classified under Paragraph 20 of the Customs Tariff of the Republic of Cuba; porcelain; soaps, other than common, now classified under Paragraph 105 of the Customs Tariff of the Republic of Cuba; umbrellas and parasols; dextrine and glucose; watches; wool and manufactures thereof; silk and manufactures thereof; rice, cattle.

ARTICLE V.

It is understood and agreed that the laws and regulations adopted, or that may be adopted, by the United States and by the Republic of Cuba, to protect their revenues and prevent fraud in the declarations and proofs that the articles of merchandise to which this convention may apply are the product or manufacture of the United States and the Republic of Cuba, respectively, shall not impose any additional charge or fees therefor on the articles imported, excepting the consular fees established, or which may be established, by either of the two countries for issuing shipping documents, which fees shall not be higher than those charged on the shipments of similar merchandise from any other nation whatsoever.

ARTICLE VI.

It is agreed that the tobacco, in any form, of the United States or of any of its insular possessions, shall not enjoy the benefit of any concession or rebate of duty when imported into the Republic of Cuba.

ARTICLE VII.

It is agreed that similar articles of both countries shall receive equal treatment on their importation into the ports of the United States and of the Republic of Cuba, respectively.

ARTICLE VIII.

The rates of duty herein granted by the United States to the Republic of Cuba are and shall continue during the term of this convention preferential in respect to all like imports from other countries, and, in return for said preferential rates of duty granted to the Republic of Cuba by the United States, it is agreed that the concession herein granted on the part of the said Republic of Cuba to the products of the United States shall likewise be, and shall continue, during the term of this convention, preferential in respect to all like imports from other countries. Provided, That while this convention is in force, no sugar imported from the Republic of Cuba, and being the product of the soil or industry of the Republic of Cuba, shall be admitted into the United States at a reduction of duty greater than twenty per centum of the rates of duty thereon as provided by the tariff act of the United States approved July 24, 1897, and no sugar, the product of any other foreign country, shall be admitted by treaty or convention into the United States, while this convention is in force, at a lower rate of duty than that provided by the tariff act of the United States approved July 24, 1897.

ARTICLE IX.

In order to maintain the mutual advantages granted in the present convention by the United States to the Republic of Cuba and by the Republic of Cuba to the United States, it is understood and agreed that any tax or charge that may be imposed by the national or local authorities of either of the two countries upon the articles of merchandise embraced in the provisions of this convention, subsequent to importation and prior to their entering into consumption in the respective countries, shall be imposed and collected without discrimination upon like articles whencesoever imported.

ARTICLE X.

It is hereby understood and agreed that in case of changes in the tariff of either country which deprive the other of the advantage which is represented by the percentages herein agreed upon, on the actual rates of the tariffs now in force, the country so deprived of this protection reserves the right to terminate its obligations under this convention after six months' notice to the other of its intention to arrest the operations thereof.

And it is further understood and agreed that if, at any time during

the term of this convention, after the expiration of the first year, the protection herein granted to the products and manufactures of the United States on the basis of the actual rates of the tariff of the Republic of Cuba now in force, should appear to the government of the said Republic to be excessive in view of a new tariff law that may be adopted by it after this convention becomes operative, then the said Republic of Cuba may reopen negotiations with a view to securing such modifications as may appear proper to both contracting parties.

ARTICLE XI.

The present convention shall be ratified by the appropriate authorities of the respective countries, and the ratifications shall be exchanged at Washington, District of Columbia, United States of America, as soon as may be before the thirty-first day of January, 1903, and the convention shall go into effect on the tenth day after the exchange of ratifications, and shall continue in force for the term of five (5) years from date of going into effect, and from year to year thereafter until the expiration of one year from the day when either of the contracting parties shall give notice to the other of its intention to terminate the same.

This convention shall not take effect until the same shall have been approved by the Congress.

In witness whereof we, the respective Plenipotentiaries, have signed the same in duplicate, in English and Spanish, and have affixed our respective seals, at Havana, Cuba, this eleventh day of December, in the year one thousand nine hundred and two.

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|-----------------------|---------|
| TASKER H. BLISS | [SEAL.] |
| CARLOS DE ZALDO | [SEAL.] |
| JOSÉ M. GARCIA MONTES | [SEAL.] |

And whereas by the terms of the said Convention it is provided that the ratifications thereof should be exchanged at the City of Washington as soon as may be before the thirty-first day of January, 1903, which period was by a Supplementary Convention signed by the respective plenipotentiaries of the two countries on January 26, 1903, extended to the thirty-first day of March, 1903;

And whereas the said Convention of December 11, 1902, as amended by the Senate of the United States, and the said Supplementary Convention of January 26, 1903, have been duly ratified on both parts and the ratifications of the two Governments were exchanged in the City of Washington on the thirty-first day of March, 1903;

And whereas by its resolution of March 19, 1903, the Senate of the United States added at the end of Article XI of the said Convention of December 11, 1902, the following amendment:

“This Convention shall not take effect until the same shall have been approved by the Congress”;

And whereas the Congress gave its approval to the said Convention by an Act approved December 17, 1903, entitled “An Act To carry into effect a convention between the United States and the Republic of Cuba, signed on the eleventh day of December, in the year nineteen hundred and two”, which Act is word for word as follows:

“Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That whenever the

President of the United States shall receive satisfactory evidence that the Republic of Cuba has made provision to give full effect to the Articles of the convention between the United States and the Republic of Cuba, signed on the eleventh day of December, in the year nineteen hundred and two, he is hereby authorized to issue his proclamation declaring that he has received such evidence, and thereupon on the tenth day after exchange of ratifications of such convention between the United States and the Republic of Cuba, and so long as the said convention shall remain in force, all articles of merchandise being the product of the soil or industry of the Republic of Cuba, which are now imported into United States free of duty, shall continue to be so admitted free of duty, and all other articles of merchandise being the product of the soil or industry of the Republic of Cuba imported into the United States shall be admitted at a reduction of twenty per centum of the rates of duty thereon, as provided by the tariff Act of the United States, approved July twenty-fourth, eighteen hundred and ninety-seven, or as may be provided by any tariff law of the United States subsequently enacted. The rates of duty herein granted by the United States to the Republic of Cuba are and shall continue during the term of said convention preferential in respect to all like imports from other countries: *Provided*, That while said convention is in force no sugar imported from the Republic of Cuba, and being the product of the soil or industry of the Republic of Cuba, shall be admitted into the United States at a reduction of duty greater than twenty per centum of the rates of duty thereon, as provided by the tariff Act of the United States, approved July twenty-fourth, eighteen hundred and ninety-seven, and no sugar the product of any other foreign country shall be admitted by treaty or convention into the United States while this convention is in force at a lower rate of duty than that provided by the tariff Act of the United States approved July twenty-fourth, eighteen hundred and ninety-seven: *And provided further*, That nothing herein contained shall be held or construed as an admission on the part of the House of Representatives that customs duties can be changed otherwise than by an Act Congress, originating in said House.

“SEC. 2. That so long as said convention shall remain in force, the laws and regulations adopted, or that may be adopted by the United States to protect the revenues and prevent fraud in the declarations and proofs, that the articles of merchandise to which said convention may apply are the product or manufacture of the Republic of Cuba, shall not impose any additional charge or fees therefor on the articles imported, excepting the consular fees established, or which may be established, by the United States for issuing shipping documents, which fees shall not be higher than those charged on the shipments of similar merchandise from any other nation whatsoever; that articles of the Republic of Cuba shall receive, on their importation into the ports of the United States, treatment equal to that which similar articles of the United States shall receive on their importation into the ports of the Republic of Cuba; that any tax or charge that may be imposed by the national or local authorities of the United States upon the articles of merchandise of the Republic of Cuba, embraced in the provisions of said convention, subsequent to importation and prior to their entering into consumption into the United States, shall be imposed and collected without discrimination upon like articles whencesoever imported.”

And whereas satisfactory evidence has been received by the President of the United States that the Republic of Cuba has made provision to give full effect to the articles of the said convention;

Now, therefore, be it known that I, Theodore Roosevelt, President of the United States of America, in conformity with the said Act of Congress, do hereby declare and proclaim the said Convention, as amended by the Senate of the United States, to be in effect on the tenth day from the date of this my proclamation.

Wherefore I have caused the said Convention, as amended by the Senate of the United States, to be made public to the end that the same and every clause thereof, as amended, may be observed and fulfilled with good faith by the United States and the citizens thereof.

In testimony whereof, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

Done at the City of Washington, this 17th day of December in the year of our Lord one thousand nine hundred and three and [SEAL] of the Independence of the United States the one hundred and twenty-eighth.

THEODORE ROOSEVELT

By the President:

JOHN HAY

Secretary of State.

The Secretary of State is officially advised by a note from the minister of Cuba at Washington, dated December 18, 1903, that by proclamation of the President of Cuba on December 17, 1903, the reciprocal commercial convention between the United States and Cuba, signed December 11, 1902, is to go into effect in Cuba on the same day as in the United States.

DEPARTMENT OF STATE,
Washington, December 23, 1903.

SUPPLEMENTARY CONVENTION BETWEEN THE UNITED STATES AND CUBA EXTENDING THE TIME WITHIN WHICH MAY BE EXCHANGED THE RATIFICATIONS OF THE COMMERCIAL CONVENTION SIGNED ON DECEMBER 11, 1902.

Signed at Washington, January 26, 1903.

Ratification advised by the Senate, February 16, 1903.

Ratified by the President, March 30, 1903.

Ratified by Cuba, March 30, 1903.

Ratifications exchanged at Washington, March 31, 1903.

Proclaimed, December 17, 1903.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Whereas a Supplementary Convention between the United States of America and the Republic of Cuba, extending the time within which may be exchanged the ratifications of the Commercial Convention signed at Habana, December 11, 1902, was concluded and signed by their respective Plenipotentiaries at Washington, on the twenty-sixth

day of January, one thousand nine hundred and three, the original of which Supplementary Convention, being in the English and Spanish languages is, word for word as follows:

The President of the United States of America and the President of the Republic of Cuba considering it expedient to prolong the period within which, by Article XI of the Commercial Convention, signed by their respective plenipotentiaries at Habana on December 11, 1902, the exchange of ratifications of the said Convention shall take place, have for that purpose appointed their respective Plenipotentiaries, namely:

The President of the United States of America, John Hay, Secretary of State of the United States of America; and

The President of Cuba, Gonzalo de Quesada, Envoy Extraordinary and Minister Plenipotentiary to the United States;

Who, after having communicated each to the other their respective full powers which were found to be in good and due form, have agreed upon the following additional and amendatory article to be taken as a part of said Convention:

SOLE ARTICLE.

The respective ratifications of the said Convention shall be exchanged as soon as possible, and within two months from January 31, 1903.

Done in duplicate at Washington this twenty-sixth day of January A. D. 1903.

JOHN HAY [SEAL]
GONZALO DE QUESADA [SEAL]

And whereas the said Supplementary Convention has been duly ratified on both parts, and the ratifications of the two governments were exchanged in the City of Washington, on the thirty-first day of March, one thousand nine hundred and three;

Now, therefore, be it known that I, Theodore Roosevelt, President of the United States of America, have caused the said Supplementary Convention to be made public, to the end that the sole article thereof may be observed and fulfilled with good faith by the United States and the citizens thereof.

In testimony whereof, I have hereunto set my hand and caused the seal of the United States of America to be affixed.

Done at the City of Washington, this seventeenth day of [SEAL] December, in the year of our Lord one thousand nine hundred and three, and of the Independence of the United States the one hundred and twenty-eighth.

THEODORE ROOSEVELT

By the President:

JOHN HAY

Secretary of State.

DENMARK.

VISIT OF THE GERMAN EMPEROR TO DENMARK.

Mr. Swenson to Mr. Hay.

No. 295.]

LEGATION OF THE UNITED STATES,
Copenhagen, March 13, 1903.

SIR: I inclose herewith clippings from *Berlingske Tidende* and the *London Times*, commenting on the German Emperor's approaching visit to the Danish court.

* * * * *

I have, etc.,

LAURITS S. SWENSON.

[Inclosure 1.—Translation.]

[Clipping from *Berlingske Tidende* of March 12, 1903.]

Visit of His Majesty Emperor William.

His Majesty the German Emperor, who desires to convey his felicitations in person on the occasion of our King's eighty-fifth birthday anniversary, April 8, will, in view of the fact that this date occurs during Holy Week, arrive at the court April 2, 5 o'clock in the afternoon. During his stay, which is expected to last till April 4, the Emperor will occupy quarters in Christian VII palace.

It will afford the Danish Government and the Danish people sincere satisfaction to extend a hearty welcome to the exalted monarch of our mighty neighboring Empire, whose sympathy and affection for our aged King finds expression in the proposed visit. We cherish the confident hope that His Majesty the Emperor will have an opportunity through this visit to convince himself that the Danish people have appreciated the splendid reception accorded our crown prince on all sides, when his royal highness visited Their Majesties the Emperor and Empress at Potsdam last fall.

[Inclosure 2.]

[Clipping from *London Times* of March 10, 1903.]

The Emperor William and Denmark.

[From our correspondent.]

COPENHAGEN, *March 8.*

It has, for a long time, been rumored that the Emperor William would come to Copenhagen in order to congratulate the venerable King Christian on the occasion of his eighty-fifth birthday on April 8. It is now officially reported that the Emperor is to arrive on April 2, but that he will not stay until the 8th of that month, because the latter date is in Holy Week.

Some months ago the Danish crown prince went to Berlin—a visit which created some sensation in view of the somewhat strained relations which still existed between Denmark and Germany on the question of North Schleswig. The Danish crown prince was received in Germany with great honor and regard by the always chivalrous Emperor, and the visit created an agreeable impression in Denmark. Here it was considered good policy on the part of the heir to the throne to cultivate better

political relations with the powerful German Empire, with which Denmark has an annual trade equal to that with Great Britain, each of them amounting roundly to one-third of all Danish trade with foreign countries. The Emperor, therefore, has had a double reason for making the short journey to the sound.

Most likely, however, there are reasons above and beyond these. To the English public the North Schleswig question might possibly appear a petty one. In Scandinavian countries it is, however, not forgotten that 200,000 Danes are living south of the Danish frontier, and that German officials by repressive and coercive methods persecute the Danish language in Danish-speaking districts, particularly in the schools, even though certain events of the last few months seem to point rather toward conciliation. According to the Austro-Prussian peace of 1866 North Schleswig was to be given back to Denmark if the inhabitants voted for that course. Prussia took no serious step to fulfill this treaty, and when King Christian's youngest daughter, Princess Thyra, in 1878 married the legitimate, but by Prussia unacknowledged, heir to the Kingdom of Hanover, the Duke of Cumberland, that ominous paragraph 5 in the convention was extinguished by a new convention. The Duke and Duchess of Cumberland are now here, and the general opinion was that they would stay till after April 8. A topic of the date is the question, Will they stay or leave?

The Danish court was officially informed on March 1 that the Kaiser would like to pay a visit, and on Friday last His Imperial Majesty, having received King Christian's invitation, fixed April 2 as the date of his arrival. The Emperor once before, immediately after his accession to the throne, visited Copenhagen. That is about fifteen years ago now. When he drove through the streets on that occasion some hooting was heard. Since that day he has grown in public opinion and esteem. He may be sure of a respectful, possibly a hearty, reception.

[Inclosure 3.]

[Clipping from London Times of March 12, 1903.]

The Duke of Cumberland.

[From our correspondent.]

COPENHAGEN, *March 10.*

The Danish newspapers publish only brief comments on the announcement of the Emperor William's intended visit to Copenhagen. This reserve may be connected with the presence of the Duke of Cumberland at the Danish court, where he intended, as usual, to stay till after King Christian's birthday, on April 8. It is confidently reported to-day that the duke and duchess and both their daughters are inclined to leave shortly, though his royal highness, out of respect for the Danish court, will feel bound to avoid anything which might be disagreeable to the German Emperor during the latter's visit here. Everything goes to show that the Emperor has not taken any effective steps toward a conciliation with the duke; otherwise, some evidence of the fact would certainly have become public by this time. The duke's political adviser, Herr von der Wense, arrived here last night and had a long conference to-day with his royal highness, the result of which is not yet known. A telegram received here to-day states that the duke's youngest son, Prince Ernest Augustus, is lying ill with measles at Gmünden.

MARCH 11.

The question whether the Duke and Duchess of Cumberland would stay here during the Emperor William's visit is now answered by the official announcement that, in consequence of the illness of Prince Ernest Augustus, their royal highnesses, with their two daughters, will leave during the next few days, certainly not later than Monday next. This decision has caused some sensation in court and political circles here. Without commenting at length on the subject I may remark that the official communication would have probably been framed in different terms if the Emperor William had sought a more direct means of approaching the Duke of Cumberland instead of simply announcing that he would pay a visit to the Danish court at a time when he must know or presume that the duke would be in Copenhagen.

The Emperor himself is assured of a good reception here, since, notwithstanding the ever present North Schleswig question, public opinion is very favorable to him personally as a man of will and ideas.

Mr. Swenson to Mr. Hay.

No. 299.]

LEGATION OF THE UNITED STATES,
Copenhagen, April 28, 1903.

SIR: In addition to my No. 295, dated the 13th ultimo, on the subject of the German Emperor's visit at the Danish court, I have only to report that His Majesty arrived in the harbor of Copenhagen on board the imperial yacht *Hohenzollern* Thursday afternoon, the 2d instant. He was received most cordially with the usual official ceremony. The thousands that had assembled to witness the landing manifested their admiration and friendly sentiments for the distinguished visitor by enthusiastic cheers. It had been feared that the unfriendly demonstrations which took place on the occasion of the Emperor's visit here shortly after his accession to the throne would be repeated this time. Such apprehensions, however, proved groundless, and the contrast was commented upon with general satisfaction.

The Emperor's magnetic and forceful personality captivated everybody that came in contact with him.

His visit was a pronounced success and will undoubtedly pave the way to a better understanding between the Danish and the German people. He prolonged his stay here a day beyond the time originally fixed in his programme, taking his departure Sunday morning, April 5.

I have, etc.,

Laurits S. Swenson.

MILITARY SERVICE CASES OF N. H. LIND AND ELTZHOLTZ.

Mr. Swenson to Mr. Hay.

No. 298.]

LEGATION OF THE UNITED STATES,
Copenhagen, April 17, 1903.

SIR: I have the honor to inclose herewith, for your information, copies of correspondence dealing with the amenability of N. H. Lind and Ditley Eltzholtz, naturalized American citizens, formerly subjects of Denmark, to the military conscription laws of their native country in case of temporary residence therein.

Having received no further communication from Mr. Lind, I presume that the authorities have taken satisfactory action on his case.

Mr. Eltzholtz merely requests information bearing on eventual contingencies. My reply to his interrogatories is self-explanatory.

I have, etc.,

Laurits S. Swenson.

[Inclosure 1.]

Mr. Lind to Acting Consul Ericksen.

Svendborg, January 20, 1903.

DEAR SIR: As a naturalized United States citizen I hereby call on you, kindly asking your estimable advice concerning my position toward the Danish military authorities.

I was born in Svendborg, from where I, in the year 1892, left for America, where I became naturalized as soon as I was of age, being then 17. In November, 1900, I returned home for a visit, intending to stay about a year or so, but on account of

private circumstances was prevented from leaving, and will not be able to return to Chicago, where I am interested in business, before next June. Last October military conscription was held here in Svendborg, which I was ordered to attend, which I did, at the same time presenting my citizen paper, and having at that time not been at home the two years stipulated in the convention between the United States and Denmark, they were obliged to let me alone, telling me though to meet next October, 1903, if I still was in the country.

I was some time later called into court (still inside the above-mentioned two years) on charge of having not reported my return from abroad; but this being a law enacted by the military authorities of Denmark, I have not considered myself bound to acknowledge same, being a citizen of another country. Now, I have stated my objections to the court, who has turned the matter over to the conscription office from where it originated. They do not seem to be willing to grant me my rights, but want me to pay a fine.

Now, the question is this: Do I, by paying this fine, admit or acknowledge their right to enlist me as a soldier, which they exceptionally can do already in (June) the spring? And as I can not leave before June, it will be very inconvenient for me. Would you advise me to pay this fine, or see the judgment of a higher court? What do you think most advisable? I am posted by friends who have to deal with this affair to look out for eventualities. I deem this the proper way to go and to obtain my rights as a citizen of the United States. I should be much gratified if you would give this matter your kind attention, and, as I am booked to meet in court next Friday, you would do me a special favor in answering by return mail, if convenient.

I remain, etc.,

N. H. T. LIND.

[Inclosure 2.]

Mr. Swenson to Mr. Lind.

LEGATION OF THE UNITED STATES,
Copenhagen, January 24, 1903.

SIR: Your letter of the 20th instant to Acting United States Consul Ericksen has been handed to me for reply. I inclose herewith a copy of a circular issued by the Department of State, under date of April 10, 1901, respecting the liability of citizens of the United States under the military and expatriation laws of their native country. This notice, you will observe, has special reference to American citizens, formerly subjects of Denmark, who contemplate returning to that country. I trust that you will find this brief synopsis of the Danish conscription laws valuable in so far as it has a bearing on your case.

I may add that your temporary residence in Denmark beyond the two-year limit referred to in your letter does not expatriate you as a citizen of the United States, and hence does not render you liable to military duty in the country of your birth, provided you intend to return to the United States within a reasonable time for the purpose of continuing your permanent domicile there.

You waive no rights on these points by paying such fine or fines as you may have laid yourself open to under the laws and regulations set forth in the circular herewith.

Respectfully, yours,

Laurits S. Swenson.

[Inclosure 3.—Translation,]

Mr. Eltzholtz to Mr. Swenson.

RINGE, *March 23, 1903.*

The honorable legation is respectfully requested to make authentic reply to the following interrogatories:

My son was called out as guardsman in 1892; but owing to heart disease he was sent home after two months' service, with orders to meet again at the following session. He met, but was again sent home, with the same instructions. Meanwhile he emigrated to America, where he has resided nine years. He desires to visit his old home next summer and asks if in that event he would run the risk of being required to perform military service, or if he would be let off by paying a fine. How large would such fine be? Can the matter be arranged previous to his visit? He is an American citizen.

Respectfully,

Ditlev Eltzholtz.

[Inclosure 4.]

*Mr. Swenson to Mr. Eltzholtz.*LEGATION OF THE UNITED STATES,
Copenhagen, March 25, 1903.

SIR: Replying to yours of the 23d instant, I beg to say that under the military conscription laws of Denmark a person whose name has been or should have been entered on the conscription lists makes himself liable to a fine of from 25 to 100 kroner or imprisonment, or both, if he emigrates without reporting his intended departure to the local authorities.

A person above the age of 22 entered for military service must obtain a permit from the minister of justice to emigrate. Noncompliance with this regulation is punishable by a fine of from 20 to 200 kroner or imprisonment, or both.

Your son's American citizenship does not exempt him from penalties for offense committed against Danish law before his emigration. He is liable to military service that was due and unperformed at the time of his emigration. I have no means of knowing what action the Danish authorities would take in case your son should return to his native country on a visit. In a few similar cases the right to exact military service has been waived as a matter of courtesy. The penalty for the violations referred to above is generally fixed at 40 kroner, to which is sometimes added three days' confinement (husarrest). The circumstance that your son was sent home twice on account of physical disability would, it seems, dispose the authorities to deal leniently with him. I can take no steps in the matter as long as the case is merely a hypothetical one.

I would suggest that your son bring with him his certificate of naturalization and that he procure a passport either from the Department of State at Washington, or, on his arrival here, from the legation.

Respectfully, yours,

LAURITS S. SWENSON.

FORTIETH ANNIVERSARY OF REIGN OF KING CHRISTIAN IX.*Mr. Hay to Mr. Swenson.*

[Telegram.]

DEPARTMENT OF STATE,
Washington, November 14, 1903.

Appropriately convey President's felicitations fortieth anniversary King's reign.

HAY.

Mr. Swenson to Mr. Hay.

No. 322.]

LEGATION OF THE UNITED STATES,
Copenhagen, November 18, 1903.

SIR: I have the honor to acknowledge the receipt of your telegram of the 14th instant, directing me to convey the President's felicitations to the King on the fortieth anniversary of his reign. Having ascertained that there would be no audience for the formal presentation of congratulations of this kind I sent the following telegraphic message to His Majesty's country residence, Fredensborg palace:

COPENHAGEN, *November 15, 1903.*

Court Marchal OXHOLM:

In a cablegram Secretary Hay charges me to convey the hearty felicitations of the President to His Majesty the King on the occasion of the fortieth anniversary of his reign, coupled with the best wishes for His Majesty's health and a peaceful, happy, and prosperous continuation of his reign for many years to come.

Mr. Oxholm telegraphed me that this message had been handed to the King immediately after its receipt and that official reply would follow later.

The King received congratulatory messages from the heads of nearly all the European states and from other sovereigns. The King of England honored him with a commission as general in the English army and the Emperor of Germany sent a special envoy with an autograph letter of congratulations to His Majesty.

Though it had been announced, in accordance with the King's wish, that the day was not to be considered the occasion for ceremonious observance or special festivities, celebrations were held throughout the Kingdom and in the colonies. Flags were seen everywhere, and the streets in the capital, in Fredensborg, and other cities were beautifully decorated, presenting a festive appearance, especially in the evening, when the illuminations added brilliancy to the scene.

The King drove through the streets of Fredensborg after dinner, and was greeted with great enthusiasm and demonstrations of affection. His Majesty's loyal subjects gave strong proof on this anniversary of the love, esteem, and veneration they entertain for their aged ruler. He was the recipient of testimonials of such sentiments from all sides. Floral tributes were presented to him, addresses sent in, etc.

No Danish King has been more beloved by the people than is Christian IX. This general devotion to His Majesty is due to his sincere patriotism, his modest and unaffected manners, his purity and nobility of character, and his strong sense of justice and honor. He is true to his motto: "With God for honor and right." He is at heart a man of the people, and has unselfishly consecrated his life to the furtherance of their welfare. He is plain, straightforward, and approachable; and these characteristics, coupled with a correct reserve and an air of distinction, inspire the deepest respect and admiration. He is frank, and, accordingly, incapable of insincerity and double dealing. Devoid of the vanity that so often besets persons in high places, he prefers to do his work quietly and unostentatiously. He dislikes acting for effect and publicity. He well deserves to be called, "the gentleman king." He is a lover of peace, always being eager to exert his influence in its behalf when opportunity offers.

The venerable Monarch bears his eighty-five years well. The condition of his mind as well as of his body in no way suggest senility. Judging from outward appearances, he may live to celebrate the golden jubilee of his reign.

I have, etc.,

Laurits S. Swenson.

Mr. Swenson to Mr. Hay.

No. 323.]

LEGATION OF THE UNITED STATES,
Copenhagen, November 20, 1903.

SIR: Supplementary to my No. 322, of the 18th instant, I have the honor to inclose herein a copy, with translation, of a note from the minister of foreign affairs, conveying the thanks of the King for the President's felicitations and best wishes on the occasion of the fortieth anniversary of His Majesty's reign.

I have, etc.,

Laurits S. Swenson.

[Inclosure—Translation.]

*The Minister of Foreign Affairs to Mr. Swenson.*COPENHAGEN, *November 19, 1903.*

MR. MINISTER: The King, my august sovereign, deeply sensible of the honor which the President of the United States of America has shown him by expressing, through you, his hearty felicitations and best wishes on the occasion of the fortieth anniversary of His Majesty's reign, has charged me to ask you to convey to Mr. Roosevelt His Majesty's most sincere thanks.

Be pleased, etc.,

DEUNTZER.

DOMINICAN REPUBLIC.

REVOLUTION IN SANTO DOMINGO, AND RECOGNITION OF NEW GOVERNMENT.

Mr. Powell to Mr. Hay.

No. 527, Santo Domingo series.]

LEGATION OF THE UNITED STATES,
Port au Prince, April 16, 1903.

SIR: I have the honor to inform the Department of the political events that have recently occurred in the city of Santo Domingo, received by the mail arriving to-day, and which are from reliable sources, no detailed report having been made by the United States consul-general.

The political prisoners confined in the fort in the city on March 23 at 1 p. m., when both the military and civil authorities were at their homes and about two-thirds of the inhabitants of that city were enjoying their noon siesta, were released by some one, and to the number of seventy were supplied with arms and, headed by General Pepin, one of the prisoners, liberated those who had been confined for various crimes. These people were also given arms. Among the political prisoners released was Navarro, the former governor of Monte Christi and the leader in that movement a few months ago, and who had been captured and confined here; another released by the name of General Martines. These men and their followers soon disarmed the few guards on duty, and within a few minutes after their liberation had secured possession of the fortress. At a given signal the partisans of these people in the city, who were opposed to the provisional government under General Vasques, made an attack on the military authorities of the city and afterwards on the police force, and, being successful in both, secured full control of the city. After fighting nearly two hours, many being killed or wounded, General Sanchez, minister of foreign relations, and the postmaster-general, Mr. Castillon, sought asylum at the American consulate, Mrs. Vasques, the wife of the President, going to the Haitian legation. General Pichardo, the minister of war, was made a prisoner and confined in the fortress. Gen. A. W. Gil was named by the insurgents as the provisional President in place of General Vasques. A message was sent by the new Government that the minister of foreign relations and the postmaster-general were free to return to their homes, which they did, but learning afterwards that they were to be made prisoners, General Sanchez secured asylum at the Italian consulate and Castillon returned to our consulate.

The revolutionists, immediately after securing possession of the city, seized the two Dominican naval vessels, one of which is not much larger than the steam tugs used in towing on our rivers. She was armed with two cannon and named the *Colon*. The other, the *Independencia*, is of

the type of the *Topeka*. Quiet prevailed in the city from March 23 until April 2. From that time up till the departure of the French steamer fighting has been constantly going on, in which many on both sides have been killed. The *Atlanta*, Captain Turner, arrived on the 2d and landed a party of sailors to protect the consulate and the "La Fé" estate, where is located the office of the mining and railroad companies, American, and where the vice-president, Mr. Adams, and wife, and a party of engineers are stopping. This place is about 4 miles from the city.

General Vasques, it is said, with an army of 3,000 men, reached by a forced march the environs of the city two days before the arrival of the *Atlanta*, and since that time fighting has been going on. He has occupied three sides around the city, on the highlands which command the city. His position is very strong, as he holds the city at his mercy, and, unless dislodged by the forces of General Gil, will compel the latter to surrender, as he controls all the approaches to the city. Several attempts have been made to dislodge him by the revolutionists, but they have failed, while General Vasques on his side has endeavored to enter the city, but each time has been repulsed with loss. In one point of view the revolutionists have slightly the best of it, as aside from holding the city, they are in possession of the fort, in which there is stored a large amount of arms and ammunition, which is a serious loss to General Vasques.

Captain Turner is acting with the foreign consuls and at the time the mail left was endeavoring to secure an agreement between the opposing forces in the interest of peace, but I believe failed, as firing had again commenced as the vessel was leaving.

The doctor from the *Atlanta* was giving active assistance to the Red Cross Society in attending to the wants of the wounded. His action, with that of Captain Turner, has strengthened the feeling of the people in our favor. The *Presidente*, Vasques's vessel, attempted to bombard the city without previous notice. One shell fell in the court yard of the German consulate, but fortunately did not explode. Captain Turner sent a message to this vessel, requesting firing to cease. As the *Presidente* continued, Captain Turner prepared his vessel for action. The Dominican vessel, seeing this, ceased firing and left, and up to the departure of the mail had not returned.

The next day the *Vineta*, German naval vessel, arrived, and learning the *Atlanta* had landed sailors, sent ashore 150 of its crew to protect, as was stated, the German consulate and to look after English interests, and shortly after its arrival an Italian and a Dutch naval vessel reached the harbor, making four foreign naval vessels.

The city is entirely isolated from the outside world, the cables being cut, so that telegrams have to be sent by special messenger to Cotuy, a place about 30 miles from the city. The Clyde steamship *New York* could only come as far as Macoris, leaving her freight and mail there. The *Annex* (French) could not leave her cargo, but hopes to land it on her return, if allowed and affairs are more favorable.

I am informed that the streets were being barricaded and that cannon were being placed at the most accessible points, as it was expected that General Vasques would make an attack within a few days. A battle took place on the 5th, the day the mail left for this place. I am informed by the Dominican minister, Mr. Gonzales, that the revolutionists, under General Gil, had made an attack on General Vasques,

and had been repulsed with great loss, four of their leading generals being killed, among whom were Generals Pepin (the leading spirit in the present movement), Navana, and Martinez.

This movement should not be classed as one in favor of the last President, Mr. Jimenez, as it is not. The present movement is as much opposed to Mr. Jimenez as it is to General Vasques, its main object being to make the Hon. Alexandro W. Gil President as the candidate of the Reds or the party of the late General Heurreux. * * *

I have, etc.,

W. F. POWELL.

Mr. Powell to Mr. Hay.

No. 541, Santo Domingo series.]

LEGATION OF THE UNITED STATES,

Port au Prince, May 12, 1903.

SIR: I have the honor to state to the Department that the steamer from Santo Domingo arrived after the mail had closed for the States. I was therefore compelled to wait until the departure of this steamer to convey to the Department information I had through private but trustworthy sources. I am able through this medium to inform the Department of the political situation, which I was not able to do when my last dispatch on this subject was written. By letters received it is stated that General Vasquez had the city closely besieged on all sides except its sea front. The revolutionists, on their part, were strongly entrenched, and, besides, strong barricades had been erected in many of the streets leading from the gates into the city. These barricades were well supplied with rapid-firing guns. General Vasquez's force numbered about 2,000 men; the revolutionists one-half this number. General Vasquez established his headquarters at a village known as San Carlos, a place of about 800 houses and a short distance from Santo Domingo. This place is entirely destroyed, not a house standing. General Vasquez made several attempts to take the city by assault, but was repulsed each time with heavy loss. His last attempt was partly successful, as his troops had made a breach in the works of the revolutionists; but the assaulting party not being supported at a critical moment by General Vasquez, the revolutionists rallied and drove Vasquez's force out of their intrenchments, killing the general (Cordew) who led the assault. Vasquez failed to grasp the situation in time. The sudden attack and the failure to receive reinforcements caused a panic in his forces, which eventually ended in a rout, his force scattering and fleeing in all directions, and Vasquez himself had to seek safety in flight. At the time of his defeat the whole Republic was in his favor, with the exception of the city of Santo Domingo. After his defeat he attempted to establish his capital at Santiago. The revolutionists quickly realized their victory, and followed closely after Vasquez to prevent him gathering another force. Vasquez, finding it useless to continue the struggle, and also learning that several provinces he had depended upon had espoused the cause of the revolutionists, left with a chosen few (150) for Puerto Plata, and there embarked on the *Presidente* for Santiago, Cuba.

Mr. Jimenez arrived at Puerto Plata three days after General Vasquez's departure, and at the time the mail left was at Santiago.

General Deschamps, the former governor of Puerto Plata, on the day the steamer departed had arrived in Santo Domingo, and General Rodrigues was expected the following week. During the time the city was shelled several shells struck our consulate, but no damage occurred. Several were killed in the streets from flying or falling bullets, and one or two sailors from the vessels of war in the harbor were injured. It is estimated the revolutionists lost in killed and wounded about 400; Vasquez's loss was very much greater. Great praise is given by both sides for the active aid rendered by the medical corps from the *Atlanta*. The damage sustained will be another heavy expense added to those that this country will have to pay. * * *

The elections are supposed to take place in about two months, if there is not another revolution. The leading candidates are Generals Gill, Deschamps, Rodrigues, Richards, and Mr. Jimenez. There are others named, the principal being ex-President Ignacio Gonzales, the present Dominican minister to this country. While the revolution is over, the political situation is very grave. It is stated Mr. Jimenez will make every effort to secure the Presidency, * * * The other candidates fear that if he should succeed the friends of Gill and Vasquez will unite to prevent it. This foreshadows another revolution.

The financial condition of the Government is worse than bad, if such can be accepted to express the present monetary condition of the Republic. It is impossible for them to secure a loan, as they have nothing to guarantee it.

* * * * *

At the time the mail closed the *San Francisco* was in the harbor.

I have, etc.,

W. F. POWELL.

Mr. Powell to Mr. Hay.

No. 552, Santo Domingo series.]

LEGATION OF THE UNITED STATES,
Port au Prince, June 9, 1903.

SIR: I have the honor to inclose to the Department the correspondence that has passed between this legation and the Dominican foreign office on the subject of recognition.

I am, etc.,

W. F. POWELL.

[Inclosure 1.—Translation.]

Mr. Despradele to Mr. Powell.

DOMINICAN REPUBLIC,
DEPARTMENT OF FOREIGN RELATIONS,
Santo Domingo, April 22, 1903.

MR. CHARGÉ D'AFFAIRES: By virtue of the political events that have occurred from the 23d of March last, and as a consequence of the triumph obtained by the revolutionary movement that has spread over nearly the whole of the Republic, uniting the public opinion in its favor, the provisional government, founded since the 1st of May, 1902, has ceased to direct the public administration of the Dominican State; and as this can not remain stationary permanently without serious prejudice to the general interest, it has been decided to proceed to the organization of a new provisional

government, which by its guarantee and care may regulate, give legal form to the revolutionary movement which has been initiated, and direct and complete the national will.

The provisional government formed by the triumphant revolution holds the unalterable intention, and has thus agreed to say to you through the channel of the undersigned, to maintain above all with the most perfect cordiality the friendly relations and the mutual interests that exist happily between the Dominican Republic and the country that you so worthily represent in Santo Domingo.

It is very pleasing to the undersigned, called to the office of minister of foreign relations, to bring to your knowledge the above, also to be pleased to have the hope that, inspired with the high intentions of the provisional government, you will not refuse your valuable cooperation to make most easy and agreeable the task that it has imposed on itself.

In that which regards the department of foreign relations, the undersigned can assure you that he will maintain the policy of the provisional government, observing with preeminent attention and courtesy the official relations that he holds to be his duty to initiate from the present with the honorable foreign representatives accredited in this capital, and particularly with you, to whom I offer the highest and most distinguished consideration and respect.

Your obedient servant,

FIDELIO DESPRADELE.

[Inclosure 2.]

Mr. Powell to Mr. Despradele.

LEGATION OF THE UNITED STATES,
Port au Prince, May 20, 1903.

SIR: In response to your excellency's courteous note, it gives me pleasure to state to you that my Government recognizes a de facto government when it has the support and popular approval of its citizens. Such seeming to be the case, as your excellency informs me, and that peace prevails throughout the Republic, a fact which I am pleased to know, and which I trust, through the wide experience of His Excellency, obtained in fulfilling the functions of this office in the past, that this peace will be maintained for many years to come, and that a bright and happy future awaits the Republic.

In making known to your excellency the sentiments of my Government for the future prosperity of the Dominican Republic and its people, my Government expresses its belief to your excellency that the present Dominican Government will not only recognize, but will also carry into execution within the briefest time possible, those acts and agreements recently consummated by the late government of which General Vasquez was the provisional president, and which greatly affects the interests of certain American citizens.

Permit me, sir, to personally express to your excellency the hope that the happy relations that have always existed between the department of foreign relations of your excellency's Government and this legation will continue in the future as they have in the past.

Accept, etc.,

W. F. POWELL.

Mr. Powell to Mr. Hay.

No. 614, Santo Domingo Series.]

LEGATION OF THE UNITED STATES,
Santo Domingo City, October 22, 1903.

SIR: I have the honor to state to the Department that according to instructions received I delivered to President A. Woss y Gil, the letter of the President, Mr. Roosevelt.

I was very cordially received by the President. A guard of honor and the palace band was placed at the entrance to receive me. Our interview lasted about twenty minutes.

I have the honor to inclose the remarks made on the occasion by the President and myself.

I have, etc.,

W. F. POWELL.

[Inclosure 3.]

Remarks to President.

YOUR EXCELLENCY: I have a most pleasant duty to perform, in being the bearer of a communication from Mr. Roosevelt, the President of the United States of America, to Your Excellency, extending to you his congratulations on your being called to preside as the Chief Magistrate of this Republic.

I have the honor to state to Your Excellency that it is the great desire of Mr. Roosevelt, the President, that the closest friendship shall exist between the two sister Republics, each being allied to the other by strong commercial ties. I can also say to Your Excellency that it is the desire of the President, Mr. Roosevelt, that this country shall ever preserve its autonomy and its independence, and that during the time that Your Excellency shall exercise the functions of this office you will be able to bring to this Republic the prosperity that it once attained. In order to do this there must be a united people, whose only aim should be the future prosperity of the Republic. This, Mr. President, with a just regard to the fulfillment of all obligations entered into, will bring to your Republic a future of hope, of prosperity, of peace, and of happiness.

This, Your Excellency, I hope to see during the time you fill this high and important office.

Allow me, sir, to extend my congratulations upon this happy event.

[Inclosure 4.—Translation.]

Mr. Galvan to Mr. Powell.

DOMINICAN REPUBLIC,
DEPARTMENT OF FOREIGN RELATIONS,
Santo Domingo, October 22, 1903.

HONORABLE SIR: I have the special order from the President Woss y Gil to send your excellency the written testimonial of the well-felt satisfaction with which he has received the congratulations of His Excellency the President of the United States of North America, expressed in his autograph letter, which your excellency put in his hands yesterday, the 21st instant, accompanied by the eloquent phrases of your excellency's discourse, manifesting the great desire which is felt by the illustrious President Roosevelt that the closest friendship should exist between the two sister Republics, the one being bound to the other by strong commercial relations.

The President of the Dominican Republic, General Woss y Gil, and the ministers who accompany him in the work of the Government, esteem in a high degree and correspond loyally to this noble aspiration of the First Magistrate of the Federal Union of the United States of America, fully confident of the sincerity of these expressions which conjointly your excellency has expressed in the name and by order of the same Mr. President Roosevelt, that this Republic shall conserve always its autonomy and its independence, and that it may reach during the present administration the prosperity to which a united people may aspire.

It is very grateful to me, honorable sir, to be the organ on this occasion of the cordiality of sentiments with which President Woss Y Gil and his Government receive such expressive manifestations of friendship, which will find full correspondence in the way which the Dominican Government proposes itself to encourage, by the rectitude and the best will, in all its proceedings regarding the commercial and political interests existing between both republics.

Accept, etc.,

MANUEL DE J. GALVAN.

[Inclosure 5.]

Mr. Powell to Mr. Galvan.

LEGATION OF THE UNITED STATES,
Santo Domingo City, October 23, 1903.

SIR: I have the honor to acknowledge your excellency's note of October 22, 1903, conveying to me the kindly expressions from His Excellency General Woss y Gil, President of this Republic, in response to a congratulatory letter from Mr. Roosevelt, the President of the United States of America.

It will afford me great pleasure to communicate the contents of your excellency's very interesting letter to my Government.

Allow me to express to your excellency the great pleasure that Mr. Roosevelt, the President, will feel in reading the kindly sentiments that His Excellency the President, General Woss y Gil, and his cabinet have for the Government and people of the United States.

I beg, etc.,

W. F. POWELL.

ATTEMPT OF THE DOMINICAN GOVERNMENT TO BLOCKADE, BY DECREE, PORTS HELD BY INSURGENTS.

Mr. Powell to Mr. Hay.

No. 629, San Domingo Series.]

LEGATION OF THE UNITED STATES,
Santo Domingo City, October 30, 1903.

SIR: I have the honor to inform the Department that the agent of the Clyde Steamship Company, Mr. L. Pardo, appealed to our legation, stating that this Government demanded that the *Cherokee* discharge her cargo for the ports of Puerto Plata and Samana here; that the captain had refused to do so, as the Government did not offer a guaranty to secure the Clyde Company from loss if claims should be made by the consignees for goods on the vessel. I went immediately to the palace and requested of the minister an audience with the President, which was granted. I requested to be informed of the order that had been issued to the captain of the *Cherokee*. The President stated that the above ports being in insurrection, he thought it best to have the goods deposited here, as it would deprive the insurgents of provisions, and this would bring them to terms.

I requested to know if he thought that there were either arms or ammunition on board. He stated that he did not know; that there were provisions and an assorted cargo consisting of miscellaneous articles. I requested to know what disposition would be made of these goods when landed, and what did the Government propose to cover this company against loss arising from suits that they would incur from not landing these goods at their destinations.

The President replied that they would sell the provisions and retain the other part of the cargo in the custom-house. I then asked him if this was all they proposed to do to cover the damages that this company would have to bear. He replied that he supposed that there would be some damages to pay, but this would come up later.

I then informed him that officially my legation had not been informed that an insurrection was in existence, and that other legations had informed me that they had not been so informed; that this being the case, these places being regular ports of call, they had the right to enter; that I had been informed also that as the vessel was off Puerto Plata she was ordered not to enter by a Dominican gunboat, while a German vessel was allowed to enter and to load and unload; that as she was nearing Samana she was again stopped by two shots passing before her bow, and that the minister of war had given to the captain a written order not to stop at Macoris, but that he must proceed at once to this city.

I then informed the President that I was not aware that any portion of this territory was in blockade; such a fact had not been notified to us, and that this Government could not at will close the ports of

this Republic to the commerce of the world without due and timely notice, nor could this Government institute a blockade simply by publication, but that it must be effective with a sufficient physical force to prevent vessels from entering, and that such force must be constant. I stated that I was informed that there was not such force there, both of their vessels of war at this time being in the Ozama River. I did not want to embarrass his Government, but my friendship to him could not conflict with my duty, and I suggested to him that it would be wise to rescind the order, as it might possibly lead to grave trouble, as I should insist that this vessel must return and be allowed to land her cargo at those places where she had been forcibly prevented.

The President then informed me that he could not rescind the order. I then stated—

Then, Your Excellency, there is but one course open to you to take. I shall direct the captain to proceed to those places to land this cargo, and you will either have to sink her or capture her, and when you do so you will accept all future responsibility for your action.

The President replied he would not accept the responsibility, but he would see the agent and captain and see if he could not come to some arrangement. I informed him I would be glad if he could; but if he could not I insisted that this vessel must be freely allowed to go to all her ports of sailing unmolested. Our interview ended.

Later in the day the agent and captain came to our legation again, stating that unless she landed the goods they would not allow her to leave for Azua, her next port. I requested the agent to send a protest to the minister of finance, and I wrote to the minister of foreign relations, stating we could not recognize the right to compel the vessel to discharge the cargo.

Later in the afternoon (October 30) the captain and agent returned to the legation, stating that the Government had given to them clearance papers, but refused to allow a pilot to go aboard and take the vessel out of the harbor until the cargo to those cities had been placed on the wharf. I asked the captain if he was well enough acquainted with the channel to take his vessel out without danger. He informed me he could. I then told him to signal for pilot, and after waiting a reasonable time to take his vessel out. The captain asked if that was my instruction. I informed him it was. He replied: "I will do it."

On his return to the ship he signaled for a pilot. One came. After he was on board the harbor master made him return. The captain ordered the lines cast off and took the vessel safely out.

I understand to-day, on her return trip, she will be denied clearance papers unless she discharges her cargo, and that if she proceeds to Samana or Puerto Plata they will prevent entrance. If captured, an attempt will be made to sink her. This latter statement I can say to the Department I do not believe. I trust I have acted in accordance with the views of the Department.

I have, etc.,

W. F. POWELL.

[Inclosure 1.]

Mr. Pardo to Mr. Powell.

SANTO DOMINGO, October 30, 1903.

SIR: I beg to inform you, having received a communication from the minister of finance informing me, that the Government has decided that the cargo on board the

steamship *Cherokee*, of the Clyde Line, shall discharge at this port the cargo on board for Samana and Puerto Plata, cargo which she was prevented from landing at ports of destination, she having been prevented from entering these ports by the Dominican war ships *Presidente* and *Independencia*, who fired on her both from before Puerto Plata and Samana, the minister stating that Government bases its demand on article 14 of the concession Clyde, copy of which article I beg to inclose.

I answered Government that I could not accept its decision, because said article 14 allows the captain the right to land his cargo on his return to these ports.

I considered the matter thus closed, and at 2 p. m. sent for the custom-house and port dispatch from Azua, the ship's next port of call, and these dispatches were given me.

The time for sailing was set for 4 p. m. At that time the post-office sent the mail on board. Thus legally dispatched and passengers being on board, the captain gave the signal for the pilot, who came on board to take the ship out.

Just then the harbor master sent to say to detain the sailing for a little while at request of the Government, to which I answered that I had no inconvenience as long as she can leave before darkness should set in, or we could go outside and wait on the roadstead up to 11 p. m. To this a new reply came that the ship could not leave because the Government insisted on the landing of the cargo on board for Samana and Puerto Plata. At the same time a communication was handed me signed by the minister of finance stating that the cargo must be discharged here.

The vessel being legally dispatched and having her mail and passengers aboard, I considered this demand illegal, made my corresponding protest before the United States consul, and now appeal in behalf of Messrs. Wm. P. Clyde & Company for your protection in this matter.

I remain, etc.,

L. PARDO,
Agent for Wm. P. Clyde & Company.

[Subinclosure.—Translation.]

Article 14 of Clyde concession.

If through bad weather, rebellion, or war it should be sometimes impossible for any steamer of this line to communicate with one or more ports of their destination, the captain will advise from on board with a signal "ad hoc," being allowed to proceed without any further detention, but having to leave his cargo, luggage, and the passengers, respectively, in the next Dominican port, unless that the interested should demand that they be landed at the port called for by their tickets, in which case they will be landed on return of the steamer free of any expenses; and regarding the cargo, it has also to be landed in the port expressed in the bill of lading or on return of the steamer or any other steamer of the line.

[Inclosure 2.]

Mr. Powell to Mr. Galvan.

LEGATION OF THE UNITED STATES,
Santo Domingo City, October 30, 1903.

SIR: I have been informed by Mr. Pardo, agent of the Clyde Steamship Company, that your excellency's honorable colleague, the minister of finance, has stated that the cargo on the steamer *Cherokee*, of this line, for the ports of Puerto Plata and Samana, must be landed here, as those places are in revolt against the present Government.

I have the honor to inform your excellency that I have no official knowledge from your excellency's department that a state of insurrection prevails in this Republic, nor have I been informed from the same department that the ports named are in a state of blockade. In view of these facts, this vessel can not discharge the cargo of these ports here.

Accept, etc.,

W. F. POWELL,
United States Chargé d'Affaires.

[Inclosure 3.—Translation.]

Mr. Galvan to Mr. Powell.

DOMINICAN REPUBLIC,
DEPARTMENT OF FOREIGN RELATIONS,
Santo Domingo, October 30, 1903.

HONORABLE SIR: In answer to the attentive note of your excellency of to-day's date my Government has agreed to make it known that it is not by application of any principle relative to the rules of blockading of ports as by the international right that it has been ordered that the cargo of the steamer *Cherokee*, destined to the ports now in insurrection against the authority of the legitimate Government of the Republic, should be discharged in the port of this capital, but simply by applying the expressed terms of the contract of the agreement of concession to the firm of W. P. Clyde & Company in its article 14, which authorizes the Government to dictate that disposition of public order.

I salute, etc.,

MANUEL DE J. GALVAN.

[Inclosure 4.]

Marine protest of ship Cherokee.

CONSULATE-GENERAL OF THE UNITED STATES,
Port of San Domingo, October 30, 1903.

By this public instrument of declaration and protest be it known and made manifest unto all to whom these presents shall come or may concern, that on the 30th day of October, one thousand nine hundred and three, before me, Juan A. Read, vice-consul-general of the United States of America for Santo Domingo, and the dependencies thereof, personally came and appeared L. Pardo, agent of the ship or vessel called the *Cherokee*, of New York, of the burden of 1,933 tons or thereabouts, then lying in this port of San Domingo laden with general cargo, who duly noted and entered with me, the said vice-consul, his protest for the uses and purposes hereafter mentioned; and now on this day, to wit, the day of the date hereof, before me, the said vice-consul-general, comes the said L. Pardo, agent of Wm. P. Clyde, and requires me to make protest; also came _____, mate, _____, carpenter, _____, and _____, belonging to the said ship, all of whom being by me duly sworn on the Holy Evangelists of Almighty God, did severally, voluntarily, freely, and solemnly declare, depose, and state as follows, that is to say: That the steamship *Cherokee* was legally despatched from the custom-house and port office, had her mails and passengers on board and ready to sail at 4 p. m. for Azua. The pilot being on board to take her out, when an order was sent by the Dominican Government that the ship could not sail, they demanding that the cargo she has on board for Samana and Puerto Plata be discharged at this port, basing their demand on article 14 of the Clyde concession, according to which any steamer of the line not being able to enter a port through bad weather, rebellion, or war, should discharge her cargo at the next Dominican port, excepting that the interested parties should demand to be landed at the ports their tickets call for, and as to the cargo, that it must be landed at the ports the bill of lading calls for, either on the return of the steamer, or by any other steamer of the line.

Not recognizing the right of the Government of ordering the discharge of the cargo of the ports of Samana and Puerto Plata at this port and neither the right of the Government to prevent the ship from sailing after she has been lawfully despatched, I protested in behalf of Wm. P. Clyde & Company against the action of the Government and state at the same time that the cargo for Samana and Puerto Plata must be landed at the ports of destination according to the bill of lading.

I further state that the pilot was ordered from the ship by the harbor-master and that the steamer left this port for Azua in the control of the captain and by order of the United States minister.

Thus done and protested in the port of San Domingo this 30th day of October in the year of our Lord, one thousand nine hundred and three.

In testimony whereof, these appearers have hereunto subscribed their names, and I, the said consul, have granted to the said master this public instrument, under my hand and the seal of this consulate, to serve and to avail him, and all others whom it doth or may concern, as need and occasion may require.

[SEAL.]

JUAN A. READ,
United States Vice-Consul-General.
L. PARDO, *Ageni.*

CONSULATE-GENERAL OF THE UNITED STATES,
San Domingo, October 30, 1903.

I, Juan A. Read, vice-consul-general of the United States for San Domingo, and the dependencies thereof, do hereby certify that the above is a true and correct copy of the original protest made by L. Pardo, agent of the Wm. P. Clyde & Company, of record in this office.

In testimony whereof I hereunto set my hand and affix the seal of this consulate-general this 30th day of October, 1903.

JUAN A. READ,
United States Vice-Consul-General.

[Inclosure 5.]

Mr. Powell to Mr. Galvan.

LEGATION OF THE UNITED STATES,
Santo Domingo City, October 31, 1903.

SIR: I have the honor to acknowledge the receipt of your excellency's note of October 30, in regard to the landing here of certain merchandise, a part of the cargo of the steamship *Cherokee*, in which your excellency states that this demand is not made under the application of any principle relative to the rules of blockading of ports, etc.; that your excellency's Government has made this demand on the captain of this vessel and upon its agent, under the concession granted to it by the Dominican Government.

In reply to your excellency's note, if you will carefully read this article, you will find that it was inserted to favor the Clyde Company, as it places at the discretion of the captain not to enter certain ports of his itinerary if he deems there is danger in doing so. It names stress of weather, revolution, etc., and that in passing such ports he should signal that he could not enter; and it also states that he should return to do so, especially if the passengers should demand it, and the same is said in regard to the cargo accepted for such points.

Your excellency can see from this that this clause was inserted to prevent the Clyde Company from having to defend itself against annoying claimants who might make demands upon it, should such events as I have stated occur.

The Government can not therefore take advantage of the same to compel the captain to land this merchandise here, even though the Government gave the fullest guarantee.

The captain is bound by the instructions from his company to deliver these goods to those to whom they are consigned, or return with them in his vessel, unless otherwise instructed.

I am fully persuaded that this company is willing to do all that it can consistently do to favor the Government, but, as your excellency is aware, there are measures which the Government demands that it is compelled to refuse, in order to cover itself from damages from those who consign their goods to it. * * *

I trust that your excellency will see in my reply that the company has the right on its side in refusing this demand on the part of the Government.

Your excellency will accept, etc.,

W. F. POWELL,
United States Chargé d'Affaires.

[Inclosure 6.]

Mr. Powell to Captain Archibald.

LEGATION OF THE UNITED STATES,
Santo Domingo City, October 30, 1903.

SIR: As a guide to your action in regard to the landing of certain cargoes here that were shipped from New York to Puerto Plata and Samana, I have to say I know of no law in which you should be required to do so, as I am informed the sanitary conditions of those ports are good; that there is an insurrection in that section I have no official knowledge, as this Government has not yet advised us that such is the case. Neither have I any knowledge of the said ports being in a state of blockade, as the Government up to this date has not officially notified me; neither can there

be a physical blockade established, as both of their naval vessels are at this time in this port. Again, our Government does not recognize that its commerce shall be crippled by what might be called a paper blockade; that is, if such a blockade exists.

I can also say to you that the forcible prevention to your entering the ports of Puerto Plata and Samana, and the order from the minister of war of this Republic stating that you should not enter the ports named, were wrong, and that in so doing he exceeded his right, as this Government had not declared these ports to be in a state of blockade, and I shall place these facts before the honorable Secretary of State.

In regard to the statement that if you do not land this cargo at this port, you will not be allowed to leave, I do not think will be put into execution; but if it should, and you feel confident that you can take the vessel over the bar without imperiling the lives of passengers and crew, or endangering the vessel, I suggest that you give the usual signal for pilot. If, after a reasonable time none appears, or if one should appear and report and afterwards leave your vessel before he has performed the duty he has been called to do, by order of this Government, I, as the representative of your Government to this Republic, would advise you to take your vessel out of the harbor, after you have fulfilled all necessary and legal requirements, and in so doing you have my official sanction.

In regard to the ports for which you have cargo, I would advise you to enter, leaving it to this Government to forcibly prevent you. As a matter of right, they can not; as a matter of force, they might.

I have, etc.,

W. F. POWELL,
United States Chargé d' Affaires.

[Inclosure 7.—Translation.]

Mr. Galvan to Mr. Powell.

DOMINICAN REPUBLIC, DEPARTMENT OF FOREIGN RELATIONS,
Santo Domingo, November 2, 1903.

HONORABLE SIR: I have read the attentive note of your excellency, dated October 31 last, relating to the interpretation that your excellency believes to be given to clause 14 of the contract existing between the Dominican Government and the shipping company of the United States, W. P. Clyde & Co., as said clause is written, in the opinion of your excellency, in the exclusive interest of the said company.

The Government of the writer differs notably in the opinion of that of your excellency, and believes that as that clause has all the tenor of the contract in its spirit and in its letter has been stipulated in the interest of both parties, and never to injure the one nor the other, as it results injuriously for the Republic as in the case that has provoked the controversy as to the motive of the cargo destined to the ports occupied by the actual rebellion in the Cibao against the legitimate Government of the Republic, as the Government of your excellency understands it before the reserve of rights which the Dominican Government establishes, before whom it makes a response especially for the exercise of diplomatic action, by which are mixed several distinctive jurisdictions intervening in the controversy of the parties, as manifested in the infraction of article 22 of the Clyde concession, that is the only law of the parties by common exception to all civil contracts.

I have the honor to reiterate, etc.,

MANUEL DE J. GALVAN.

[Inclosure 8.]

Mr. Powell to Mr. Galvan.

LEGATION OF THE UNITED STATES,
Santo Domingo City, November 2, 1903.

SIR: I have the honor to acknowledge the receipt of your excellency's communication of November 1, informing me that your excellency had, by a decree of October 30, closed the ports of Monte Cristi, Puerto Plata, Samana, and Sanchez to all maritime commerce, in order to repress armed rebellion in that section.

I have the honor to call to your excellency's attention that the closing of these ports took place, according to your letter, two days before your excellency had the honor to inform me.

Due and legal time has not been given me to inform my Government of this decree, and in consequence thereof it will be impossible for our citizens engaged in commerce with this Republic to become acquainted with the action of your excellency's Government in closing the above-named ports before the next steamer of the Clyde Steamship Company leaves for the ports of the Dominican Republic.

In view of this fact, if the steamer reaches such ports with her papers properly certified by the Dominican consul in New York, she should have the right to discharge her cargo in those ports for which invoices have been given, and I shall be forced to insist upon this right until instructed by my Government otherwise.

I have the honor further to state to your excellency that a certain time should have been named by your excellency's Government of its intention, in order not to subject neutral commerce to serious loss.

I do not deny the right of your excellency's Government to close or blockade the ports in the insurrectionary district, but in doing so such commerce should have due and timely notice.

Your excellency will accept, etc.,

W. F. POWELL,
United States Chargé d'Affaires.

Mr. Powell to Mr. Hay.

No. 632, San Domingo Series.]

LEGATION OF THE UNITED STATES,
Santo Domingo City, October 30, 1903.

SIR: I have the honor to state to the Department that this Government, by public proclamation, decreed that the ports of Monte Christi, Puerto Plata, Sanchez, and Samana to be in a state of blockade, but no official notice to this effect has been sent to any legation or consulate.

I may here mention for Department's information that though the Government has stated these ports to be blockaded both of their naval vessels are here, and this is the only means they have to carry into effect the decree proclaimed in the streets late yesterday.

I have, etc.,

W. F. POWELL.

Mr. Powell to Mr. Hay.

No. 639, Santo Domingo Series.]

LEGATION OF THE UNITED STATES,
Santo Domingo City, November 3, 1903.

SIR: I have the honor to state to the Department that the steamship *Cherokee*, of the Clyde Line, returned from Macoris, hoping to meet the *Baltimore* here to convoy her to Samana and Puerto Plata.

The *Baltimore* not being here, she left for Samana at 5.30 p. m. I instructed the captain if he met the *Baltimore* to signal her, and gave to him a letter for the commander, requesting him to see her safely to those ports.

I am unable to give a copy of the same, as it was written on board, the captain having signaled me to come on board.

I have, etc.,

W. F. POWELL.

Mr. Powell to Mr. Hay.

No. 640, Santo Domingo Series.]

LEGATION OF THE UNITED STATES,
Santo Domingo, November 3, 1903.

SIR: I have the honor to state that at an interview with the minister he informed me that his Government did not call this a blockade, but simply a closing of these ports to prevent the insurgents receiving supplies.

* * * * *
I have, etc., W. F. POWELL.

Mr. Hay to Mr. Powell.

No. 197.]

DEPARTMENT OF STATE,
Washington, November 5, 1903.

SIR: I inclose for your information copy of a correspondence had with the Dominican consul-general in regard to the treatment of American vessels and their cargoes under the decree of blockade issued against the ports of Monte Cristi and Puerto Plata.

I am, etc., JOHN HAY.

[Inclosure 1.—Translation.]

Mr. Galvan to Mr. Hay.

No. 33.]

CONSULATE-GENERAL OF THE DOMINICAN REPUBLIC,
New York, October 31, 1903.

MOST EXCELLENT SIR: I have the honor to give notice to the American Government, through the worthy organ of your excellency, that the ports of Monte Cristi and Puerto Plata are blockaded, by direction of the Dominican Government, on account of the local authorities there having declared themselves in rebellion against the constitutional order.

It has come to the knowledge of this consulate-general that one of the shipping concerns of this country, in trade relations with the Dominican Republic, intends to accept cargoes on its vessels for the said blockaded ports, notwithstanding the timely notice of the decision of the Dominican Government that was given it by this consulate-general. I bring the matter to your excellency's knowledge in order to lodge the due reservation of the right that may appertain to my Government in the event of a violation of its decrees by the above referred to shipping firm, which would give rise to questions apt to disturb the harmonious relations now existing between the two countries.

With sentiments of distinguished consideration, etc.,
MANUEL DE J. GALVAN, JR.

[Inclosure 2.]

Mr. Hay to Mr. Galvan.

DEPARTMENT OF STATE,
Washington, November 4, 1903.

SIR: I have the honor to acknowledge the receipt of your note of the 31st ultimo, by which you give notice to this Government that the ports of Monte Christi and Puerto Plata are blockaded by direction of the Dominican Government on account of the local authorities there having declared themselves in rebellion against the constitutional order, and that it has come to the knowledge of your consulate-general that one of the shipping firms of the United States in trade relations with the Dominican Republic intends to accept cargoes on its vessels for the said blockaded ports, notwithstanding the timely notice of the decision of the Dominican Government

given to it by your consulate-general. You state that you bring the matter to my knowledge in order to lodge the due reservation of the rights that may appertain to your Government in the event of a violation of its decrees by the firm referred to, which would give rise to questions apt to disturb the harmonious relations now existing between the two countries.

In taking note of the statements contained in your note this Department reserves, on behalf of United States citizens, vessels, and property, all rights to which they may be found entitled under the law and facts in any case that may arise.

Accept, etc.,

JOHN HAY.

Mr. Powell to Mr. Hay.

No. 641, Santo Domingo Series.]

LEGATION OF THE UNITED STATES,
Santo Domingo City, November 5, 1903.

SIR: I have the honor to inform the Department that the United States naval vessel *Baltimore*, Commander Briggs, arrived here this morning at 7 o'clock, and left for Samana Bay to convoy the steamship *Cherokee*, and if she has left will proceed to Puerto Plata.

I am, etc.,

W. F. POWELL.

Mr. Powell to Mr. Hay

No. 647, Santo Domingo Series.]

LEGATION OF THE UNITED STATES,
Santo Domingo City, November 11, 1903.

SIR: I have the honor to inclose to the Department additional correspondence that has passed between the foreign office and this legation on the subject of the closing of ports.

I call the especial attention of the Department to the minister's statement that these ports are closed, not blockaded, and therefore we have no right to interfere. At this time there is no naval vessel at either port, both being here, one in a very bad or unseaworthy condition.

I have the honor to state that the *Cherokee* landed her cargo at Samana and Puerto Plata, the ports she was prevented from entering in her passage to this port.

Yesterday, November 10, the *Athene* (Hamburg-American) left for Macoris, convoyed by the *Panther*. She had been previously refused permission to land her cargo at this place and other northern ports. The same vessel (*Presidente*) would not allow the Cuban or French steamers to enter the port of Puerto Plata.

I am, etc.,

W. F. POWELL.

[Inclosure 1.—Translation.]

Mr. Galvan to Mr. Powell.

DOMINICAN REPUBLIC,
DEPARTMENT OF FOREIGN RELATIONS,
Santo Domingo, November 7, 1903.

MR. CHARGÉ D'AFFAIRES: I have the honor to communicate to your excellency, by order of my Government, that the port of San Pedro Macoris has been included in

the prohibition of maritime mercantile traffic decreed on October 30, in the same respect as the four ports of the Cibao, by the same reason of finding them in the hands of the revolutionists.

The incidents that occurred there at the time of the discharging of the steamer *Cherokee* of the "Company W. P. Clyde" on the 3d of this month, the discharge that was interrupted by a violent firing at the time, the rebels occupying the city of San Pedro Macoris, imposes the sensible necessity to close also that port to maritime commerce as a measure of public order and to guarantee the interest of the commerce that with free access of the insurrected place will suffer injury of which the Government, by the measure of closing the port, very different from a blockade between belligerents, who wishes to preserve its responsibility and that of the Republic.

Accept, etc.,

MANUEL DE J. GALVAN.

[Inclosure 2.]

Mr. Powell to Mr. Galvan.

LEGATION OF THE UNITED STATES,
Santo Domingo City, November 9, 1903.

SIR: I have the honor to acknowledge the receipt of your excellency's communication of November 7, informing this legation that the port of San Pedro de Macoris was closed to maritime commerce on account of the said place being in the hands of the insurgents.

In reply to your excellency's communication, I can not recognize that any of the ports named are closed unless there is before such ports armed force sufficiently strong to forcibly prevent a vessel from entering the ports named. If your excellency's Government has not such a force at the places named, I can not recognize the said ports to be closed to American commerce.

Accept, etc.

W. F. POWELL,
United States Chargé d' Affaires.

[Inclosure 3.—Translation.]

Mr. Galvan to Mr. Powell.

DOMINICAN REPUBLIC,
DEPARTMENT OF FOREIGN RELATIONS,
Santo Domingo, November 10, 1903.

HONORABLE SIR: I have the honor to note the receipt of your excellency's note, dated the 9th of the present month, declaring that your excellency can not recognize that any of the Dominican ports (which are legally closed, as has been notified to your excellency through this department and as has been circulated to the diplomatic and consular corps of this capital) are effectively closed to maritime commerce unless there is a sufficient armed force situated before said ports to prevent a vessel entering into the named port.

What it means is that your excellency, even after the preceding explanation that has been given by this department, insists on mixing the case of the jurisdiction of public order and of internal right, employed by the Dominican Government in closing the ports that are occupied by the insurgents, with the case extraordinary that in international right are submitted to the rules of blockade. It is very different.

The Dominican Government, through my department, makes it present to your excellency that one of the judicial consequences injurious to the interests of the commercial importer is the nullity of the payment of the port and custom-house dues in the hands of whom has not the legitimate quality delegated by the treasury to receive the said duties, wherefrom is derived the unavoidable obligation by the merchant debtor to repeat the payment when the competent authority demands.

My Government hopes that in authorizing your legation for its citizens to violate the mandates of this Government, operating in the ports accidentally prohibited to maritime commerce, will take it for convenience to give notice to them of the preceding.

Accept, etc.,

MANUEL DE J. GALVAN.

FRANCE.

VISIT OF UNITED STATES SQUADRON TO MARSEILLE IN HONOR OF THE ARRIVAL OF THE PRESIDENT OF FRANCE.

Mr. Porter to Mr. Hay.

[Telegram.—Paraphrase.]

EMBASSY OF THE UNITED STATES,
Paris, April 16, 1903.

(Mr. Porter reports that war vessels of four nations went to Algiers and saluted the President of France on his arrival there on April 15; that the President, in returning from an important official visit to Tunis, will arrive at Marseille on April 30. Ambassador suggests that United States war ships should go to Marseille and salute the President on his arrival.)

Mr. Loomis to Mr. Porter.

[Telegram.—Paraphrase.]

DEPARTMENT OF STATE,
Washington, April 24, 1903.

(Mr. Loomis states that the United States European Squadron has been directed to proceed to Marseille to participate in the reception of the President of France on April 30.)

Mr. Porter to Mr. Hay.

No. 1185.]

EMBASSY OF THE UNITED STATES,
Paris, May 5, 1903.

SIR: It gives me much pleasure to report that the sending of our vessels of war to Marseille to salute President Loubet upon his return from the important visit he had just made to the French possessions in North Africa has given peculiar satisfaction to the French Government, and has been highly appreciated by the people and the press of this Republic.

President Loubet treated Admiral Cotton with marked consideration and respect, and after congratulating him upon his command and giving expression to many sympathetic messages to be conveyed to

our Government, invited him and his aide-de-camp to Paris as guests of the Government. A handsome compartment was provided for him on the train, a state carriage was awaiting him at the station here on his arrival, a French officer was attached to his person as aide-de-camp, he was assigned to a prominent seat at the banquet given by the President and at the breakfast of the minister of foreign affairs, both in honor of King Edward VII, who was visiting here at the time. The President invited the admiral to sit in his box with him and the King at the gala performance at the opera, sent him the President's box at the Theatre Français the next evening and his box at the opera the evening after. These special marks of attention have been much commented upon and must be interpreted as a pronounced expression of appreciation of the Government of France of the courtesy shown it in ordering our vessels to participate so conspicuously in honoring the return of President Loubet and his ministers to France.

I inclose herewith a clipping from the Paris edition of the New York Herald.

I have, etc.,

HORACE PORTER.

[Inclosure.]

Extract from the Paris edition of the New York Herald, May 1, 1903.

A cordial greeting was exchanged yesterday afternoon between M. Loubet and Rear-Admiral Cotton aboard the cruiser *Jeanne d'Arc*, which had just brought the President of the Republic from Tunis.

Soon after the firing of the usual salutes, in which the ships of the American squadron took part, Rear-Admiral Cotton, accompanied by his staff and the commanders of the *Cincinnati* and the *Machias* went aboard the French cruiser, where they were greeted by Commandants Huguet and Boisse.

The drum-roll salute announcing their arrival, says the Journal, was drowned in the noise made by the cheering of the people on the quay and the tooting of whistles from the harbor craft.

Conducted by Commander Huguet, the American officers descended the companion way to the saloon, where M. Loubet was awaiting them.

After a mutual greeting, Rear-Admiral Cotton said that it had given him a great personal pleasure to be delegated by Mr. Roosevelt to convey to the President of the French Republic the expression of the sincere wishes for the welfare of France and its President entertained by the American people.

M. Loubet responded that he was deeply touched by this manifestation of friendship, for which France was deeply appreciative. He referred to the warm reception President Roosevelt recently extended to General Brugere and Admiral Fournier, and said that the French people were glad to see the popular President of the United States continue the traditions of Franco-American friendship.

M. Loubet expressed great admiration of the American war ships, and invited Rear-Admiral Cotton to dine with him next Saturday at the Elysée.

The admiral then presented his staff, and the party then repaired to the dining saloon of the *Jeanne d'Arc*, where a collation was served. The visitors withdrew after having been aboard the *Jeanne d'Arc* for twenty-five minutes.

The visit was returned on the part of the President by General Dubois, accompanied by Commandant Huguet, who proceeded aboard the *Chicago* a few minutes later. Rear-Admiral Cotton, surrounded by his officers, met Commandant Huguet on deck, while the marines presented arms and the ship's band played.

After the first compliments had been exchanged, Rear-Admiral Cotton conducted his visitors to his stateroom and offered them a glass of champagne. General Dubois, in the name of the President, thanked the rear-admiral for his visit and asked him to convey to President Roosevelt M. Loubet's expression of friendship. He also said that M. Loubet was extremely pleased that the rear-admiral had accepted the invitation to dinner. The rear-admiral's flag officer and the naval attaché of the American embassy at Paris are included in the invitation.

STOPPAGE AT SEA OF FRENCH STEAMSHIP "AMIRAL FOURICHON" BY A UNITED STATES WAR VESSEL.

Mr. Jusserand to Mr. Hay.

[Translation.]

EMBASSY OF THE FRENCH REPUBLIC,
Washington, July 3, 1903.

MR. SECRETARY OF STATE: I have just been advised by my Government that the steamer *Amiral Fourichon* of the French company styled "les Chargeurs Réunis," which sailed from Santa Rosalia, Mexico, on the 18th of March last, has been stopped in the course of her voyage by a war vessel of the United States.

It appears from a report of the captain that on the 20th of March, at 5.30 p. m., in 20° 11' latitude north and 109° 33' longitude west, four American war vessels sailed toward the French steamer, and that one of them, speeding ahead, fired a blank cartridge. The *Amiral Fourichon* immediately stopped and gave the phonic signal indicative thereof. A short while thereafter an ensign of the American Navy boarded the *Amiral Fourichon* and asked various questions of the captain.

He inquired, among other things, his name, the number of men on the ship's crew list, and whether he had any mail on board. This last question having been answered in the negative, the officer apologized for the stoppage of the French steamer, and, at the captain's request, entered the reason for his visit on the ship's log book, as follows:

This vessel was stopped in order to obtain mail for United States war ships.

(Signed)

CHARLES P. SHUFF, *Ensign, U. S. Navy.*

In bringing these facts to your knowledge, I have, by order of my Government, the honor to call your attention to the anomalous circumstances recited in the report of the commanding officer of the *Amiral Fourichon*, and I should be thankful if you would enable me to transmit to my Government some information regarding the stoppage to which a vessel under the French flag appears to have been subjected without serious cause.

Be pleased to accept, etc.,

JUSSERAND.

Mr. Hay to Mr. Jusserand.

No. 47.]

DEPARTMENT OF STATE,
Washington, September 1, 1903.

EXCELLENCY: I referred to the Secretary of the Navy your note of July 3 last relating to the stoppage of the French steamship *Amiral Fourichon* by a United States vessel of war on March 20 last.

I have now received that Department's reply. It is dated the 28th ultimo and forwards the reports of the various naval officers connected with the incident.

From those reports it appears that on March 20 the United States Pacific Squadron was making passage from Acapulco to Pichilingue

Bay, Mexico, and was, in the afternoon of that date, directly in the usual track of the American mail steamer, bound from San Francisco to Acapulco, by which the commander in chief of the squadron expected an important mail. At 5.10 p. m. the smoke of a steamer was sighted somewhat on the port bow of the flagship *New York*, and course was changed to meet the coming ship, as no doubt was entertained that the approaching vessel was the American steamer then due, from her scheduled time, at that point on her route. Finding that the course of the steamer would take her some distance from the squadron, at the speed under which the vessels were cruising, the commander in chief directed the *Boston* to proceed under full speed, intercept the ship, obtain the mail and rejoin the flag. Before the *Boston* was at all near the steamer it became dark, and as no signals could be made to or seen from the ship, a gun was fired from the *Boston* to attract attention and show the *Boston's* desire to communicate; not as a peremptory demand to heave to. At no time was it possible to see the colors of the steamer, if she displayed any, and her nationality was unknown until a boat from the *Boston* was alongside. The boarding officer explained that the object of his visit was to obtain mail for the squadron if she had any, apologized for the delay caused, and promptly withdrew. This was at 8.05 p. m.

At the request of the ship's master the United States boarding officer made an entry of the occurrence on the ship's log, and the explanation given of the reason for the stoppage of the vessel was satisfactory to the master.

It should be added that about half an hour after the French vessel had proceeded on her way, the Pacific mail steamer looked for was sighted and the mail obtained.

The commander in chief of the squadron and the commander of the *Boston* had no intention of stopping a foreign vessel and did not claim to have any right of that character.

Hoping that this explanation will be deemed satisfactory to the Government of France, I avail myself, etc.

JOHN HAY.

Mr. Jusserand to Mr. Hay.

[Translation.]

EMBASSY OF THE FRENCH REPUBLIC,
Manchester, Mass., September 5, 1903.

MR. SECRETARY OF STATE: I have the honor to acknowledge the receipt of your excellency's note of September 1, relative to the stoppage at sea of the steamship *Amiral Fourichon*.

I shall not fail to acquaint the minister of foreign affairs of the Republic with the results of the investigation conducted by the Navy Department, which you have been so good as to communicate to me, and I have no doubt that my Government will appreciate the exceptional and fortuitous character of the circumstances under which the incident took place.

Be pleased to accept, etc.

JUSSERAND.

ATTITUDE OF FRENCH GOVERNMENT IN REGARD TO CLAIMS OF ITS NATIONALS AGAINST VENEZUELA.*Memorandum.*

[Translation.]

EMBASSY OF THE FRENCH REPUBLIC,
Washington, January 13, 1903.

The chargé d'affaires had the honor, on December 18 last, to inform the honorable Secretary of State that—

First. At the time when Germany and England appeared determined to exercise a material pressure on Venezuela in order to obtain the payment of the claims that both have to enforce against that country, the Government of the French Republic thought it ought to make some reservations near the cabinets of Berlin and London and remind them that, in pursuance of the treaty of November 26, 1885, and of the protocol of the 19th of February, 1902, signed between France and Venezuela, the custom-houses of that country constitute the principal guarantee granted to France for the payment of its debts.

Second. That it resulted from the acknowledgment of that step that Germany and England admitted the priority of the right of France.

The same day Mr. de Margerie also had the honor to communicate to the Hon. John Hay the meaning of the instructions addressed by His Excellency Mr. Delcassé to the chargé d'affaires of France at Caracas.

So far as concerns the demands of the indemnities posterior to May 23, 1899, the settlement of which should in principle be effected by direct negotiations between the French minister at Caracas and the Venezuelan Government, the Government of the French Republic claimed expressly a mode of settlement and payment in all points as favorable as the one which might be obtained by any of the powers having claims against Venezuela analogous to those of French citizens.

As regards the claims anterior to May 23, 1899, and for which the agreements before mentioned of 1885 and 1902 have instituted a special procedure of settlement and payment, should it happen that one of the powers obtained for its demands of indemnity prior to that same date a method of liquidation more advantageous than that assured to France by the two agreements before mentioned, the French Government claimed in advance the benefit of it.

The chargé d'affaires has to-day the honor to inform the honorable Secretary of State that the Venezuelan Government has admitted fully the views of the French Government and that the chargé d'affaires of France at Caracas has taken note of the engagements contained in the answer of the Government of President Castro.

Here, thanking the Hon. John Hay for the kindness with which he has received his previous declarations, Mr. de Margerie is anxious to indicate again the friendly character of the views which have determined the Government of the Republic to make known, from the beginning, to the Federal Government, the intentions to-day consecrated by the engagements of the Venezuelan Government.

GERMANY.

CONSTRUCTION OF TREATY PROVISION REGARDING ARREST AND DELIVERY TO GERMAN CONSULS OF DESERTERS FROM GERMAN VESSELS IN UNITED STATES PORTS.

Mr. von Holleben to Mr. Hay.

[Translation.]

IMPERIAL GERMAN EMBASSY,
Washington, December 5, 1901.

MR. SECRETARY OF STATE: The Rickmers Reismühlen Ship Owning and Building Stock Company, of Bremerhaven, has, in a statement which I append hereto with a request that it be returned, addressed under date of October 26 of this year to the foreign office at Berlin, exposed the rapid increase of desertions of ship's crews in California, and asked that a remedy to this evil be sought by means of representations through the diplomatic channel.

The union of Hamburg shipowners had also, as far back as 1899, brought up the question of the abuses occasioned by the practices of the shipping masters in inciting seamen to desert in various foreign ports, and especially at Portland, Oreg., and asked whether support might not be given to the efforts for the removal of these abuses put forth by the Portland Chamber of Commerce, by means of representations to the Government of the United States of America, or of measures taken by the imperial consul at Portland.

The imperial consul at Portland and the imperial consul-general at San Francisco have not succeeded, in spite of their strenuous endeavors, in bringing about any improvement in the condition of things above mentioned.

By direction of the Imperial Government I now have the honor to bring the foregoing to your excellency's knowledge, and to add thereto the request that the Government of the United States earnestly apply itself to afford an effectual remedy for the grievances of the German shipowners.

While awaiting your excellency's obliging answer, etc.

HOLLEBEN.

[Inclosure.]

Rickmers Reismühlen Rhederei & Schiffbau, A. G., to the German Foreign Office.

[Translation.]

BREMERHAVEN, *October 26, 1901.*

TO THE HIGH FOREIGN OFFICE:

Desertion of ships' crews in California.

By these presents we take the liberty of drawing the attention of the high foreign office to the desertions of ships' crews in California. These desertions have unfortunately assumed for many long years wholly significant proportions, and, what is most

to be deplored, the attending circumstances are so objectionable and unprecedented that we address with great respect to the high foreign office the request that it will kindly take it into consideration whether these serious conditions might not be somewhat improved through the diplomatic channel. The most noticeable place in this respect is Portland, Oreg., and in order to show what unheard-of conditions especially prevail there, and, in particular, the expense to which ships are put thereby, we take the liberty to append, in continuation of this letter, a statement of the costs occasioned to two of our ships on account of blood money, etc., in consequence of desertions.

It has now become so bad that Sullivan, a shipping master who controls the situation, simply dictated how many substitutes should be shipped to take the places of the deserters.

We are fully aware that the imperial German consul has—and for that we owe him thanks—exerted himself to the utmost to check the evil but without being able to improve matters, and that is the very reason why we venture to bring the question before the high foreign office. We believe that the new President of the United States is quite the right man to take an interest in the matter and to wipe out the blot that has been put on California ports by the toleration of the evil.

In our opinion there is scarcely a matter which, by being energetically taken up, would win for the foreign office from the shipping interests in Germany, and in the whole world generally, more thankful recognition than that here presented, and we trust that we have not applied to the high foreign office in vain.

Should the high foreign office desire further particulars we shall be in a position to supply them forthwith, as would, indeed, all German or foreign shipowners whose vessels have been in Portland.

With high consideration, etc.,

RICKMERS REISMÜHLEN RHEDEREI & SCHIFFBAU, A. G.

[Subinclosure.]

Ship "Robert Rickmers"—Expenses in Portland, August, 1900, incurred through the desertion of crews.

| | |
|--|------------|
| Shipping masters' fees | \$75. 00 |
| "Blood money" for ten men..... | 700. 00 |
| B. H. Sullivan's so-called compensation..... | 675. 00 |
| Watchman..... | 24. 10 |
| | 1, 474. 10 |
| | Marks. |
| At 4.20 marks..... | 6, 191. 22 |
| Ten men for about five months, at 600 marks per month higher wages.... | 3, 000. 00 |
| | 9, 191. 22 |
| Average per man, 919.12 marks. | |

Ship "Mabel Rickmers"—Expenses in Portland, September, 1901, incurred through the desertion of crews.

| | |
|--|------------|
| Shipping masters' fees | \$130. 00 |
| "Blood money" for thirteen men..... | 425. 00 |
| Extras for fares, etc | 48. 00 |
| Watchmen..... | 75. 00 |
| | 678. 00 |
| | Marks. |
| At 4.20 marks..... | 2, 847. 60 |
| Thirteen men for five months, at 400 marks per month higher wages..... | 2, 000. 00 |
| | 4, 847. 60 |
| Average per man, 372.90 marks. | |

Mr. Hay to Mr. von Holleben.

No. 696.]

DEPARTMENT OF STATE,
Washington, December 17, 1901.

EXCELLENCY: I have the honor to acknowledge the receipt of your note of the 5th instant relative to the frequency with which desertions are taking place from German merchants' vessels on the Pacific coast.

I have brought the matter to the attention of the governors of California and Oregon, and I have also requested the Secretary of the Treasury and the Attorney-General to instruct the officers under their respective Departments on the Pacific coast to render such assistance as may enable the German consular officers on that coast to deal effectually with deserters from German vessels.

The inclosure in your note—the letter of October 26 last, from Rickmers Reismühlen Rhederei & Schiffbau Stock Company—is returned, in compliance with your request.

Accept, etc.

JOHN HAY.

Mr. Hay to Mr. Von Holleben.

No. 721.]

DEPARTMENT OF STATE,
Washington, February 5, 1902.

EXCELLENCY: I have the honor, in further reply to your note of December 5 last, to inform you that on the 28th ultimo the governor of California wrote that he had called the attention of the local authorities of the ports in California to the provisions of the consular convention of December 11, 1871, and especially to Article XIII thereof, governing the procedure in cases of desertion from German merchant vessels, and that he had requested those authorities strictly to observe the provisions referred to.

Accept, etc.,

JOHN HAY.

Freiherr Speck von Sternburg to Mr. Hay.

[Translation.]

IMPERIAL GERMAN EMBASSY,
Washington, August 11, 1903.

MR. SECRETARY OF STATE: With reference to note No. 721, of the 5th of February of last year, addressed to my predecessor, I have, by direction of the Imperial Government, to make the following communication:

The large number of desertions of seamen from German vessels lying in the ports of San Francisco and Portland have for years been an occasion of complaint on the part of German shipowners and of petitions to the Imperial Government for assistance toward correcting these evils. As a result the Imperial ambassador, Herr von Holleben, was at the time instructed to take up with the Government of the United States the matter of the evils worked by the practices of the shipping masters on the Pacific coast to induce seafaring men to desert. The steps thereupon taken had for effect that at the request of the

Federal Government, the Attorney-General, the Secretary of the Treasury, and the governors of Oregon and California issued to the official and local authorities concerned on the Pacific coast instructions to lend their assistance to the German consular officers when the latter called upon their cooperation to effect the apprehension of deserting seamen and strictly to observe the consular convention of December 11, 1871, between Germany and the United States.

In spite of this there has been no decrease in the number of desertions in San Francisco, and a fresh difficulty has recently arisen in connection with the pursuit of deserters. It lies in an interpretation of article 14 of the consular convention at variance with its spirit and letter.

It is therein stipulated that the German consuls-general, consuls, etc., may have seamen who are guilty of or charged with desertion from German vessels arrested, and that to that end they shall address to the competent American courts or authorities a written request, accompanied by an official extract of the ship's register and crew list or other official documents, showing that the persons to be surrendered belong to the crew of the vessel. Upon a request thus supported alone the deserters (and the word undoubtedly includes persons that are merely charged with desertion) will be surrendered to the consuls, and the warrant of arrest must issue on this document simply.

Heretofore the consul-general at San Francisco had always found it possible whenever German shipmasters called upon him for assistance to carry such cases through by referring to the provisions of the convention without special formalities or appeal to the higher authorities.

Of late, however, the court commissioner appointed by the United States court to dispose of such matters has taken the position which, in the opinion of the Imperial Government, is inconsistent with the intent of the convention, that it is his duty thoroughly to ascertain whether the seaman whose arrest is to be effected is actually to be considered as a deserter, and to that end to cause the parties to appear through attorneys, as is done in extradition cases, and prove whether the offense stated by the consul in his application for arrest has actually been committed. The court commissioner has made a statement in that sense, published in the Examiner of the 19th of September of last year, a clipping of which I inclose with a request that it be returned, and this he bases on the statute of the United States, enacted in the fifties, which I also inclose with a request that it be returned.

The court commissioner's statement not only is in contradiction of the instructions given him by the governor of California, as above mentioned, in regard to the enforcement of the consular convention, but it also conflicts with the plain letter and the spirit of article 14 itself.

The tedious proceeding required by the court commissioner would on the one hand preclude that prompt assistance which the treaty contemplated, and on the other hand considerably add to the costs which are, as it is, rather heavy.

As regards the above-mentioned statute, there can hardly be any doubt that, so far at least as it conflicts with an international treaty subsequently concluded, it has become inoperative.

As the court commissioner has already tried to deal with the Imperial consul-general in accordance with his announcement, I have the honor to beg that your excellency will kindly endeavor to cause the court

commissioner to recede from the position he has recently assumed and to conduct his proceedings in accordance with the convention.

With a request that you will favor me with a reply at your earliest convenience, I avail myself, etc.,

STERNBURG.

[Inclosure 1.]

Clipping from the San Francisco Examiner, September 10, 1902.

NO MORE WARRANTS FOR FOREIGN CONSULS—UNITED STATES COMMISSIONER HEACOCK SAYS THAT HEREAFTER HE WILL NOT ORDER ARREST OF SAILORS "BY REQUEST."

"I have decided that I will not issue any more warrants for the arrest of sailors charged with desertion at the request of foreign consuls. If any of the foreign representatives apply to me for warrants I shall request them to go before Judge De Hevan or Judge Morrow for their warrant. The issuance of a warrant must be determined by a court of record. I am thoroughly convinced that my rulings thus far have been in conformity with the law, but in future all warrants will have to be issued by a judge of a United States court."

This statement was made by United States Commissioner Heacock yesterday afternoon after he had remanded two sailors charged with desertion to the German consul-general, and it will mark a complete change of procedure in apprehending deserters from foreign vessels while in this harbor.

The fact that the courts of this country have been used by some of the representatives of foreign countries in this port to compel sailors to be arrested and sent back in irons on board vessels in the bay without legal investigation has been productive of great scandal. These practices have been exposed by the Examiner, aided by the court officials in many cases, but the "treaty obligations" have been used frequently to railroad ignorant sailors to jail and back to worse places in the brig of a vessel. The lettre de cachet of the French consul will not avail as much under the new ruling as it has in the past. Besides, it has been common rumor on the water front that many of the masters of German vessels make a handy sum by forcing their men to "desert" while in port and then seizing the pay due them.

Wilhelm Luder and Ernest Lithke were arrested on Wednesday night, charged by German Consul Rosenthal with deserting from the steamer *Hans*. Both men acknowledged that they had left the steamer, but claimed that they had been maltreated on board and said they were given permission to go ashore.

Captain Reiner denied that they had been given permission to go ashore.

Under the circumstances, and in view of the fact that the men acknowledged that they had deserted, Commissioner Heacock ordered them to be turned over by the United States marshal to the custody of the German consul-general.

[Inclosure 2.]

Extract from Revised Statutes of the United States.

SEC. 5280. On application of a consul or vice-consul of any foreign government having a treaty with the United States stipulating for the restoration of seamen deserting, made in writing, stating that the person therein named has deserted from a vessel of any such government, while in any port of the United States, and on proof by the exhibition of the register of the vessel, ship's roll, or other official document, that the person named belonged at the time of desertion to the crew of such vessel, it shall be the duty of any court, judge, commissioner of any circuit court, justice, or other magistrate having competent power, to issue warrants to cause such person to be arrested for examination. If, on examination, the facts stated are found to be true, the person arrested not being a citizen of the United States shall be delivered up to the consul or vice-consul to be sent back to the dominions of any such government, or on the request and at the expense of the consul or vice-consul, shall be detained until the consul or vice-consul finds an opportunity to send him back to the dominions of any such government. No person so arrested shall be detained more than two months after his arrest, but at the end of that time shall be set at liberty,

and shall not be again molested for the same cause. If any such deserter shall be found to have committed any crime or offense his surrender may be delayed until the tribunal before which the case shall be depending or may be cognizable shall have pronounced its sentence and such sentence shall have been carried into effect.

Mr. Hay to Baron von dem Bussche-Haddenhausen.

No. 37.]

DEPARTMENT OF STATE,
Washington, November 10, 1903.

SIR: Referring to Baron von Sternburg's note of August 11 last, protesting against the intention of the United States commissioner at San Francisco, as recently announced by him, in future to examine into the question whether seamen brought before him by foreign consular officers charged with desertion are deserters, I have the honor, for your information, to quote the following from an opinion of the Attorney-General, to whom I referred the matter:

Section 5280 of the Revised Statutes, upon which the commissioner rests his contention, reads as follows:

"On application of a consul or vice-consul of any foreign government having a treaty with the United States stipulating for the restoration of seamen deserting, made in writing, stating that the person therein named has deserted from a vessel of any such government while in any port of the United States, and on proof by the exhibition of the register of the vessel, ship's roll, or other official document, that the person belonged at the time of desertion to the crew of such vessel, it shall be the duty of any court, judge, commissioner of any circuit court, justice, or other magistrate, having competent power, to issue warrants to cause such person to be arrested for examination. If, on examination, the facts stated are found to be true, the person arrested not being a citizen of the United States shall be delivered up to the consul or vice-consul to be sent back to the dominions of any such government or, on the request and at the expense of the consul or vice-consul, shall be detained until the consul or vice-consul finds an opportunity to send him back to the dominions of any such government."

This section originated in an act of March 2, 1829 (4 Stats., 359), which, as amended by an act of February 24, 1855 (10 Stats., 614), was, with a few immaterial changes in punctuation, incorporated into the revision of 1874 as section 5280.

Article 14 of the consular convention of 1871 with Germany is in the following language:

"Consuls-general, consuls, vice-consuls, or consular agents may arrest the officers, sailors, and all other persons making part of the crews of ships of war or merchant vessels of their nation who may be guilty or be accused of having deserted said ships and vessels, for the purpose of sending them back on board or back to their country.

"To that end the consuls of Germany in the United States shall apply to either the Federal, State, or municipal courts or authorities; and the consuls of the United States in Germany shall apply to any of the competent authorities and make a request, in writing, for the deserters, supporting it by an official extract of the register of the vessel and the list of the crew, or by other official documents, to show that the men whom they claim belong to said crew. Upon such request alone thus supported, and without exaction of any oath from the consuls, the deserters (not being citizens of the country where the demand is made, either at the time of their shipping or of their arrival in the port) shall be given up to the consuls."

It will be observed that section 5280 applies in cases in which the United States have treaties providing for the restoration of deserting seamen. When it was enacted, the United States had five treaties on the subject, all of them employing substantially the language relied upon by the ambassador. One of them was with Prussia. It can not, then, be doubted that this statute, which was for the very purpose of carrying out those treaties, was regarded as consistent with their terms. It was followed by a long series of similar treaties, repeating substantially the same language relied upon by the ambassador, and the latest treaties with Great Britain, Japan, and other countries provide for the return of the seamen in the manner prescribed by law. Thus, for three-quarters of a century this statute, which provides for an examination in addition to an inquiry into the question whether a man belongs to the

crew of the vessel, has stood and been enforced upon the theory that it was consistent with our numerous treaties on the subject of the restoration of seamen.

This would seem to raise a presumption in favor of the harmony of the statute with the treaties, and of the acquiescence of numerous foreign governments in the construction placed upon the treaties by Congress.

The treaty with Germany is certainly not clearly opposed to such a construction. The first sentence of article 14 provides that consuls may arrest officers, sailors, etc., who may be guilty, or be accused of having deserted ships, for the purpose of sending them on board, or back to their country. The next paragraph provides for the delivery up to the consuls of "the deserters."

The treaty thus makes a distinction between persons belonging to the crew and away from the vessel in this country who are deserters and such persons who are accused of desertion. It provides, not that those accused, but that "the deserters" shall be delivered up. The ambassador reads this differently and says that the word "deserters," in the second paragraph, includes those accused of desertion. The first paragraph provides for arresting, the other for delivering up to the consuls. Hence, there may well have been a difference of treatment intended, and only "the deserters" may have been intended to be delivered up. If so, an inquiry to distinguish the deserters from members of the crew away from the ship and accused of desertion, would be necessary. This inquiry is provided for by the law which has stood so long upon our statute books.

But this statute and treaty provide a method whereby the judicial authorities may determine this question. According to either the consul may apply to the proper court. If it should be held by the court that the statute is obligatory, notwithstanding differences which may be held to exist between it and the treaty, which the ambassador regards, and is probably right in regarding as of later date than the statute, then it will be necessary to modify the statute.

In conclusion, the Attorney-General suggests that the question be fully presented by the German consul-general to the proper court. Mr. Knox has no doubt that should Baron von Sternberg's contention be correct, the court will so decide.

The two original inclosures with the ambassador's note will be returned to you in a few days.

Accept, etc.,

JOHN HAY.

DIFFICULTY WITH VENEZUELA GROWING OUT OF NONPAYMENT OF CLAIMS AGAINST THE GOVERNMENT OF THAT COUNTRY OF NATIONALS OF GERMANY AND OTHER COUNTRIES.^a

Mr. Dodge to Mr. Hay.

No. 2153.]

EMBASSY OF THE UNITED STATES,
Berlin, November 28, 1902.

SIR: I have the honor to report that the following telegram was published this morning by the semiofficial Wolff telegraphic bureau:

The Kieler Zeitung announces that the Imperial department of the navy has sent telegraphic orders for the three cruisers *Amazona*, *Ariadne*, and *Niobe* to be immediately got ready for service in Venezuela. The necessary orders for supplies were given last evening. The ships will be ready to sail by the middle of next week.

The ships in question are all small cruisers, and added to the six German ships already in South American waters, will give to Germany a squadron of ten cruisers there, including the two school ships.

I have, etc.,

H. PERCIVAL DODGE.

^aFor other correspondence on this subject, see under Great Britain, page 452; Italy, page 601, and Venezuela, page 788.

Mr. Dodge to Mr. Hay.

No. 2154.]

EMBASSY OF THE UNITED STATES,
Berlin, December 3, 1902.

SIR: I have the honor to inform you that I attended the usual diplomatic reception at the foreign office yesterday in order to present myself to the secretary for foreign affairs. In the course of a general conversation Doctor von Muehlberg, the under secretary, who received instead of Baron von Richthofen, spoke of the recent events in Venezuela. He said in substance that Germany's position had been explained, and was perfectly understood by the United States Government, and that all Germany desired was that Venezuela should not shield herself behind the United States from fulfilling her just obligations. He stated emphatically that the telegram was entirely incorrect, which was published by the semi-official Wolff Telegraphic Bureau, to the effect that three more German cruisers were ordered to proceed to Venezuela (dispatch No. 2153 of November 28 last). No such orders had been given.

In the *Koelnische Zeitung* of last evening it is stated that these three small cruisers are to go with the first squadron to Norway, and that they have taken aboard landing guns. Their fitting out for war, however, has not been completed, as during their two days in dock they took in little besides coal. No ships have received orders for South America, but all preparations for fitting out ships are being made at the yards. Two old dispatch vessels are being got ready to take the places of any small cruisers which may be sent abroad.

I have, etc.,

H. PERCIVAL DODGE.

Mr. Hay to Mr. Dodge.

[Telegram - Paraphrase.]

DEPARTMENT OF STATE,
Washington, December 5, 1902.

(Mr. Hay states that, at the request of J. and W. Seligman & Co., bankers, New York, who are trying to make an arrangement to effect a settlement of the Venezuelan debt, it gives him pleasure to say that the President would be glad if such an arrangement could be made as might obviate the necessity of any exhibition of force on the part of Germany and Great Britain. Mr. Dodge will understand, however, that the United States Government assumes no obligation whatever in the nature either of a material or moral guarantee of any liabilities created by the transaction.)

This instruction is sent for Mr. Dodge's information in case any one in interest makes inquiry of him.)

Mr. Dodge to Mr. Hay.

No. 2161.]

EMBASSY OF THE UNITED STATES,
Berlin, December 10, 1902.

SIR: I have the honor to acknowledge the receipt on the 6th instant of your cable instruction.

Referring to my dispatch No. 2154 of the 3d instant, I have the honor to report that in the course of a general conversation at the usual diplomatic reception at the foreign office yesterday, Doctor von Muehlberg, who received instead of Baron von Richthofen, spoke of the events in Venezuela, saying substantially that negotiations were now pending between the British and German Governments, but that nothing had so far been decided as to what form any armed intervention would take. Germany had presented her claims in her ultimatum and had offered to refer to a mixed commission all those of the correctness of which she had not already assured herself. No satisfactory answer had been received to this offer. Doctor von Muehlberg made no mention of Messrs. Seligman & Co.'s efforts to make an arrangement to effect a settlement of the Venezuelan debts, and upon my referring to the rumors current in the newspapers, he said that he knew nothing of these efforts except what he had read in the newspapers. I did not mention your instruction which was "for my information in case inquiry was made of me by anyone in interest." No one has made as yet any inquiry of me regarding this matter.

On the overleaf is also a clipping from the London Times of the 9th instant, giving in translation the material part of a memorandum presented by the Imperial chancellor to the Reichstag on the 8th instant on the subject of Germany's claim against Venezuela.

I have, etc.,

H. PERCIVAL DODGE.

[Inclosure.]

Clipping from the London Times.

ULTIMATUM TO VENEZUELA.

BERLIN, December 8, 1902.

Owing to the evasive attitude of General Castro, President of Venezuela, the British and German Governments presented formal ultimatums at Caracas at 3 o'clock yesterday afternoon. If the demands of the two Governments are not satisfied, joint military action will immediately be undertaken.

The notes are identical in form, only the demands being different.

A memorandum by the Imperial chancellor on the subject of Germany's claims against Venezuela was presented to the Reichstag to-day. It says:

"Venezuela, by her treatment of German representations, has given the Imperial Government cause for serious complaint. The questions at issue relate to demands from Germans living in Venezuela, and claims of German contractors on account of the nonfulfillment by the Venezuelan Government of obligations entered into by contract. During the last civil war the Germans settled in Venezuela had, up to 1900 suffered, through forced loans, the seizure of cattle, and the pillage of their houses and estates, a loss of about 1,700,000 bolivars, and during the last civil war that amount has been increased by about 3,000,000 bolivars. As the result of numerous applications the Venezuelan Government, on January 24, 1901, issued a decree by which a commission consisting solely of Venezuelan officials was to decide upon all claims. That decree appeared to be unsatisfactory because, in the first place, all claims originating before the presidency of Señor Castro were ignored; in the second place, any diplomatic protest was precluded; and in the third place, payments were only to be made with bonds of a new revolutionary loan, which in the light of previous experiences, would evidently be almost worthless. After every attempt on the part of the minister resident at Caracas to get the decree altered on those three points had failed, the minister declared plainly that the Imperial Government now felt compelled to refuse to recognize the decree altogether.

"Similar declarations were made by Great Britain, the United States, Italy, Spain, and the Netherlands. But, as Venezuela insisted that foreigners could not be treated differently from Venezuelan subjects and that the claims must be considered as coming within the scope of internal affairs, the Imperial Government examined the German claims itself, and, so far as they appeared well founded, made the Venezuelan

Government responsible for them. Venezuela thereupon held out the prospects of a satisfactory solution through Congress, but the latter simply again took up the same unsatisfactory decree. Venezuela declined further discussion, maintaining that the settlement of foreign war claims by diplomatic means was out of the question. That is not in accordance with international law.

"Consequently, as the whole attitude of the Venezuelan Government up to the present indicates only an endeavor to deny foreign claims the settlement that is due to them according to international law, and as, moreover, in the last civil war Germans have been treated by the Venezuelan Government troops with especial violence, which if it remains unpunished might give rise to the impression that Germans in Venezuela are to be left unprotected to the mercy of foreign tyranny, the Imperial chargé d'affaires at Caracas on December 7 handed to the Venezuelan Government an ultimatum demanding the immediate payment of the war claims up to 1900, and a satisfactory statement regarding the fixing and guaranteeing of the amount of the claims arising out of the recent civil war. At the same time the claims of German firms for the building of a slaughterhouse at Caracas and those of the German Great Venezuelan Railway Company for the guaranteed interests due to them are to be settled. It was finally stated in the ultimatum that should a satisfactory reply not be immediately forthcoming the Imperial Government would, to its regret, be compelled itself to take measures for the satisfaction of the German claims."

Mr. Hay to Mr. Tower.

[Telegram.—Paraphrase.]

DEPARTMENT OF STATE,
Washington, December 12, 1902.

(Mr. Hay, referring to the promemoria^a of the Imperial German embassy of December 20, 1901, stating that the proposed pacific blockade of Venezuelan harbors "would touch likewise the ships of neutral powers, inasmuch as such ships, although a confiscation of them would not have to be considered, would have to be turned away and prohibited until the blockade should be raised," directs Mr. Tower to say to the German Government that the United States adheres to the position taken by it in relation to the Cretan blockade in 1897 [see Foreign Relations, 1897, p. 255], and therefore does not acquiesce in any extension of the doctrine of pacific blockade which may adversely affect the rights of states not parties to the controversy, or discriminate against the commerce of neutral nations; and that the Government of the United States reserves all of its rights in the premises.)

Mr. Hay to Mr. Tower.

[Telegram.—Paraphrase.]

DEPARTMENT OF STATE,
Washington, December 12, 1902.

(Mr. Hay states that the Venezuelan Government requests the United States minister to communicate a proposition to Great Britain and Germany that the present difficulty respecting the manner of settling claims for injuries to British and German subjects during the insurrection be submitted to arbitration.

Mr. Tower is instructed to communicate this proposal to the German minister for foreign affairs, and to advise the Department of State of his reply.)

Mr. Tower to Mr. Hay.

[Telegram.—Paraphrase.]

EMBASSY OF THE UNITED STATES,
Berlin, December 14, 1902.

(Mr. Tower reports that he has been informed by the German Government, in reply to the Department's telegram relating to Venezuelan blockade, that Germany was at first inclined to a pacific blockade, but that Great Britain insisted on establishing a warlike blockade. Consequently Germany has yielded to the wishes of Great Britain, and intends to unite in a joint declaration of a warlike blockade in a few days.)

Mr. Tower has been assured by the secretary of state for foreign affairs that Germany at present has no intention whatever to declare war or to proceed beyond the establishment of warlike blockade.)

Mr. Hay to Mr. Tower.

[Telegram.—Paraphrase.]

DEPARTMENT OF STATE,
Washington, December 16, 1902.

(Mr. Hay directs Mr. Tower to ascertain discreetly what is intended by warlike blockade without war, especially as regards neutrals, and to represent the desirability of arbitration, which Venezuela now earnestly wishes.)

Mr. Tower to Mr. Hay.

No. 2.]

EMBASSY OF THE UNITED STATES,
Berlin, December 17, 1902.

SIR: I have the honor to acknowledge the receipt on Saturday morning, the 13th of December, of your telegram in relation to the blockade of Venezuelan ports by the combined fleets of Germany and Great Britain and the attitude which the Government of the United States intends to take in order to maintain its rights during the continuance of a peaceful blockade.

Immediately upon the receipt of this telegram I proceeded to the ministry for foreign affairs, where I presented a memorandum of its contents to Doctor von Muehlberg, the under secretary of state for foreign affairs, who received me in the absence and as the representative of Baron von Richthofen, the secretary of state for foreign affairs. Doctor von Muehlberg accepted my communication with the assurance that he would bring it immediately to the attention of the Imperial Government.

Upon the following morning, Sunday, I returned to the ministry for foreign affairs by appointment, and had personal interviews there with Baron von Richthofen and Doctor von Muehlberg, the latter of whom informed me, in further reply to my communication of the day before, that it had been the intention of Germany to confine the combined operations in Venezuelan waters to a merely peaceful blockade, but that Great Britain had declined to accept a proposal to that end

made by the Imperial Government, and had insisted that the blockade should be warlike in character. He added that Germany had thereupon acceded to the wishes of Great Britain and had decided to unite in the establishment of a warlike blockade, though, as under the German law a measure of this kind could not be undertaken without the previously granted assent of the Bundesrath, the announcement of the warlike blockade would not probably be made until Monday or Tuesday, when it was expected that the necessary assent of the Bundesrath would have been obtained.

I inquired of Doctor von Muehlberg whether it was intended that the warlike blockade should be accompanied by all the conditions attending such naval measures in general, to which he answered that this was the intention of Germany and Great Britain. I inquired further whether it was intended to declare war, to which Doctor von Muehlberg replied, quite emphatically, that the united powers did not then intend to make a declaration of war or to take any hostile step beyond the declaration of a warlike blockade.

I have, etc.,

CHARLEMAGNE TOWER.

Mr. Tower to Mr. Hay.

No. 3.]

EMBASSY OF THE UNITED STATES,
Berlin, December 17, 1902.

SIR: I have the honor to acknowledge the receipt on Saturday morning, the 13th of December, of your telegram of December 12.

I went at once to the imperial foreign office, where I presented to Doctor von Muehlberg, by whom I was received, a memorandum of the contents of your dispatch, adding that if the Imperial German Government wished to make a reply to the request of the President of Venezuela that the present difficulty respecting the manner of settling claims for injuries to British and German subjects during the insurrection be submitted to arbitration I should have the honor to transmit it to you without delay.

Doctor von Muehlberg, under secretary of state for foreign affairs, answered that he should submit the communication to the Imperial German Government.

Thereupon I telegraphed you to acknowledge the receipt of your telegram, which arrived at the same moment with that of similar date relating to the blockade of Venezuelan ports.

I have, etc.,

CHARLEMAGNE TOWER.

Memorandum.

IMPERIAL GERMAN EMBASSY,
Washington, December 18, 1902.

Of the three Venezuelan men-of-war captured by the German squadron the *Restaurador* is a boat of 600 tons. The two other vessels, *Totumo* and *General Crespo*, were quite small boats of 137 tons each. The *Restaurador* has been manned with German sailors, and is now flying the German flag. The two other vessels were not sufficiently seaworthy to let them undertake the voyage to Trinidad with a crew on board, nor were they in a condition which would have rendered it

possible to tug them to that port. Besides, such a way of procedure would have considerably impaired the movements of the German squadron in looking for the rest of the Venezuelan men-of-war. It did not seem feasible, either, to let the two vessels simply drift along, as in that case they would very likely have been recaptured by the Venezuelans. The only possible thing to do was therefore to sink the ships, which had absolutely no value whatever.

Mr. Hay to Mr. Tower.

[Telegram—Paraphrase.]

DEPARTMENT OF STATE,
Washington, December 18, 1902.

(Mr. Hay states that the United States minister to Venezuela telegraphs that the Government of Venezuela confers upon him full powers to enter into negotiations on the part of Venezuela to settle the present difficulties with Germany, Great Britain, and Italy.

Mr. Tower is instructed to communicate the Venezuelan proposition to the Government of Germany, and ascertain if it is disposed to assent thereto.)

Mr. Tower to Mr. Hay.

[Telegram—Paraphrase.]

EMBASSY OF THE UNITED STATES,
Berlin, December 18, 1902.

(Mr. Tower reports that he has been informed by the German minister for foreign affairs that although it is not intended to make a formal declaration of war a state of war actually exists, and the war-like blockade will be accompanied by all the conditions of such a measure and with the same effect as if war had been formally declared.

The German minister for foreign affairs further declares that the present blockade will follow the rules laid down by Capt. Charles H. Stockton, of the United States Navy, in section 7, page 22, of his Naval War Code, published at the Government Printing Office in Washington in 1901.

The German minister for foreign affairs declares that the question of arbitration is now being considered jointly by Germany and Great Britain, but that no decision has yet been reached, though the British cabinet is to meet for that purpose Thursday afternoon, and an answer to the request of Venezuela may possibly be formulated Thursday evening or Friday morning. In the meantime Mr. Tower is authorized to say that Germany is not disinclined in principle to an arbitration.)

Mr. Tower to Mr. Hay.

[Telegram.—Paraphrase.]

EMBASSY OF THE UNITED STATES,
Berlin, December 19, 1902.

(Mr. Tower reports that he has been informed by the German minister for foreign affairs that the German and British governments

are agreed in principle to an arbitration in order to adjust their claims against Venezuela, and to invite the President of the United States to act as arbitrator. They reserve for the present certain of their claims, in regard to which they will make a further communication. The German minister for foreign affairs announces that the two governments had already arrived at the agreement mentioned above before the receipt of the second communication made by the United States Government.)

Mr. Tower to Mr. Hay.

[Telegram.—Paraphrase.]

EMBASSY OF THE UNITED STATES,
Berlin, December 19, 1902.

(Mr. Tower reports that, in accordance with the Department's cabled instructions, he has communicated to the German Government the Venezuelan proposition that the United States minister at Caracas be empowered to enter into negotiations on the part of Venezuela to settle the present difficulties, and has asked whether Germany is disposed to assent thereto.)

Mr. Hay to Mr. Tower.

[Telegram.—Paraphrase.]

DEPARTMENT OF STATE,
Washington, December 20, 1902.

(Mr. Hay states that the President has informed Venezuela of the invitation which may be extended to him by the powers, and inquired if it is also the wish of Venezuela that he so act.

Pending the receipt of the Venezuelan answer the President would be glad to be informed more precisely of the reservations of the subject-matter of arbitration contemplated by the powers as soon as they are formulated.)

Mr. Tower to Mr. Hay.

[Telegram.—Paraphrase.]

EMBASSY OF THE UNITED STATES,
Berlin, December 22, 1902.

(Mr. Tower reports that the German Government announces officially the blockade of Puerto Cabello and Maracaibo, to take effect December 20. Ships under other flags than that of Venezuela sailing from West Indian or eastern American ports before that date shall have an allowance of twenty days for sailing vessels and ten days for steamships. Vessels coming from all other ports shall be allowed forty days for sailing vessels and twenty days for steamers. Ships under other flags than that of Venezuela and lying upon that date within the blockaded harbors shall be allowed fifteen days. Ships which shall try to disregard the blockade shall be subject to the rules applicable either by international law or treaty provision to neutrals under such circumstances.)

Mr. Tower to Mr. Hay.

No. 5.]

EMBASSY OF THE UNITED STATES,
Berlin, December 22, 1902.

SIR: I have the honor to inform you that late yesterday evening, December 21, I received a communication from Baron von Richthofen, imperial secretary of state for foreign affairs, stating that the Venezuelan Government having refused to satisfy the demands of the Imperial Government, it was considered necessary to decree the blockade of the ports of Puerto Cabello and Maracaibo. Inclosed was a copy of the official proclamation of the blockade which I was desired to bring to your knowledge. This morning I accordingly telegraphed you the substance of the proclamation. A copy of the proclamation transmitted to the embassy, together with an English translation, are appended hereto.

I have, etc.,

CHARLEMAGNE TOWER.

[Inclosure.—Translation.]

Blockade proclamation.

Proclamation regarding the blockade of the Venezuelan ports of Puerto Cabello and Maracaibo of the 20th of December, 1902.

The Government of the United States of Venezuela having refused to satisfy the demands of the Imperial Government duly communicated to it, the blockade of the ports of Puerto Cabello and Maracaibo is decreed.

The blockade comes into effect on December 20, 1902.

Ships under other than Venezuelan colors which have cleared before the date of this proclamation from West Indian or eastern American ports are given a time allowance, this being twenty days in the case of sailing ships and ten days in that of steamships.

Sailing ships from all other ports are given a time allowance of forty days and steamships one of twenty days.

Ships under other than Venezuelan colors lying at the date of this proclamation in the blockaded ports are given a time allowance of fifteen days.

Ships attempting to violate the blockade will be subject to the rules applicable according to international law and the treaties with the neutral powers.

Berlin, December 20, 1902.

COUNT VON BUELOW,
The Chancellor.

Mr. Tower to Mr. Hay.

[Telegram.—Paraphrase.]

EMBASSY OF THE UNITED STATES,
Berlin, December 23, 1902.

(Mr. Tower reports that the German minister for foreign affairs has made the following communication to him:

The German Government expresses to the Government of the United States its earnest thanks for the efforts of the latter Government to adjust the troubles with Venezuela. The proposition made by the United States to establish an arbitration appears to Germany, as well as to England, a suitable means by which to arrive at a just decision in regard to their claims. It is to be noted, however, that there are certain claims of Germany which can not be submitted to arbitration, namely, such claims as had arisen out of the civil war from 1898 to

1900, which were set forth in the memorandum addressed by the chancellor to the Reichstag on December 8, 1902. These claims have been assessed by Germany at an aggregate of \$325,000, which must be paid immediately or sufficiently guaranteed by Venezuela. All other claims set forth in the ultimatums will be submitted to arbitration; that is to say, not only those arising out of the present civil war in Venezuela, but, also, as far as Germany is concerned, the claims referred to in the above-mentioned memorandum, which are based on the failure of the Government of Venezuela to fulfill its obligation toward German contractors under treaty engagements. The arbitrator shall decide upon the claims submitted as well as on the mode of satisfying them and the security to be given in the case of claims arising from damage to or illegal seizure of property. The Government of Venezuela also will be required to admit in principle its responsibility; that is to say, that this responsibility does not form the basis of the present arbitration, but that the arbitrator shall decide solely as to the injury to or illegal seizure of property and shall assess the damages therefor. The Government of the United States will place Germany and Great Britain under profound obligations if it will use its good offices to induce the Government of Venezuela to accept these propositions. The two governments would be grateful to the President of the United States if he would accept the position of arbitrator under the foregoing conditions. If, however, the President of the United States should, to the great regret of the two governments, decline their invitation, they are prepared to submit the case to The Hague tribunal.)

Mr. Tower to Mr. Hay.

[Telegram.—Paraphrase.]

EMBASSY OF THE UNITED STATES,
Berlin, December 24, 1902.

(Mr. Tower reports that the German minister for foreign affairs announces that as the German and British Governments have invited the President of the United States to act as arbitrator, this invitation must take precedence of the proposal made by Venezuela that Mr. Bowen should be empowered to negotiate as representative of Venezuela with the two Governments.)

Mr. Tower to Mr. Hay.

No. 6.]

EMBASSY OF THE UNITED STATES,
Berlin, December 24, 1902.

SIR: I have the honor to inclose to you herewith a copy and a translation into English of a memorandum which was handed to me by Baron von Richthofen, Imperial secretary of state for foreign affairs, on Tuesday afternoon, the 23d of December, setting forth the attitude of Germany and Great Britain in regard to the acceptance by those powers of the proposition made by the Government of Venezuela, and

conveyed through the Government of the United States, that the present difficulties be submitted to an arbitration for settlement.

The memorandum contains the definitive announcement that Germany and Great Britain have jointly agreed to submit to arbitration the questions now at issue, with the exception, on the part of Germany, of certain claims of German subjects arising out of injuries and breach of contract in the civil war in Venezuela during the period from 1898 to 1900. The German Government declares that these claims have long since been presented to the Government of Venezuela; that they have been carefully examined by the German Government and assessed at an aggregate of \$325,000. These claims are held by Germany not to be subject to arbitration, and the Imperial Government insists that they must either be paid forthwith or amply secured. Aside from this the German Government agrees to submit to arbitration all its claims set forth in the ultimatums, both for injury and those arising out of the illegal seizure of property or breach of contract, as well heretofore as during the present civil war in Venezuela, though it is to be understood that the responsibility of the Government of Venezuela for such illegal seizure and breach of contract is not to become a subject of arbitration, but must be admitted at the outset.

Upon these terms, the Government of Germany and that of Great Britain unite in expressing the earnest hope that the President of the United States will accept the invitation which they extend to him to act as arbitrator. In the event, however, that the President of the United States should, to the great regret of the two powers, decline to act as arbitrator, then they are prepared to submit the case for adjustment to the tribunal at The Hague.

This memorandum was presented to me at the foreign office by Baron von Richthofen about 6 o'clock in the afternoon and I sent to you during the evening a dispatch embodying the substance of it.

I have, etc.,

CHARLEMAGNE TOWER.

[Inclosure.—Translation.]

Memorandum.

The Imperial Government expresses to the Government of the United States of America its most earnest thanks for its efforts to adjust in a peaceful manner the unsought conflict with Venezuela. The proposition transmitted by the United States regarding the establishment of a court of arbitration appears to Germany as well as to England to be a suitable basis upon which to arrive at a just decision of their claims. As to this, however, the two powers think it proper to make certain reservations as follows:

1. Amongst their claims are certain demands which can not properly be submitted to decision by arbitration. Such claims are, so far as Germany is concerned, her demands growing out of the civil wars from 1898 to 1900, which are stated more particularly in a memorandum submitted to the Reichstag on December 8, a copy of which is hereto attached. This relates to claims arising out of acts of violence committed by the Venezuelan Government and its officials, for which that Government, after attempts at delay lasting for years, has refused in an almost insulting manner to make a suitable indemnity, notwithstanding repeated representations on the part of the Imperial Government. These claims which, according to a careful examination by the Imperial Government, amount to 1,700,000 bolivars in round numbers (\$325,000) must therefore be immediately recognized by the Venezuelan Government. In the event that their immediate payment is impossible, then ample security will be required for their prompt settlement.

2. All further claims which are set forth in the two ultimatums shall be investigated by the proposed court of arbitration. This will, therefore, not only examine claims arising out of the present Venezuelan civil war, but also, so far as Germany is concerned, the claims of German contractors set forth in the above-mentioned memorandum on account of the nonfulfillment by the Venezuelan Government of its treaty obligation.

3. The court of arbitration shall decide upon the legality of the several claims as well as upon the manner of settlement and the security to be given. In the cases of claims on account of injury or on account of illegal acts against property the responsibility of the Government of Venezuela must furthermore be recognized in principle; that is to say that this responsibility is not the object of the court of arbitration, but that the court of arbitration shall decide only as to injuries committed or the illegal seizure of property and as to the amount of the damages.

The Government of the United States would place the Imperial and the British Governments under especial obligations if it will use its good offices to induce the Venezuelan Government to accept these propositions. The two Governments would be grateful if the President of the United States would accept the office of arbitrator under the foregoing conditions. If, however, the President of the United States, to the great regret of the two Governments, should not accept this invitation then they are prepared to submit the case to the tribunal of arbitration at The Hague.

BERLIN, *December 22, 1902.*

Mr. Hay to Mr. Tower.

[Telegram.—Paraphrase.]

DEPARTMENT OF STATE,
Washington, December 26, 1902.

(Mr. Hay states that the President appreciates profoundly the courtesy with which the powers in interest have suggested his name as arbitrator in the matters now pending with Venezuela. If no other or better means of settling the subjects in dispute presented themselves the President would willingly comply with the wishes of the powers and give his best efforts to an end so laudable. But he has thought from the beginning that it was most desirable that the entire controversy should be submitted to the judgment of that high tribunal at The Hague which has been created by the principal powers of the world for the consideration of precisely such cases, involving, as the present controversy does, no question of national honor or the cession of territory. After a thorough consultation with all the powers, in which he has found an honorable spirit of candor and mutual consideration animating every one of them, the President has been greatly gratified to learn that in the event of his not undertaking the important duty to which the powers have invited him, they would all be willing to accept a reference to The Hague. He has, therefore, the greatest pleasure in announcing to the Governments of Great Britain, Germany, Italy, and Venezuela that all of them have accepted in principle the proposition of a reference of pending questions to the tribunal of The Hague.)

If the President can be of any further service in arranging the preliminaries of such an understanding, he will gladly hold himself at the disposition of the powers concerned, and if their representatives should find it desirable to meet in Washington, he would be happy to welcome them there and to facilitate their labors in every possible way.)

Mr. Hay to Mr. Tower.

[Telegram.—Paraphrase.]

DEPARTMENT OF STATE,
Washington, December 27, 1902.

(Mr. Hay states that he has telegraphed in full to Minister Bowen the German preliminary conditions, as received from Mr. Tower, and that the response of Venezuela will be promptly communicated to Mr. Tower.)

Mr. Tower to Mr. Hay.

No. 10.]

EMBASSY OF THE UNITED STATES,
Berlin, December 29, 1902.

SIR: I have the honor to inclose to you herewith a copy and a translation into English of the memorandum relating to the claims of Germany against Venezuela, which accompanied the note of the German Government to which my dispatch No. 6 of the 24th December has reference.

I was unable to inclose this memorandum to you with that dispatch, because as the mail was leaving at once there was not time enough, to my regret, to have the translation finished, neither did I wish to delay my dispatch by reason of its far greater importance; therefore, I sent it forward with a copy of the memorandum.

I have, etc.,

CHARLEMAGNE TOWER.

[Inclosure.—Translation.]

Memorandum of the claims of Germany against the United States of Venezuela.

For a long time past the attitude of the Government of the United States of Venezuela in regard to the claims of the Imperial Government has given cause for serious complaint.

These are claims of Germans living in Venezuela since the last Venezuelan civil war and the claims of German contractors for the nonfulfillment of obligations guaranteed by Venezuelan Government contracts.

By the civil wars carried on in Venezuela from 1898 to 1900, and thereafter, since the end of last year, a large number of German merchants and owners of real estate have suffered great loss, partly through the extortion of compulsory loans and partly for the seizure, without pay, of the necessaries of war, but especially the seizing of the cattle required for the subsistence of troops, and lastly because of the pillaging of the houses and the devastation of land.

The amount of the losses during the civil wars from 1898 to 1900 comes to 1,700,000 bolivars (francs), and a loss of 3,000,000, in round numbers, has already been reported during the late civil war.

Several of the sufferers have lost nearly all they had and have thereby made their creditors living in Germany their fellow-sufferers.

The Venezuelan Government openly refuses to meet its obligations and to make reparation for their losses. For settling the claims from 1898 to 1900, which it alone has thus far attended to, the following procedure was adopted:

After it had, firstly, fixed a term of six months during which it would not entertain any claim for damages, it issued a decree, dated January 24, 1901, according to which a commission, consisting solely of Venezuelans, to which the injured parties had to present their claims within three months, was to pass upon said claims.

In three respects were the provisions of this decree deemed unacceptable. In the first place, indemnity claims of earlier date than May, 1899, before Castro became

President of the Republic, were excluded, although Venezuela is naturally responsible for the acts of her former governments. Next, diplomatic protest against the decisions of the commission was barred; appeal to the highest Venezuelan court only was admitted, although judicial officials there, as shown in several instances, are actually dependent upon the Government and have at times been removed from office without much ado. Lastly, the claims whose validity might be admitted by the commission were to be paid by bills of a newly created revolutionary loan, which, as past experience has shown, would be practically worthless.

As a matter of fact, the proceedings carried out on the basis of this decree have not led to a satisfactory settlement of the claims.

Specifically, particular German claims brought before the court were rejected without giving any reason therefor. Others were reduced in a manifestly arbitrary manner. For instance, the case of a German cattle raiser who had, in round figures, 3,800 head of cattle, valued at more than 600,000 bolivars, which were taken from him by force, and for which an amount of but 14,000 bolivars was adjudged.

Furthermore, the claims adjudged by the court were not paid in cash, but the persons who had suffered the loss were made to depend upon a financial bill to be submitted to the Congress at some later time.

After the repeated efforts made by the Imperial minister resident at Caracas to induce the Government of the Republic to change the indicated three points had failed, the minister resident positively declared that the Imperial Government now found itself constrained to refuse to recognize the decree. Similar declarations were also made by Great Britain, the United States of America, Italy, Spain, and the Netherlands. The Venezuelan Government took the stand, with regard to these declarations, that it was not ready to treat aliens differently from its own citizens, and that it considered the settlement of claims of the nature of those in question to be a matter of domestic concern with which no foreign power could interfere without violating her sovereignty.

In this condition of affairs the Imperial Government could not do otherwise than to examine itself the German claims and, so far as they proved to be well-founded upon investigation, to bring them to the immediate attention of the Republic.

The Venezuelan Government had, it is true, held out a prospect of bringing about a satisfactory settlement through its Congress. The law adopted by it last spring, however, only repeats the insufficient regulations of the decree of January 24, 1901, and is to be extended to such claims only which could not be placed in due time before the commission appointed through the decree. Every other argument on the affair was repeatedly declined on the grounds of state judicial regulations in force in Venezuela, according to which the diplomatic settlement of war claims was excluded. In this she has established the principle that a diplomatic intervention could be excluded by municipal law. This principle is contrary to the law of nations, as the question whether such a resort is admissible is to be determined not by municipal law, but by the principles of international law.

The correspondence with the Imperial representative at Caracas was carried on by the Government of the Republic in an almost insulting tone, and finally the documents relative thereto, among which some were marked confidential, were published without asking for the consent of the Imperial Government, and furthermore adding a memorandum of an offensive nature.

In the entire demeanor of the Venezuelan Government, the attempt can be found to deny to foreign claims the treatment accorded them by the laws of nations. And it must be added that in the last Venezuelan civil war the Germans were treated with especial animosity, as, for instance, when the violence of the Government troops during the plundering at Barquisemeto was mainly directed against German houses.

This proceeding of the Venezuelan governing power would, in case it remained unpunished for a longer period, create the impression that Germans in Venezuela are left without protection to foreign arbitrariness and seriously impair the prestige of the Empire in Central and South America as well as the large German interests which are to be protected there.

Though the Imperial Government is animated by a manifest desire to maintain friendly relations with the Republic of Venezuela, and far as it is from thinking of molesting the state independence of this Republic or wishing to trespass on its home institutions, it can nevertheless tolerate no longer the action of the Venezuelan Government, hurting, as it does, the honor of the Imperial Government, which therefore believes that it must look toward the settlement of the German war claims in a determined manner. Judging from past experience, success is not expected from further negotiations with Venezuela.

The Imperial chargé consequently handed yesterday to the Venezuelan Government an ultimatum, in which he demands, by order of the Imperial Government, the

immediate payment of the war claims from 1898 to 1900, as well as the giving of a satisfactory explanation in regard to the fixing and securing the claims of the late civil war.

The above-described treatment of German war claims has, furthermore, led the Imperial Government to believe that the other German claims, in view of the Venezuelan Government's failure to meet its treaty obligations, require its protection, in order that they may be duly settled. In this connection the claims of the German firms for the building of a slaughterhouse at Caracas, as also those of the German railroad company for the guaranteed interests, come into consideration.

For the erection of a slaughterhouse at Caracas, a contract was made in 1896 between the Venezuelan Government and the engineer, Karl Henkel, in Hamburg, to which, with the Government's assent, the Aktien-Gesellschaft für Betonund Monierbau in Berlin, was made a party. The entire building has in the meantime been completed. The Government has, however, stopped the promised weekly part payments, which were to be made to the Betonund Monierbau since the end of 1900, and to Henkel since September, 1901, so that it still owes the two contractors 820,000 bolivars.

During the years 1888 to 1894 the Deutschen Grossen Venezuela Eisenbahngesellschaft built the railroad line—Caracas—Valencia. When the concession for the building was granted the Venezuelan Government guaranteed an interest rate of 7 per cent on a capital of 77,000,000 bolivars. This obligation, which began on February 1, 1894, was not met. In 1896, however, the Government released itself of the guaranty, by paying a sum of 33,000,000 bolivars in certificates of a 5 per cent loan contracted by it in the sum of 50,000,000. The interest on this loan and the amortization have not been regularly paid since 1898, so that the claim of the company at the present time amounts to 7,500,000 bolivars, and is continually on the increase.

The negotiations carried on for some time for the adjustment of the above claims have thus far been without result. The Imperial chargé in Caracas has, therefore, requested the Venezuelan Government in the ultimatum to also furnish a satisfactory security for this claim.

In case no satisfactory answer is made immediately to the ultimatum the Imperial Government would, to its regret, be compelled to take up itself the settlement of the German claims.

Similar complaints to those made against Venezuela by Germany have also been made by other powers, particularly England. The British claims are partly for the unlawful seizure or destruction of English merchant ships, and in part those of English railroads in Venezuela for the destruction of the roads of the line and nonfulfillment of contractual obligations, some being claims of the holders of the English loan of 1881, on which, as on the German loan, no regular percentage or amortization has been paid for a long period, since 1881.

In this matter Germany and England have agreed to take joint action for the satisfaction of all their claims against Venezuela. The British representative at Caracas also delivered an ultimatum on yesterday to the Venezuelan Government.

BERLIN, *December 8, 1902.*

Mr. Tower to Mr. Hay.

No. 11.]

EMBASSY OF THE UNITED STATES,

Berlin, December 29, 1902.

SIR: I have the honor to acknowledge the receipt on the 19th of December last of your dispatch relating to the nomination of Mr. Bowen by the Government of Venezuela, with full powers to enter into negotiations on the part of Venezuela to settle the difficulties with Germany, Great Britain, and Italy.

Upon my communication to the Baron von Richthofen, Imperial secretary of state for foreign affairs, of the proposal made by Venezuela in regard to Mr. Bowen, he informed me that he should consider the subject and return an answer within a day or two. Accordingly, on the 23d of December the Imperial secretary of state for foreign affairs handed me a memorandum, of which I have the honor to inclose to you herewith a copy and a translation into English. He announces in this

memorandum that, as the Imperial Government has accepted the proposition of submitting its claims to arbitration, and has invited the President of the United States to accept the duties of arbitrator, this invitation must take precedence of the course proposed by the Government of Venezuela.

I have, etc.,

CHARLEMAGNE TOWER.

[Inclosure.—Translation.]

Memorandum.

The Imperial Government has accepted the proposition of submitting its claims against the Venezuelan Government to arbitration under certain conditions, which are communicated at the same time herewith to the American ambassador, and has therein expressed the wish that the President of the United States should accept the duties of arbitrator.

In common with the British Government, the Imperial Government believes that it has found in this way every guaranty for a satisfactory solution of the difficulty, so that this course deserves to have precedence accorded to it over the course recently proposed by the Venezuelan Government, namely, that the two powers should negotiate through the American minister, Mr. Bowen, as intermediary.

Mr. Tower to Mr. Hay.

No. 12.]

EMBASSY OF THE UNITED STATES,
Berlin, December 29, 1902.

SIR: I have the honor to acknowledge the receipt on the 27th of December of your telegram containing the reply of the President to the invitation extended to him by the powers to accept the duty of arbitrator in the matters now pending in Venezuela.

Immediately upon the receipt of this telegram I proceeded to the foreign office, where I met the Baron von Richthofen, Imperial secretary of state for foreign affairs, to whom I communicated it. Baron von Richthofen received with evident disappointment the announcement of the President's decision not to act as arbitrator, and he requested me at once to convey to him the earnest thanks of the Imperial Government for the part he has taken in bringing the controversy to an amicable settlement. I communicated this to you in my telegram of the 27th of December.

In this last message I said: "I think it would expedite proceedings if a statement were made by Venezuela as to her acceptance of the preliminary conditions announced by Germany," because Baron von Richthofen expressed to me very strongly his desire to know what Venezuela intends to do in that regard, and, although he did not wish me to inquire formally of you, he intimated that he should be much obliged if I would obtain that information for him.

I received on the 28th of December your telegram in reply, saying:

I have telegraphed in full to Minister Bowen the German preliminary conditions received from you and await Venezuelan response, of which you will be promptly advised.

Very great disappointment has been felt throughout Germany at the decision of the President not to act as arbitrator, * * * It was believed to be almost certain that the difficulties with Venezuela would be finally submitted to him for adjustment, and the personal

character of the President, as well as his breadth of view and unquestioned integrity, gave to the German people a sense of relief, in view of the assurance of speedy and complete justice which his acceptance would have meant to them.

The general opinion now appears to be one of fear that the negotiations before the court of arbitration are likely to be voluminous and probably long in duration.

I have, etc.,

CHARLEMAGNE TOWER.

Mr. Hay to Mr. Tower.

[Telegram.—Paraphrase.]

DEPARTMENT OF STATE,
Washington, December 31, 1902.

(Mr. Tower is instructed to communicate to the German Government the following telegram which Mr. Hay has just received from the United States minister to Venezuela:

I have received the following answer from the President of Venezuela:

"I recognize in principle the claims which the allied powers have presented to Venezuela. They would already have been settled if it had not been that the civil war required all the attention and resources of the Government. To-day the Government bows to superior force and desires to send Mr. Bowen to Washington at once to confer there with the representatives of the powers that have claims against Venezuela in order to arrange either an immediate settlement of all the claims or the preliminaries for reference to the tribunal of The Hague or to an American Republic to be selected by the allied powers and by the Government of Venezuela. Mr. Bowen would be duly authorized to settle the whole question as the representative of Venezuela.

"CIPRIANO CASTRO."

Mr. Tower is authorized to say to the German Government that the suggestion of the President of Venezuela that an American power be chosen to arbitrate is not supported by the Government of the United States.)

Mr. Tower to Mr. Hay.

[Telegram.—Paraphrase.]

EMBASSY OF THE UNITED STATES,
Berlin, January 2, 1903.

(Mr. Tower acknowledges the receipt of the Department's telegrams conveying the answer of Venezuela and relating to Mr. Bowen, which he has communicated to the German Government.)

Mr. Hay to Mr. Tower.

[Telegram.—Paraphrase.]

DEPARTMENT OF STATE,
Washington, January 6, 1903.

(Mr. Hay advises Mr. Tower of the receipt of the British reply accepting the negotiation if Venezuela assents to conditions imposed by Great Britain, and appointing the British ambassador to confer with Mr. Bowen in Washington.)

Mr. Tower to Mr. Hay.

[Telegram.—Paraphrase.]

EMBASSY OF THE UNITED STATES,
Berlin, January 6, 1903.

(Mr. Tower reports the receipt from the German minister for foreign affairs of the following memorandum:

The German Government has learned with satisfaction that the Venezuelan Government has accepted its demands in principle. Before further negotiations can be undertaken with Venezuela, however, it seems necessary that the President of Venezuela should make a definite statement as to the unconditional acceptance of the three preliminary conditions set forth in the German memorandum of December 22, 1902. He will also have especially to declare how he intends either to pay or to secure the claims set forth in paragraph 1. On receipt of a satisfactory assurance from the Government of Venezuela the German Government will be prepared to instruct its ambassador in Washington to open negotiations with Mr. Bowen as representative of Venezuela, and to consider his proposition in regard to an adjustment. These propositions may relate to an immediate settlement or to a reference to The Hague tribunal of all claims, except, of course, those mentioned in paragraph 1. The German Government makes the condition, however, that the discussion of any proposition for immediate payment shall not prejudice the right of reference to The Hague tribunal.

The German Government will be very greatly obliged to the Government of the United States if it will transmit the foregoing reply to President Castro.)

Mr. Tower to Mr. Hay.

No. 17.]

EMBASSY OF THE UNITED STATES,
Berlin, January 8, 1903.

SIR: I have the honor to inclose to you herewith a copy and a translation into English of the reply of the German Government to President Castro, which was sent to me in a memorandum from the Imperial foreign office on the 6th of January, 1903.

Immediately upon receipt of this memorandum I communicated it to you in a telegram.

I received on the 6th of January your telegram announcing the fact that you had then received the reply of Great Britain which appointed the British ambassador in Washington to treat with Mr. Bowen.

I have, etc.,

CHARLEMAGNE TOWER.

[Inclosure.—Translation.]

Memorandum sent to Mr. Tower by the Imperial German foreign office, January 6, 1903.

MEMORANDUM.

The German Government has learned with satisfaction that the Venezuelan Government has accepted its demands in principle. But, before further negotiations

upon this basis can take place with Venezuela, it seems necessary that President Castro should make a definite statement as to the unconditional acceptance of the three preliminary conditions set forth in the German memorandum of December 22, 1902. He will have also to declare especially in what manner he intends either to pay or to secure the claims set forth in paragraph 1.

Upon receipt of a satisfactory statement from the Government of Venezuela, the German Government will be prepared to instruct its ambassador in Washington to open negotiations with Mr. Bowen as representative of Venezuela and to consider his propositions for an adjustment. These propositions, except in the case of the claims made in the preliminary condition No. 1, which are to be met at once, may relate to an immediate settlement, or to a reference to the tribunal of The Hague. The German Government wishes it to be understood, however, that a discussion of any proposition for an immediate payment shall not prejudice the right of reference to The Hague tribunal.

The German Government will be greatly obliged to the Government of the United States if it will transmit the foregoing reply to President Castro.

BERLIN, *January 5, 1903.*

Mr. Hay to Mr. Tower.

[Telegram.—Paraphrase.]

DEPARTMENT OF STATE,
Washington, January 8, 1903.

(Mr. Hay states that the following telegram was received on the eighth instant from Minister Bowen:

I have just received the following from President Castro:

“MR. MINISTER: The Venezuelan government accepts the conditions of Great Britain and Germany; requests you to go immediately to Washington for the purpose of conferring there with the diplomatic representatives of Great Britain and Germany and with the diplomatic representatives of the other nations that have claims against Venezuela, and to arrange either an immediate settlement of said claims or the preliminaries for submitting them to arbitration.

“CIPRIANO CASTRO,
“*Constitutional President.*”

If, as I understand, Great Britain and Germany want to know what guarantee they will have, please inform them it will be the custom-houses. Consequently, I beg that the blockade be raised at once.

Mr. Tower is directed to communicate with the foreign office at once, saying that Mr. Bowen will come to Washington immediately.)

Mr. Tower to Mr. Hay.

[Telegram.—Paraphrase.]

EMBASSY OF THE UNITED STATES,
Berlin, January 9, 1903.

(Mr. Tower acknowledges the receipt of the Department's telegram, and reports that he has communicated to the German minister for foreign affairs President Castro's answer, as well as Mr. Bowen's request that the blockade be raised, and the Department's announcement that Mr. Bowen will come to Washington immediately.

Baron Richthofen accepted Mr. Tower's communication, but remarked incidentally that this answer still gives no specific statement as to the payment or security of the claims described in the preliminary conditions.)

Mr. Hay to Mr. Tower.

[Telegram.—Paraphrase.]

DEPARTMENT OF STATE,
Washington, January 10, 1903.

(Mr. Hay states that Mr. Bowen will leave Caracas for Washington on January 11; that he is anxious for the raising of the blockade at the earliest moment possible, on account of the fact that the scarcity of provisions in Venezuela threatens general distress. Mr. Hay has answered Mr. Bowen that no preliminaries can be adjusted before his arrival, and that the raising of the blockade may depend on the sufficiency of Venezuela's guarantee. Mr. Tower is directed to suggest to the German minister for foreign affairs that the matter might be taken into consideration with a view to early determination.)

Mr. Tower to Mr. Hay.

[Telegram.—Paraphrase.]

EMBASSY OF THE UNITED STATES,
Berlin, January 13, 1903.

(Mr. Tower reports that he has communicated to the German minister for foreign affairs the wish of Mr. Bowen that the blockade may be raised as soon as possible, and suggested that the matter be taken under consideration with a view to early determination.

The minister for foreign affairs replied that the subject will be dealt with in the answer of Germany to Venezuela, which will probably be delivered within a few days; but Mr. Tower states that he has reason to believe that no progress can be made until Venezuela accepts specifically the preliminary conditions.)

Mr. Tower to Mr. Hay.

No. 21.]

EMBASSY OF THE UNITED STATES,
Berlin, January 14, 1903.

SIR: I have the honor to acknowledge the receipt, on the 10th of January, at night, of your dispatch announcing that Mr. Bowen intended to leave Caracas for Washington upon the following day, and expressing his anxiety that the blockade of Venezuelan ports should be raised at the earliest moment possible, by reason of the growing scarcity of provisions likely to produce general distress.

In compliance with your instructions contained in that dispatch, I brought the subject to the attention of Baron Richthofen, imperial secretary of state for foreign affairs, in a personal interview with him at the German foreign office. Baron Richthofen answered that the subject of the blockade would be referred to in a definite reply which the German Government will probably make to President Castro within a few days. But he alluded with considerable earnestness to the fact that although President Castro has declared that he accepts in principle the terms offered him by the powers, he has not as yet announced his acceptance of the condition: precedent, namely, the pay-

ment or the securing the payment of the German claims, assessed at \$325,000, upon which I have heretofore had the honor to report to you.

This preliminary condition is held strongly by the German Government as a condition *sine qua non* to arbitration, and in replying to your dispatch I said, in view of this: "I have reason to believe that no progress can be made until Venezuela accepts specifically the preliminary conditions."

I have, etc.,

CHARLEMAGNE TOWER.

Mr. Tower to Mr. Hay.

[Telegram.—Paraphrase.]

EMBASSY OF THE UNITED STATES,
Berlin, January 17, 1903.

(Mr. Tower reports that the German minister for foreign affairs has announced to him that the German Government will instruct its representative in Washington to open negotiations with Mr. Bowen as plenipotentiary of Venezuela, but only upon the distinct agreement that the Venezuelan Government first declares itself bound by the three conditions precedent set out in the German memorandum of December 22, 1902.)

Mr. Tower to Mr. Hay.

[Telegram.—Paraphrase.]

EMBASSY OF THE UNITED STATES,
Berlin, February 19, 1903.

(Mr. Tower reports that the German Government has officially notified him of the raising of the blockade of Puerto Cabello and Maracaibo.)

Mr. Tower to Mr. Hay.

No. 50.]

EMBASSY OF THE UNITED STATES,
Berlin, February 21, 1903.

SIR: I have the honor to inclose to you herewith a copy and a translation into English of a note which I have received from the Imperial secretary of state for foreign affairs, announcing that the blockade of the Venezuelan ports of Maracaibo and Puerto Cabello has been raised.

I have, etc.,

CHARLEMAGNE TOWER.

[Inclosure 1.—Translation.]

Notice regarding the raising of the blockade of the Venezuelan ports of Puerto Cabello and Maracaibo.

FEBRUARY 16, 1903.

The differences between Germany and the United States of Venezuela having been settled, the blockade which the active naval forces of Germany maintained at the ports of Puerto Cabello and Maracaibo (see No. 299 of the "Reichsanzeiger" of the 20th of December, 1902) has been raised.

Berlin, February 16, 1903.

GRAF VON BÜLOW,
The Imperial Chancellor.

[Inclosure 2.—Translation.]

Note from the foreign office.

The differences between Germany and the United States of Venezuela having been settled, the blockade which the active forces of Germany maintained at the ports of Puerto Cabello and Maracaibo has now been raised. The undersigned, referring to his note of December 20, 1902, has the honor to communicate to his excellency the ambassador extraordinary and plenipotentiary of the United States of America, Mr. Tower, the text of the notice which appeared in the Reichsanzeiger relating to the raising of the blockade, with the request that he bring the notice to the attention of his Government.

The undersigned avails himself of this opportunity to renew, etc.

RICHTHOFEN.

Memorandum.

IMPERIAL GERMAN EMBASSY,
Washington, February 25, 1903.

Can the chargé d'affaires of the United States remain in charge of German interests in Venezuela until arrival of German minister, Mr. Peldram, at Caracas, about March 16?

If so, could United States chargé d'affaires be instructed to inform the Government of Venezuela that the presentation of the first German draft (for payment of first installment) due March 15, may be possibly delayed for a few days on account of German minister's late arrival?

Mr. Adee to Baron von Sternburg.

[Personal.]

DEPARTMENT OF STATE,
Washington, March 8, 1903.

DEAR MR. MINISTER: I have received this morning a cable message from our chargé d'affaires at Caracas, communicating the notification made by the Venezuelan Government to him as the temporary representative of Great Britain, Germany, and The Netherlands, that the blockade of the Orinoco River, which was declared on the 28th of June last, is reestablished from March 7, and that the ports of Carupano and Guanta are blockaded from the same date, the same number of days of grace being allowed as in the former decree.

I am, etc.,

ALVEY A. ADEE.

Mr. Loomis to Baron von Sternburg.

[Personal.]

DEPARTMENT OF STATE,
Washington, March 13, 1903.

MY DEAR MR. MINISTER: Referring to Mr. Adee's personal note of the 8th instant, informing you of the receipt of a telegram from the United States chargé d'affaires at Caracas announcing the blockade of certain ports by the Venezuelan Government, I have the honor to say

that I have received a further telegram from Mr. Russell, dated the 12th instant, in which he requests me to inform you that "the blockade decree of the 7th has been revoked since yesterday."

I am, etc.

FRANCIS B. LOOMIS,
Acting Secretary of State.

Freiherr von dem Bussche-Haddenhausen to Mr. Hay.

IMPERIAL GERMAN EMBASSY,
Washington, April 4, 1903.

DEAR MR. HAY: The German, British, and Italian Governments, having agreed on the terms of a protocol to be signed by the representatives of those three powers, of Venezuela, and of the other powers interested about the submission of the question of preferential or separate treatment of the blockading powers to The Hague tribunal, I have the honor to submit to your excellency the draft of the said protocol.^a

Believe me, etc.,

BUSSCHE.

Mr. Hay to Baron von Sternburg.

DEPARTMENT OF STATE,
Washington, April 6, 1903.

MY DEAR MR. MINISTER: I have received the note of the 4th instant which Mr. Bussche of your embassy addressed to the Department, forwarding a copy of the text of the protocol, which the German, British, and Italian Governments have agreed to submit to the Government of Venezuela for signature, relating to the reference to the international court of arbitration at The Hague of the question of preferential treatment in the payment of claims owing by Venezuela to the Governments named or to their subjects.^b

I am, etc.,

JOHN HAY.

PROTOCOL OF AGREEMENT BETWEEN VENEZUELA AND GERMANY—TO WHICH THE UNITED STATES AND OTHER POWERS ARE PARTIES—RESPECTING THE REFERENCE OF THE QUESTION OF THE PREFERENTIAL TREATMENT OF CLAIMS TO THE TRIBUNAL AT THE HAGUE.

Signed at Washington May 7, 1903.

Whereas protocols have been signed between Germany, Great Britain, Italy, the United States of America, France, Spain, Belgium, The Netherlands, Sweden and Norway, and Mexico on the one hand, and

^a See Protocol, page 439.

^b Continuation of this correspondence and negotiations at The Hague will appear in the Volume of Foreign Relations for 1904.

Venezuela on the other hand, containing certain conditions agreed upon for the settlement of claims against the Venezuelan Government:

And whereas certain further questions arising out of the action taken by the Governments of Germany, Great Britain and Italy, in connection with the settlement of their claims, have not proved to be susceptible of settlement by ordinary diplomatic methods:

And whereas the Powers interested are resolved to determine these questions by reference to arbitration in accordance with the provisions of the Convention for the Pacific Settlement of International Disputes, signed at the Hague on the 29th July 1899.

Venezuela and Germany have, with a view to carry out that Resolution, authorized their representatives, that is to say:

Mr. Herbert W. Bowen as plenipotentiary of the Government of Venezuela and

The Imperial German Minister Baron Speck von Sternburg as representative of the Imperial German Government to conclude the following Agreement:

ARTICLE I.

The question as to whether or not Germany, Great Britain, and Italy are entitled to preferential or separate treatment in the payment of their claims against Venezuela, shall be submitted for final decision to the Tribunal at the Hague.

Venezuela having agreed to set aside 30% of the customs revenues of La Guayra and Puerto Cabello for the payment of the claims of all nations against Venezuela, the Tribunal at the Hague shall decide how the said revenues shall be divided between the blockading Powers on the one hand and the other creditor Powers on the other hand and its decision shall be final.

If preferential or separate treatment is not given to the blockading Powers, the Tribunal shall decide how the said revenues shall be distributed among all the creditor Powers and the parties hereto agree that the Tribunal in that case shall consider in connection with the payment of the claims out of the 30% any preference or pledges of revenue enjoyed by any of the creditor Powers, and shall accordingly decide the question of distribution so that no Power shall obtain preferential treatment, and its decision shall be final.

ARTICLE II.

The facts on which shall depend the decision of the questions stated in Article 1 shall be ascertained in such manner as the Tribunal may determine.

ARTICLE III.

The Emperor of Russia shall be invited to name and appoint from the members of the permanent Court of the Hague three arbitrators to constitute the Tribunal which is to determine and settle the questions submitted to it under and by virtue of this agreement. None of the arbitrators so appointed shall be a subject or citizen of any of the signatory or creditor Powers.

This Tribunal shall meet on the first day of September 1903, and shall render its decision within six months thereafter.

ARTICLE IV.

The proceedings shall be carried on in the English language but arguments may with the permission of the Tribunal be made in any other language also. Except as herein otherwise stipulated, the procedure shall be regulated by the Convention of the Hague of July 29th 1899.

ARTICLE V.

The Tribunal shall, subject to the general provision laid down in Article 57 of the International Convention of July 29, 1899, also decide how, when and by whom the cost of this Arbitration shall be paid.

ARTICLE VI.

Any nation having claims against Venezuela may join as a party in the Arbitration provided for by this Agreement.

Done in duplicate at Washington this seventh day of May one thousand and nine hundred and three.

[SEAL.]
[SEAL.]

HERBERT W. BOWEN.
STERNBURG.

The undersigned nations having claims against Venezuela hereby join with her as parties in the arbitration provided for in the foregoing protocol.

For the United States of America

JOHN HAY

For the Republic of Mexico

[SEAL.]

M. DE AZPIROZ.

For Sweden and Norway,

[SEAL.] MAY 27, 1903.

A. GRIP.

L'Ambassadeur de France, dûment autorisé et agissant au nom de son Gouvernement, adhère au Protocole ci-dessus, sous réserve qu'il est bien entendu que l'article IV dudit protocole ne fera pas obstacle à l'application de la disposition de l'article 38 de l'acte de La Haye, aux termes de laquelle c'est le tribunal arbitral qui décide du choix des langues dont il fera usage et dont l'emploi sera autorisé devant lui.

1^{er} JUIN 1903.

[SEAL.]

JUSSERAND

Le Ministre de Belgique, dûment autorisé et agissant au nom de son Gouvernement adhère au protocole ci-dessus.

12 JUIN 1903

[SEAL.]

BN. MONCHEUR.

Le Ministre des Pays-Bas dûment autorisé et agissant au nom de son Gouvernement adhère au protocole ci-dessus.—

WASHINGTON, le 13 Juin, 1903.—

[SEAL.]

GEVERS.

MILITARY SERVICE CASE OF GEORGE HOFERER.*Mr. Tower to Mr. Hay.*

No. 38.]

EMBASSY OF THE UNITED STATES,
Berlin, January 29, 1903.

SIR: I have the honor to inform you that in June last one George Hoferer wrote to the embassy stating that he desired to make a visit in Germany. Through correspondence with Hoferer it appeared that he was born in Petersthal, Amt Oberkirch, Baden, on October 8, 1868, emigrated to the United States in April, 1890, where he still resides, at Newark, N. J., and became naturalized, as shown by the certificate submitted by him, in the United States district court for the eastern district of New York, on November 22, 1895.

A communication was accordingly addressed to the foreign office making the request desired, to which a reply has just been received. In this the foreign office states that Hoferer was enrolled as a recruit in the army in 1889, and summoned to appear for service in May, 1890, which summons he failed to obey, and emigrated to America. In consequence he was declared to be deserter by an order of the court-martial of the twenty-eighth division, dated the 20th of December, 1890, and sentenced to pay a fine of 200 marks, which is still unpaid.

This reply has already been communicated to Hoferer. The offense with which he is charged is thus not merely evasion of military service by emigration, but desertion after having been enrolled as a recruit. According to our treaty of naturalization with Baden (article 2, paragraph 1) a naturalized citizen still remains liable to punishment for this offense upon his return.

I shall therefore take no further action in this case unless I am so instructed to do.

I have, etc.,

CHARLEMAGNE TOWER.

MILITARY-SERVICE CASE OF JACOB ROOS.*Mr. Loomis to Mr. Tower.*

No. 31.]

DEPARTMENT OF STATE,
Washington, March 11, 1903.

SIR: I inclose, in original, a petition, dated the 5th instant, of Jacob Roos, of Dallas, Tex., setting forth that, at the age of 16, he left Germany and came to the United States, and was naturalized; that since then a fine has been imposed upon him for evasion of military service; that his mother is sick and he would like to visit her. He asks the aid of the Department in bringing about a revocation of the judgment imposing a fine upon him, and in obtaining the desired permission for him to visit his mother.

You are instructed to do what you properly can to aid Mr. Roos in that behalf.

I inclose in original his certificate of naturalization, his birth certificate, and the pass issued to him on his departure from Germany.

These inclosures are to be returned to the Department after they have served their purpose.

I am, etc.,

FRANCIS B. LOOMIS,
Acting Secretary of State.

Mr. Tower to Mr. Hay.

No. 118.]

EMBASSY OF THE UNITED STATES,
Berlin, June 5, 1903.

SIR: I have the honor to report to you that in reply to the request which I made of the Imperial German Government under the instructions contained in your dispatch No. 31, of the 11th of March, 1903, that permission might be granted to Jacob Roos, of Dallas, Tex., to return upon a visit to Germany, I have received from the ministry for foreign affairs a note in which this request is granted. A translation into English of this note is herewith respectfully inclosed.

I beg leave to call to your attention the fact that this particular case gives evidence of the unwillingness of the Government of Germany to admit that the territory of Alsace-Lorraine is included in the provisions of the treaty of 1868 with the United States, and that therefore the articles of the treaty relating to naturalization do not apply to German subjects who emigrate from those provinces. This note of the foreign office informs me, in the first place, that it will be impossible to release Roos from his obligations, but adds at the same time that, in view of the intervention made in his behalf by this embassy, the authorities of Alsace-Lorraine are willing, upon payment by him of the fine imposed upon him, to discharge him from his duties as a German subject, and thereupon to grant him the permission which he requests, to return to Germany upon a visit.

I return to you, herewith inclosed, the documents which you sent to me in your dispatch of the 11th of March, namely, the certificate of naturalization of Jake Roos before the district court of the county of Dallas, in Texas, on the 24th of February, 1903; a copy of his certificate of birth, dated at Ettendorf, the 13th of January, 1891, and the reiseepass, No. 180, issued to him by the authorities of Alsace-Lorraine on the 17th of June, 1891.

I have, etc.,

CHARLEMAGNE TOWER.

[Inclosure.]

The foreign office to Mr. Tower.

[Translation.]

BERLIN, *May 27, 1903.*

In reply to the notes of the 24th of March and 12th of May, Nos. 63 and 94, respectively, the foreign office has the honor to return the inclosures sent therewith and to inform the embassy of the United States that according to information received from the authorities of the interior, Jakob Roos is still a subject of the German Empire. If he should return to his native land the judgment entered against him in 1895 in the Imperial courts at Strassburg, i. e., on account of his having evaded military service, would be put into execution and he would be compelled to serve in the German Army.

In view, however, of the intervention of the embassy, the authorities of Alsace-Lorraine have declared their willingness to release Roos from his allegiance to Alsace-Lorraine upon his making such request and paying the fine imposed upon him. He would then be permitted to return to Alsace upon a visit.

MILITARY-SERVICE CASE OF TONI SCHNACKENBERG.*Mr. Dodge to Mr. Hay.*

No. 164.]

EMBASSY OF THE UNITED STATES,
Berlin, July 31, 1903.

SIR: I have the honor to report that on July 24 last I was informed by the United States consul at Bremen that one Toni Schnackenberg, an American citizen, had been impressed into German military service. The consul stated that Schnackenberg was born at Carlshoofen, Kreis Zeven, on April 27, 1881; that he emigrated to the United States on September 10, 1895, provided with a "reisepass" from the proper authorities and with no charge of any kind against him. He returned to Germany, arriving on July 6 last, for the purpose of visiting relatives, and intended to return to the United States on August 22 next, holding a return ticket for that purpose. Shortly after his arrival in Germany he was arrested at the home of his father and put into the second company of the First Hanseatic Infantry Regiment, No. 75, at Bremen, where he had been held ever since. When arrested, Schnackenberg informed the authorities at the Landrat-Amt Zeven that he was an American citizen, but this was denied by them, although he was in possession of an American passport, issued by the Department of State, which he duly submitted.

The embassy at once addressed a communication to the foreign office requesting if the facts in this case were found to be as stated, that Schnackenberg's American citizenship might be recognized, and that he might be immediately released from his enforced military service. To this the foreign office replied, on July 29, that the recognition of Schnackenberg's American citizenship and his release from military service could only be considered after duly authenticated proof of his citizenship had been presented. His American passport could not be considered sufficient proof of this.

Before there was time for any further action to be taken in this matter, however, Mr. Diederich informed me that Schnackenberg had been released from his military service.

Unless, therefore, I hear that Schnackenberg is further annoyed and in the absence of instructions from you, I shall take no further action in this matter.

I have, etc.,

H. PERCIVAL DODGE

RIGHT OF CONSULAR OFFICERS TO APPLY TO LOCAL AUTHORITIES FOR INFORMATION.*Mr. Tower to Mr. Hay.*

No. 62.]

EMBASSY OF THE UNITED STATES,
Berlin, March 6, 1903.

SIR: I beg leave to call your attention to a question which has arisen recently at the consulate-general of the United States at Frankfort-on-the-Main in regard to the interpretation of article 8 of the treaty of 1871, which gives consuls-general and consuls the right to ask for information from the local authorities at their official posts.

It appears that Mr. Guenther, the United States consul-general at Frankfort, acting in compliance with a request which he had received from the American Alliance in Cincinnati, for information in regard to the number of American citizens residing in Frankfort, addressed an official note to the police president of Frankfort in December last, in which he inquired of that official how many Americans are at present living at Frankfort. To this note of the consul-general the police president replied that under instructions which he had received from his superiors he could not answer questions of that character unless they were made through the diplomatic channel. Thereupon Mr. Guenther presented the subject to me and protested against this action of the police president as being a violation of treaty stipulations, and he declared that his "office will be seriously impeded if his right to correspond freely and directly with the authorities in his consular district is in any way curtailed."

I brought his letter to the attention of the Imperial German ministry for foreign affairs with the request that an inquiry might be made as to the action of the police president, and asked that I might be informed upon what grounds the information requested by the consul-general had been refused. I have received from the imperial ministry for foreign affairs a note, under date of the 2d of February, 1903, a translation into English of which is respectfully hereto attached, in which it is formally announced that the German Government does not recognize the unrestricted right of consular officers to ask for information from the local authorities in their respective districts, but that such right is accorded only under certain conditions and for certain purposes. This note from the ministry for foreign affairs was accompanied by a copy in English of article 8 of the treaty of 1871, and I have the honor to inclose herewith an exact copy of that copy with the underscorings made at the German ministry for foreign affairs.

Article 8 of the treaty of 1871 provides that "consuls-general, consuls, vice-consuls, and consular agents shall have the right to apply to the authorities of the respective countries, whether federal or local, judicial or executive, within the extent of their consular districts, for the redress of any infraction of the treaties and conventions existing between the two countries, or of international law; to ask information of said authorities, and to address said authorities to the end of protecting the rights and interests of their countrymen."

The question at issue seems to have arisen from the interpretation of that portion of article 8 which authorizes consular officers to ask information of said authorities, and it would seem to depend somewhat upon the punctuation of that sentence. In the copy of the United States treaties published at the Government Printing Office in Washington in 1875, there is a comma after the words "said authorities," so that the sentence reads, "to ask information of said authorities, and to address said authorities to the end of protecting the rights and interests of their countrymen"; but in the copy of the treaties published in 1899 by Mr. Henry L. Bryan (which publication, however, was not authorized by the Department) the comma after "said authorities" does not appear, and the sentence would therefore read, "to ask information of said authorities and to address said authorities to the end of protecting the rights and interests of their countrymen." This would appear also to be the interpretation put upon the treaty by the German Government, although I beg leave to call your attention

to the fact that in the copy of article 8 sent to me from the ministry for foreign affairs the words "and to address said authorities" are entirely left out, so that the sentence quoted by the German ministry reads, "to ask information of said authorities to the end of protecting the rights and interests of their countrymen," whence it appears that the German Government has decided that consular officers have not the right to ask the local authorities for general information, but merely to ask for information in connection with the protection of the rights and interests of their countrymen; that is to say, in a limited and restricted sense.

Whilst I do not believe that as a rule a request from a United States consular officer for general information would be refused by the local authorities, yet the interpretation of this provision of the treaty has rather a wide importance in determining the authority of United States consular officers to ask for and obtain detailed information which may be useful and necessary in the performance of their official duties and in rendering service to their Government. I have considered it necessary, therefore, to present this subject to you in detail as it has arisen, and respectfully to inquire what the interpretation of the United States Government is of article 8 of the treaty of 1871, and how far the Government recognizes the right of German consuls in America to ask for and obtain general information from the local authorities in their districts, under the provisions of the treaty. I beg also to be informed whether in the original text of the treaty of 1871 there is a comma after the words "to ask information of said authorities," and whether it is the understanding of the United States Government that this article authorizes consular officers to ask for information in an unrestricted and general sense, or whether it understands that the authority granted by the treaty extends merely to the right of asking for information "to the end of protecting the rights and interests of their countrymen."

I have, etc.,

CHARLEMANGE TOWER.

[Inclosure.—Translation.]

The Foreign Office to Mr. Tower.

BERLIN, February 2, 1903.

The consul-general of the United States of America at Frankfort-on-the-Main has called attention to the fact that in reply to a request for information regarding the number of American citizens in Frankfort which he addressed to the president of police there, the latter declined to give the information, remarking that "according to instructions issued from higher authorities the question appears to be one for settlement through the diplomatic channel." The consul-general considers this refusal to be an infringement of article 8 of the German-American consular convention of the 11th of December, 1871. This view does not appear, however, to be correct. According to the German-American consular convention the consuls of the two countries have not an unrestricted and general right to ask for information of the authorities in their district, but only under certain conditions and for certain purposes. The inclosed copy of the text of article 8 of the convention in question shows that the present inquiry of the consul-general, which is for the purpose of collecting statistical data, does not fall within the provisions of this article, and that therefore the conditions of the treaty were not violated by the police president at Frankfort-on-the-Main when he referred the consul-general to the diplomatic channel. In the meantime, since it is assumed that the embassy desires that the information asked for by the consul-general shall be given to him, steps will be taken to furnish him the details in so far as that may be possible.

[Subinclosure.]

ARTICLE 8. Consuls-general, consuls, vice-consuls, and consular agents shall have the right to apply to the authorities of the respective countries, whether federal or local, judicial or executive, within the extent of their consular district, *for the redress of any infraction of the treaties and conventions existing between the two countries or of international law; to ask information of said authorities to the end of protecting the rights and interests of their countrymen, especially in cases of the absence of the latter*, in which cases such consuls, etc., shall be presumed to be their legal representatives.

Mr. Hay to Mr. Tower.

No. 42.]

DEPARTMENT OF STATE,
Washington, April 1, 1903.

SIR: The Department has received your No. 62, of the 6th instant, with inclosure, relating to the question of the right of consuls of the United States in Germany, under article 8 of the convention of December 11, 1871, with Germany, to address directly the local authorities of the consular district for information.

In reply I have to say that article 8 of the treaty stipulates that:

Consuls-general, consuls, vice-consuls, and consular agents shall have the right to apply to the authorities of the respective countries, whether federal or local, judicial or executive, within the extent of their consular district, for the redress of any infraction of the treaties and conventions existing between the two countries or of international law; to ask information of said authorities and to address said authorities to the end of protecting the rights and interests of their countrymen, especially in cases of the absence of the latter; in which cases such consuls, etc., shall be presumed to be their legal representatives.

The punctuation of both the English and German texts of the original treaty agree with the contention of the German Government. Article 8 specifies three cases, and three cases only, in which such intervention may be had with the local authorities, namely:

1. For the redress of any infraction of the treaties and conventions between the two countries.
2. For the redress of any infraction of international law.
3. To the end of protecting the rights and interests of their countrymen.

The treaty stipulations are in derogation of the rights of sovereignty and can not be interpreted or construed so as to include rights not expressly given them by the treaty. It therefore follows that as the basis of a demand for such official information of the authorities of either country it must appear that such information is legitimately sought to aid the official in obtaining information to the end of protecting the rights and interests of his countrymen. This right to ask information with a view of protecting the threatened rights and interests of his countrymen only exists in a concrete case where the violation of such rights and interests is committed or threatened, and where such information is necessary for the purposes of protection. That this is the general intentment of the statute is apparent from the last clause in the first paragraph of article 8, which reads as follows: "In which cases such consuls, etc., shall be presumed to be their legal representatives" (that is to say, in the absence of their countrymen.) This article of the treaty was adopted in aid of the administration of

justice and for the vindication of rights and interests which were violated or threatened with violation, and can not be extended by construction so as to authorize the consular officers to organize a statistical bureau or a bureau of information, or for any other similar function which belongs to the local Government. In general, information which may be desired outside of the purview of the article can only properly be sought through diplomatic channels, subject to the direction and supervision and action of the two foreign offices.

I am, etc.,

JOHN HAY.

VISIT OF UNITED STATES EUROPEAN SQUADRON TO KIEL.

Mr. Tower to Mr. Hay.

No. 131.]

EMBASSY OF THE UNITED STATES,
Berlin, July 2, 1903.

SIR: I have the honor to report to you that the American squadron under command of Rear-Admiral C. S. Cotton, and consisting of the battle ship *Kearsarge*, Captain Hemphill; the cruisers *San Francisco*, Captain Walker; *Chicago*, Captain Cornwell; and *Machias*, Captain McCrea, arrived at Kiel on the afternoon of Tuesday, the 23d of June. I left Berlin on the same day and went to Kiel, in order to be present there as representative of the United States Government in Germany during the visit of the American ships.

The squadron was received with every mark of distinction on the part of the naval authorities and German ships of war at Kiel, while especial courtesy was shown to Admiral Cotton and his officers during their visit there by the German Emperor and Prince Henry of Prussia.

The Emperor arrived in Kiel on the evening of Wednesday, the 24th of June, aboard his yacht the *Hohenzollern*, having sent word by telegraph beforehand that he should be glad to receive Admiral Cotton and the captains of the American ships on board the *Hohenzollern* as soon as she came to anchor in the harbor of Kiel. Accordingly, the admiral and the captains boarded the *Hohenzollern* and were received in audience by the Emperor, who expressed his happiness at seeing them and bade them welcome to Germany.

Upon the following morning the Emperor went aboard the *Kearsarge*, where he remained for about an hour and-a-half. He had invited me, in the meantime, to come and see him aboard the *Hohenzollern*, where I was awaiting him upon his return from his visit to the *Kearsarge*. He expressed the greatest pleasure at having seen the ship itself, and especially at the manner in which it was equipped and generally kept in order. In speaking of Captain Hemphill, he said to me: "That is a captain who understands his business. I asked him many questions which he answered immediately, himself, without being obliged to refer to anybody for information. That is a fine ship and a good captain."

On Wednesday, the 24th of June, Prince and Princess Henry of Prussia invited the admiral and the four captains to luncheon at the castle in Kiel, at which I was also present, accompanied by Capt. Templin

M. Potts, the United States naval attaché at this embassy; and on the evening of Thursday, the 25th of June, the admiral, with his officers, was invited by the Emperor to dine on board the *Hohenzollern*, at which dinner I was also present, accompanied by Mr. H. Percival Dodge, first secretary; Capt. Templin M. Potts, naval attaché; Mr. R. S. Reynolds Hitt, second secretary; and Mr. Charles Richardson, third secretary of this embassy. Prince and Princess Henry of Prussia gave also a garden party at the castle in Kiel in honor of the American officers on Friday afternoon, the 26th of June, which was attended by the Emperor and Empress and some six or eight hundred people, among them the Chancellor of the Empire and all the high officials, civil, military, and naval, who were at that time in Kiel.

On Friday evening, the 26th of June, I gave a dinner at the Yacht Club, in Kiel, in honor of Admiral Cotton and his officers, at which the Emperor and Prince Henry were present, as also the Chancellor of the Empire, Count von Bülow; the grand marshal of the court, Count von Eulenburg; Vice-Admiral von Tirpitz, imperial secretary of the navy; Admiral Koester, Vice-Admiral von Senden Bibran, Vice-Admiral von Arnim, Vice-Admiral Büchsel, chief of the naval general staff. There were altogether seventy-two people at table. In the course of the dinner I made an address to the Emperor as follows:

It is with very great pleasure that I have been permitted to present to Your Majesty Admiral Cotton and the officers of the United States Navy who accompany him upon this visit to Kiel. They have come here with their ships of war upon a mission of peace, bringing with them cordial sentiments of friendship from America to Germany.

I am convinced that Your Majesty and Your Majesty's people entertain the same sentiments in return toward the President and the people of the United States of America. Your Majesty's interest in us has proven this upon many memorable occasions, especially, however, upon that of the visit of His Royal Highness Prince Henry of Prussia, who was received throughout the country with demonstrations of hearty and sincere welcome, and who, when he embarked to return across the Atlantic Ocean, left behind him the universal wish that he would come to us and visit us again.

Your Majesty has also given proof of these sentiments in the present of the magnificent casts which Your Majesty has recently sent to Harvard University. These works form so rare a collection of the best examples of sculpture and architecture in Germany that they will establish an art museum by themselves and will afford a splendid opportunity for study to the youth of America, who will henceforth remember Your Majesty as a great public benefactor.

Mutual understanding between nations, as between individuals, is best attained by personal intercourse which leads to better acquaintance; and it is the happy outcome of an occasion like this that friends strengthen the bond of friendship, which, in the case of two great powers like Germany and the United States, is a benefit to the whole civilized world. The efforts of Germany and the United States are constantly tending toward the same purposes in the development of civilization, the extension of commerce, and the peace of the world. The closer our personal acquaintance becomes, the more we are sure to discover how near our paths lie to each other, how readily we may follow them together, and how much we have each to gain by the maintenance of harmony in the future, as in the present and the past. America wishes this, sir, with all sincerity.

There are hundreds of thousands of people of German birth and German extraction living in the United States who look back from their new home with feelings of tender affection toward the Fatherland. They are among the best of our citizens. They bring with them to us the habits of thrift and industry and the high ideals of domestic life which they have inherited from their ancestors, and which have contributed so much to make America what it is. These people will rejoice, as all Americans rejoice, at the incidents that are taking place at Kiel, and we all are happy at the assurances which we derive from Your Majesty's presence here to-night.

Speaking for the nation, I have the honor to convey to Your Majesty the cordial greetings and hearty good wishes of the President and the people of the United States of America.

I then proposed the health of the Emperor and the Empress, the Crown Prince, and the other members of the Emperor's family, to which the Emperor replied:

In responding to your excellency's warm and sympathetic toast, I offer a cordial welcome to the American squadron, Admiral Cotton, and his officers, in the name of the German people. We look upon them as the bearers of friendly sentiments of the citizens of the United States, to which, I can assure your excellency, the whole of Germany heartily responds. I am happy that my hopes for a better mutual understanding between our two countries, through the personal intercourse which my brother, Prince Henry, was able to hold with your excellency's countrymen, have been fully realized and have strengthened the bonds of friendship between Germany and America. That my gift of the casts of medieval German architecture has been received in so gracious a manner by the Harvard University gives me the greatest satisfaction. I hope that the samples relating to our old history will induce many of the young students to come over to Germany to study the originals and the people who live around them. My sincerest wish is that our two peoples may become yet closer acquainted. No serious citizen in America or Germany, I trust, believes that the harmony and continuance of our mutual interest could be disturbed by permanent factors in our relationship. We are knit too closely together in our material interests. Rivalries of trade and commerce will always exist, but the power which draws us together is too strong to allow the development of any antagonism. It is my firmest conviction that the fact of so many hundreds of thousands of Germans living and thriving in the United States, with their hearts still warm with their love of their old Fatherland, will render the task more easy for smoothing the path of undisturbed and progressive relations which are of vital importance to our countries. It is now my duty to beg your excellency to thank His Excellency the President of the United States for the joyous occasion for which we are indebted to his kindness. We all over here admire his firmness of character, his iron will, his devotion to his country, and his indomitable energy, and we readily grasp the hand proffered to us across the sea in cordial friendship, feeling at the same time that blood is thicker than water.

Gentlemen, I propose the toast of His Excellency the President of the United States. God bless him and the United States.

On Saturday, the 27th of June, Admiral Cotton gave a luncheon on board the flagship *Kearsarge*, which was attended by the Emperor and Prince Henry. There were also present the Chancellor of the Empire, Count Eulenburg, Vice-Admiral von Tirpitz, and all the other German admirals then at Kiel, as well as other high officers of the German service and the captains of the American squadron. I was also present at table, accompanied by Captain Potts, Mr. Hitt, and Mr. Richardson. At the close of the luncheon the Emperor arose and, thanking Admiral Cotton for the reception which had been accorded to him on board the *Kearsarge*, presented to the captain and officers of the *Kearsarge* a fine piece of silver in the form of a large bowl with a cover and handles, which he asked them to accept as a souvenir of their visit to Kiel.

On Tuesday afternoon, the 30th of June, the American squadron left Kiel. Before leaving, Admiral Cotton wrote me the following letter:

KIEL, June 29, 1903.

SIR: I have the honor to inform you that, in accordance with the order of the honorable Secretary of the Navy, the United States European Squadron, under my command, will sail from this port to-morrow afternoon at 6 o'clock.

May I ask that you will take such steps as may be necessary to convey the information to His Majesty the Emperor, and to express to him for myself and the captains and officers under my command our sincere and cordial thanks for, and our deep appreciation of, the boundless courtesy and cordial and charming hospitality extended to us by His Majesty, by his Royal and Imperial Highness, Admiral Prince Henry of Prussia, and by all the other admirals, captains, and officers of his splendid fleet present in this harbor, and also by those officers who are on duty on shore.

We depart with profound regret, and shall ever bear in memory the delightful week passed by the United States squadron in the harbor of Kiel, as the guests of His Majesty the Emperor.

I have, etc.,

C. S. COTTON.

I have communicated this message from Admiral Cotton to the Imperial minister for foreign affairs with the request that it may be presented to the Emperor.

I am happy to report to you that the whole of the visit of this squadron was eminently successful in every respect. I believe that it has drawn the two nations together in a way which will do lasting good, and I am convinced that it will have the happiest results in the intercourse between Germany and the United States.

I have, etc.,

CHARLEMAGNE TOWER

GREAT BRITAIN.

DIFFICULTY WITH VENEZUELA GROWING OUT OF NONPAYMENT OF CLAIMS AGAINST THE GOVERNMENT OF THAT COUNTRY OF NATIONALS OF GREAT BRITAIN AND OTHER COUNTRIES.^a

Mr. Hay to Mr. White.

[Telegram.—Paraphrase.]

DEPARTMENT OF STATE,
Washington, December 5, 1902.

(Mr. Hay states that, at the request of J. and W. Seligman & Co., bankers, New York, who are trying to make an arrangement to effect a settlement of the Venezuelan debt, it gives him pleasure to say that the President would be glad if such an arrangement could be made as might obviate the necessity of any exhibition of force on the part of Germany and Great Britain. Mr. White will understand, however, that the United States Government assumes no obligation whatever in the nature either of a material or moral guaranty of any liabilities created by the transaction.

This instruction is sent for Mr. White's information in case anyone in interest makes inquiry of him.)

Mr. Hay to Mr. White.

[Telegram.—Paraphrase.]

DEPARTMENT OF STATE,
Washington, December 12, 1902.

(Mr. Hay, referring to the pro-memoria^b of the Imperial German embassy of December 20, 1901, stating that the proposed pacific blockade of Venezuelan harbors "would touch likewise the ships of neutral powers, inasmuch as such ships, although a confiscation of them would not have to be considered, would have to be turned away and prohibited until the blockade should be raised," directs Mr. White to say to the British Government that the United States adheres to the position taken by it in relation to the Cretan blockade in 1897 [see Foreign Relations, 1897, p. 255], and therefore does not acquiesce in any extension of the doctrine of pacific blockade which may adversely affect the rights of states not parties to the controversy, or discriminate against the commerce of neutral nations; and that the Government of the United States reserves all of its rights in the premises.)

^aFor other correspondence on this subject, see under Germany, page 417; Italy, page 601; and Venezuela, page 788.

^bPrinted Foreign Relations, 1901, p. 196.

Mr. Hay to Mr. White.

[Telegram.—Paraphrase.]

DEPARTMENT OF STATE,
Washington, December 12, 1902.

(Mr. Hay states that the Venezuelan Government requests the United States minister to communicate a proposition to Great Britain and Germany that the present difficulty respecting the manner of settling claims for injuries to British and German subjects during the insurrection be submitted to arbitration.)

Mr. White is directed to communicate this proposal to the minister for foreign affairs, and to advise the Department of his reply.)

Mr. White to Mr. Hay.

[Telegram.—Paraphrase.]

EMBASSY OF THE UNITED STATES,
London, December 15, 1902.

(Mr. White reports that he has just had an interview with the minister for foreign affairs; that members of the Government are scattered in the country, and no reply to Venezuelan proposal is possible to-day; that there will be a meeting of the cabinet on the 16th instant, after which Mr. White expects to see the minister for foreign affairs.)

Mr. White to Mr. Hay.

[Telegram.—Paraphrase.]

EMBASSY OF THE UNITED STATES,
London, December 16, 1902.

(Mr. White reports that he has just heard Lord Lansdowne make the following statement in the House of Lords, in reply to a question by Lord Spencer, leader of the opposition:

In the event which the noble Lord supposes, further measures of coercion will no doubt be inevitable. The question has been considered by His Majesty's Government, in consultation with the German Government, and it has been decided, as I think will be evident from the general tenor of the blue book, to resort to a blockade of the Venezuelan ports, some of which will be blockaded by British and some by German ships of war. It is not intended to land a British force, and still less to occupy Venezuelan territory.)

Mr. Hay to Mr. White.

[Telegram.—Paraphrase.]

DEPARTMENT OF STATE,
Washington, December 16, 1902.

(Mr. Hay states that Ambassador Tower telegraphs from Germany that Great Britain insists on warlike blockade, and inquires if this report is accurate. If so, Mr. White is directed to try to get a definition of what is intended thereby, and to represent the great desirability of arbitration, which is now earnestly wished by Venezuela.)

Mr. White to Mr. Hay.

[Telegram.—Paraphrase.]

EMBASSY OF THE UNITED STATES,
London, December 17, 1902.

(Mr. White reports that he has just had an interview with the minister for foreign affairs, to whom he communicated his instructions to represent the desirability of arbitration. The minister for foreign affairs is not yet able to make a reply, but hopes to do so after the meeting of the cabinet, when Mr. White is to see him.)

Mr. White to Mr. Hay.

[Telegram.—Paraphrase.]

EMBASSY OF THE UNITED STATES,
London, December 17, 1902.

(Mr. White reports that he has just asked the minister for foreign affairs about the German ambassador's statement relative to blockade term "warlike blockade." It was used, probably, in contradistinction to so-called pacific blockade, to which Germany wanted Great Britain to agree, chiefly because blockade *jure gentium* is an act of war, upon which Germany can not enter without consent of the Bundesrath. The British Government absolutely declined this proposition, and Germany consented two days ago to a regular blockade *jure gentium*. Owing to delay caused by necessity to convoke Bundesrath, formal notice of blockade of Venezuelan coast will be delayed a few days.)

Mr. White to Mr. Hay.

No. 1002.]

AMERICAN EMBASSY,
London, December 17, 1902.

SIR: I have the honor to acknowledge the receipt of your telegraphic instructions of the 12th instant, and to inclose a copy of the note which I thereupon addressed to His Majesty's secretary of state for foreign affairs, setting forth the position assumed by our Government with respect to the "pacific" blockade proposed by Germany.

I have not yet received a reply to this note, but I have ascertained that this Government declined some time ago to assent to Germany's proposal for a "pacific" blockade on the ground that they have always maintained a blockade *jure gentium* to be the only form of blockade admissible.

I have, etc.,

HENRY WHITE.

[Inclosure.]

Mr. White to the Marquis of Lansdowne.

AMERICAN EMBASSY, *London, December 13, 1902.*

MY LORD: A memorandum was communicated by the German embassy at Washington to the Department of State on the 20th of December, 1901, in which it is stated that the proposed pacific blockade of the Venezuelan harbors for some time "would touch

likewise the ships of neutral powers, inasmuch as such ships, although a confiscation of them would not have to be considered, would have to be turned away and prohibited until the blockade should be raised."

I have the honor, with reference to this statement, to acquaint your lordship that I am instructed by Mr. Secretary Hay to inform His Majesty's Government that my Government adheres to the position taken by it in relation to the Cretan blockade, as explained in the note addressed on March 26, 1897, by Mr. Sherman, at that time Secretary of State, to His Majesty's ambassador at Washington, wherein it is set forth that the United States does not concede "the right to make such a blockade as that referred to," and reserves "the consideration of all international rights and of any question which may in any way affect the commerce or interests of the United States."

The United States therefore does not acquiesce in any extending of the doctrine of pacific blockade which may adversely affect the rights of states not parties to the controversy or discriminate against the commerce of neutral nations, and my Government reserves all of its rights in the premises.

I have, etc..

HENRY WHITE.

Mr. White to Mr. Hay.

[Telegram.—Paraphrase.]

EMBASSY OF THE UNITED STATES,
London, December 18, 1902.

(Mr. White reports that the prime minister stated yesterday in the House of Commons that he agrees with the United States in thinking "there can be no such thing as a pacific blockade," and that "evidently a blockade does involve a state of war," and added that "all the conditions governing such a blockade have been drawn up and will be published in due time for the information of neutrals;" also, that "the Government are most anxious that these operations shall be as little inconvenient to neutral powers as they can possibly be made." He furthermore said, in reply to a question, "Has war been declared?" "Does the honorable and learned gentleman suppose that without a state of war you can take the ships of another power and blockade its ports?")

Mr. White to Mr. Hay.

[Telegram.—Paraphrase.]

EMBASSY OF THE UNITED STATES,
London, December 18, 1902.

(Mr. White reports that he has just been informed by the British minister for foreign affairs, upon the termination of the council, that the cabinet gladly accept the principle of arbitration for the purpose of settling the dispute with Venezuela, and would be disposed to approach the President of the United States and ask if he would act as arbitrator. Certain claims would, however, be excluded from arbitration, and His Majesty's Government will be able at an early date to explain what categories, the nature of which Mr. Hay can surmise, will form the excluded claims, with respect to which immediate cash settlement will be required. Meanwhile it is not proposed for the present to desist from the measures of coercion now in progress.)

Mr. White to Mr. Hay.

[Telegram.—Paraphrase.]

EMBASSY OF THE UNITED STATES,
London, December 18, 1902.

(Mr. White reports that immediate cash payment need not necessarily be large, recognition of the principle rather than amount of payment being the question.)

Mr. Hay to Mr. White.

[Telegram.—Paraphrase.]

DEPARTMENT OF STATE,
Washington, December 18, 1902.

(Mr. Hay states that the United States minister to Venezuela telegraphs to the Department that the Government of Venezuela has conferred upon him full powers to enter into negotiations on the part of Venezuela to settle the present difficulties with Great Britain, Germany, and Italy.)

Mr. White is directed to communicate the Venezuelan proposition to the Government of Great Britain and ascertain if it is disposed to assent thereto.)

Mr. White to Mr. Hay.

[Telegram.—Paraphrase.]

EMBASSY OF THE UNITED STATES,
London, December 19, 1902.

(Mr. White reports that he has had an interview with the minister for foreign affairs and handed him a note containing the Venezuelan proposal embodied in Department's telegram received this date. The minister for foreign affairs said he would confer with the prime minister and send an immediate reply, which Mr. White has received. It refers to acceptance of arbitration proposal; expresses hope that the President of the United States will consent to act as arbitrator; states that conditions under which such arbitration might take place have been fully considered and will be communicated to Mr. White within a few hours, and concludes as follows: "In these circumstances His Majesty's Government prefer not to abandon the proposals which they have already made, proposals which seem to them to afford every hope of satisfactory settlement, in order to adopt the alternative procedure which the Venezuelan Government have apparently suggested.")

Mr. Hay to Mr. White.

[Telegram.—Paraphrase.]

DEPARTMENT OF STATE,
Washington, December 19, 1902.

(Mr. Hay acknowledges the receipt of Mr. White's telegram mentioning the President's name as possible arbitrator, and states that

while the President would not decline any service which was desired by the powers interested for the settlement of pending claims he would like Mr. White to intimate, discreetly and unofficially, to the British minister for foreign affairs that he would regard it as altogether desirable that the matter should be referred to The Hague.)

Mr. White to Mr. Hay.

No. 1005.]

AMERICAN EMBASSY,
London, December 19, 1902.

SIR: Referring to my dispatch No. 1002, I have the honor to inclose herewith copies of your telegraphic instructions^a relative to the nature of the proposed blockade, and of my reply^a to the same, from which you will see that the term "warlike blockade" must have been used by Germany in contradistinction to the so-called "pacific blockade," to which that country wanted Great Britain to assent, but the latter declined to do so. You will also observe from the telegram I sent you on the 18th instant that His Majesty's Government agree with ours in thinking that "there can be no such thing as a pacific blockade," and that a blockade does involve a state of war, but that "it is hoped that these operations shall be as little inconvenient to neutral powers as they can possibly be made."

I have, etc.,

HENRY WHITE.

Mr. White to Mr. Hay.

[Telegram.—Paraphrase.]

EMBASSY OF THE UNITED STATES,
London, December 20, 1902.

(Mr. White reports that in accordance with the Department's instruction he has conveyed intimation in connection with suggestion as to arbitration at The Hague, in the manner therein directed to the under secretary of state for foreign affairs, who has telegraphed it to Lord Lansdowne. The latter will be absent from London until Monday, when Mr. White will see him.)

Mr. Hay to Mr. White.

[Telegram.—Paraphrase.]

DEPARTMENT OF STATE,
Washington, December 20, 1902.

(Mr. Hay states that the President has informed Venezuela of the invitation which may be extended to him by the powers and has inquired if it is also the wish of Venezuela that he so act.

Pending the Venezuelan answer the President would be glad to be informed more precisely of the reservations of the subject-matter of arbitration contemplated by the powers as soon as they are formulated.)

Mr. White to Mr. Hay.

[Telegram.—Paraphrase.]

EMBASSY OF THE UNITED STATES,
London, December 20, 1902.

(Mr. White states that the supplement to the London Gazette of December 20, 1902, contains the following notice only:

It is hereby notified that as the United States of Venezuela have failed to comply with the demands of His Majesty's Government, a blockade by His Majesty's naval forces on the ports of La Guayra, Carenero, Guanta, Cumana, Carupano, and the mouths of the Orinoco is declared, and such blockade will be effectively maintained from and after the 25th day of December, subject to an allowance of the following days of grace for vessels sailing before the date of this notification. From West Indian ports and from ports on the east coast of the continent of America, ten days for steamers and twenty days for sailing vessels; from all other points, twenty days for steamers and forty days for sailing vessels; for vessels lying in ports now declared to be blockaded, fifteen days. Vessels which attempt to violate the blockade will render themselves liable to all measures authorized by the law of nations and the respective treaties between His Majesty's Government and the different neutral powers.)

Mr. White to Mr. Hay.

No. 1007.]

AMERICAN EMBASSY,
London, December 20, 1902.

SIR: I have the honor to inclose herewith copies of a cablegram^a which I received from you early yesterday morning; of a note which I thereupon addressed and handed myself to the Marquis of Lansdowne at the foreign office in the afternoon; of his lordship's reply, which reached me very shortly afterwards, and of a cablegram^a which, upon the receipt of Lord Lansdowne's note, I sent you, relative to the proposed submission of the claims of Great Britain and Germany to arbitration, and more particularly to the action of the Venezuelan Government in conferring upon our minister at Caracas full powers to enter into negotiations with regard to the present difficulties of Great Britain and Germany with Venezuela.

You will observe from Lord Lansdowne's note that this Government, having already accepted the proposal of the Venezuelan Government to refer to arbitration the matters in controversy between the two governments, and having expressed the hope that the President of the United States would act as arbitrator, prefer to adhere to that decision rather than to adopt an alternative proceeding. I may add that the moment he read my note Lord Lansdowne said that he felt sure that such would be the view of His Majesty's Government, but that before giving me a definite answer he would consult the prime minister and communicate in writing immediately the Government's reply, which he did within an hour.

I have, etc.,

HENRY WHITE.

[Inclosure No. 1.]

Mr. White to Lord Lansdowne.

AMERICAN EMBASSY, *London, December 19, 1902.*

MY LORD: I have the honor to inform your lordship that Mr. Bowen, the American minister to Venezuela, has informed my Government by telegraph that the

^a Printed ante.

Venezuelan Government has conferred upon him full powers to enter into negotiations on the part of Venezuela to settle the present difficulties with Great Britain, Germany, and Italy.

I am instructed by Mr. Secretary Hay to communicate the Venezuelan proposition to your lordship, and to ascertain whether His Majesty's Government be disposed to assent thereto.

I have, etc.,

HENRY WHITE.

[Inclosure No. 2.]

Lord Lansdowne to Mr. White.

FOREIGN OFFICE, *December 19, 1902.*

SIR: I have had the honor to receive your note of this day's date, stating that Mr. Bowen, the American minister at Caracas, has informed the United States Government that the Venezuelan Government have conferred upon him full powers to enter into negotiations with regard to the present difficulties with Great Britain, Germany, and Italy. His Majesty's Government have, as you are aware, already accepted the proposal of the Venezuelan Government to refer to arbitration the matters in controversy between the two governments and have expressed their hope that the President of the United States will consent to act as arbitrator.

The conditions under which such arbitration might take place have been fully considered, and I hope to make you aware of them in the course of a few hours.

In these circumstances His Majesty's Government prefer not to abandon the proposals which they have already made, proposals which seem to them to afford every hope of satisfactory settlement, in order to adopt the alternative procedure which the Venezuelan Government have apparently now suggested.

I have, etc.,

LANSDOWNE.

Mr. White to Mr. Hay.

No. 1008.]

AMERICAN EMBASSY,
London, December 20, 1902.

SIR: Referring to my dispatch, No. 1005, of yesterday's date, I have the honor to inclose herewith the copy of a note which I received yesterday from His Majesty's secretary of state for foreign affairs, in reply to mine of the 13th instant, of which a copy has already been forwarded to you.

I have, etc.,

HENRY WHITE.

[Inclosure.]

Lord Lansdowne to Mr. White.

FOREIGN OFFICE, *December 17, 1902.*

SIR: I have the honor to acknowledge the receipt of your note of the 13th instant, stating, with reference to the proposal of the German Government for a pacific blockade of the Venezuelan harbors, that the United States Government do not acquiesce in any extension of the doctrine of pacific blockade which may adversely affect the right of States not parties to the controversy or discriminate against the commerce of neutral nations. You add that the United States Government reserve all their rights in connection with the matter.

I have, etc.,

LANSDOWNE.

Mr. White to Mr. Hay.

[Telegram.—Paraphrase.]

EMBASSY OF THE UNITED STATES,
London, December 22, 1902.

(Mr. White reports that Lord Lansdowne, with whom he has just had an interview, says that his Government does not feel disposed to

modify in any way the suggestion already made that the President of the United States should act as arbitrator, as they are very desirous that he should do so. Lord Lansdowne pointed out that according to the newspapers the proposal had been received with marked approval on both sides of the ocean, and seemed to think that if accepted it would inspire an amount of confidence which would be the case with no other arbitrator. Mr. White then asked Lord Lansdowne whether, if the President should be unable to see his way to act, the British Government would consent to The Hague tribunal, to which Lord Lansdowne replied that they would, but that he hoped very much the President would not decline.

Mr. White has not yet received the arbitration conditions and reservations. Lord Lansdowne said the delay was caused by necessity for further reference to Germany, whose reply is awaited hourly, and that he hoped to be able to communicate them to Mr. White in time for them to be communicated to the Department to-night. Lord Lansdowne also said that the British and German notes will not be identic.)

Mr. White to Mr. Hay.

[Telegram.—Paraphrase.]

EMBASSY OF THE UNITED STATES,
London, December 23, 1902.

(Mr. White reports that Lord Lansdowne has just handed him the expected memorandum,^a a lengthy document, which he will cable as soon as possible.

Claims for outrages to British vessels and subjects are entirely reserved. With respect to injury or wrongful seizure of property, the arbitrator is limited to three points. All other claims will be submitted without reservation, the arbitrator to determine not only compensation, but to define security and the means of obtaining execution of the award. The President of the United States is invited to arbitrate, but, if impossible, both Governments are prepared to refer the questions at issue to The Hague tribunal of arbitration.

Lord Lansdowne said that the British Government will be greatly disappointed if the President can not consent to act as arbitrator.)

Mr. White to Mr. Hay.

[Telegram.—Paraphrase.]

EMBASSY OF THE UNITED STATES,
London, December 24, 1902.

(Mr. White reports that Lord Lansdowne intimated to him yesterday that if the Government of the United States should desire alterations or modifications in the arbitration proposals, His Majesty's Government would be happy to consider any such, provided they did not involve any question of principle.)

Mr. White to Mr. Hay.

No. 1012.]

AMERICAN EMBASSY,
London, December 24, 1902.

SIR: I have had the honor to keep you so fully informed by telegraph during the past few days of every step which I have taken under your instructions with respect to the Venezuelan question and of the interviews which I have had with His Majesty's secretary of state for foreign affairs that there is little for me to add by the dispatch leaving to-day.

It was not possible, as I have already informed you, for this Government to communicate to me until yesterday the proposals and reservations with respect to arbitration which, I have reason to believe, have been practically completed for several days past, owing to the necessity of communicating with Germany twice on the subject and of awaiting the latter's reply.

Yesterday, however, I was requested by Lord Lansdowne to call at the foreign office at 3 o'clock, when he handed me the memorandum which I had the honor to cable you yesterday, and of which I inclose a copy herewith.

In doing so, his lordship again expressed to me the earnest desire of His Majesty's Government that the President would consent to act as arbitrator, and added that they will be "greatly disappointed" should he be unable to see his way to do so. Lord Lansdowne also intimated, in the course of my brief conversation with him, that if there should be anything which our Government would like altered or modified in the memorandum, His Majesty's Government would be happy to consider any suggestion from us to that effect, provided no modification of any principle laid down therein were involved. Having omitted to mention this in my lengthy cablegrams of yesterday, I have sent you to-day a telegram on the subject.

I may add that the press of this country appears to be practically unanimous in its desire that the President should act as arbitrator. For several days past there has been a leading article on the subject in most of the principal newspapers.

I have, etc.,

HENRY WHITE.

[Inclosure.]

Memorandum.

DECEMBER 23, 1902.

His Majesty's Government have, in consultation with the German Government, taken into their careful consideration the proposal communicated by the United States Government at the instance of that of Venezuela.

The proposal is as follows:

That the present difficulty respecting the manner of settling claims for injuries to British and German subjects during the insurrection be submitted to arbitration.

The scope and intention of this proposal would obviously require further explanation. Its effect would apparently be to refer to arbitration only such claims as had reference to injuries resulting from the recent insurrection. This formula would evidently include a part only of the claims put forward by the two Governments, and we are left in doubt as to the manner in which the remaining claims are to be dealt with.

Apart, however, from this, some of the claims are of a kind which no Government could agree to refer to arbitration. The claims for injuries to the person and property of British subjects owing to the confiscation of British vessels, the plunder-

ing of their contents, and the maltreatment of their crews, as well as some claims for the ill-usage and false imprisonment of British subjects, are of this description.

The amount of these claims is no doubt comparatively insignificant, but the principle at stake is of the first importance, and His Majesty's Government could not admit that there was any doubt as to the liability of the Venezuelan Government in respect of them.

His Majesty's Government desire, moreover, to draw attention to the circumstances under which arbitration is now proposed to them.

The Venezuelan Government have during the last six months had ample opportunities for submitting such a proposal. On July 29, and again on November 11, it was intimated to them in the clearest language that unless His Majesty's Government received satisfactory assurances from them, and unless some steps were taken to compensate the parties injured by their conduct, it would become necessary for His Majesty's Government to enforce their just demands. No attention was paid to these solemn warnings, and in consequence of the manner in which they were disregarded His Majesty's Government found themselves reluctantly compelled to have recourse to the measures of coercion which are now in progress.

His Majesty's Government have, moreover, already agreed that in the event of the Venezuelan Government making a declaration that they will recognize the principle of the justice of the British claims, and that they will at once pay compensation in the shipping cases and in the cases where British subjects have been falsely imprisoned or maltreated, His Majesty's Government will be ready, so far as the remaining claims are concerned, to accept the decision of a mixed commission which will determine the amount to be paid and the security to be given for payment. A corresponding intimation has been made by the German Government.

This mode of procedure seemed to both Governments to provide a reasonable and adequate mode of disposing of their claims. They have, however, no objection to substitute for the special commission a reference to arbitrate, with certain essential reservations. These reservations are, so far as the British claims are concerned, as follows:

(1) The claims—small, as has already been pointed out, in pecuniary amount, arising out of the seizure and plundering of British vessels and outrages on their crews and the maltreatment and false imprisonment of British subjects—are not to be referred to arbitration.

(2) In cases where the claim is for injury to or wrongful seizure of property the questions which the arbitrators will have to decide will only be (*a*) whether the injury took place and whether the seizure was wrongful, and (*b*) if so, what amount of compensation is due. That in such cases a liability exists must be admitted in principle.

(3) In the case of claims other than the above we are ready to accept arbitration without any reserve. It would, in the opinion of both Governments, be necessary that the arbitral tribunal should not only determine the amount of compensation payable by Venezuela, but should also define the security to be given by the Venezuelan Government and the means to be resorted to for the purpose of guaranteeing a sufficient and punctual discharge of the obligation.

Should the President of the United States be willing to undertake the task of arbitrator the British and German Governments would avail themselves of his good offices with the highest satisfaction.

If it should unfortunately prove impossible for the President to render this important service to the two Governments they are prepared to refer the questions at issue to arbitration by The Hague tribunal.

Mr. Hay to Mr. White.

[Telegram.—Paraphrase.]

DEPARTMENT OF STATE,
Washington, December 26, 1902.

(Mr. Hay directs Mr. White to inquire of Lord Lansdowne, in view of Venezuela's acceptance in principle of arbitration by The Hague tribunal, if Mr. Hay is at liberty to communicate the propositions to the Government of Venezuela.)

Mr. Hay to Mr. White.

[Telegram.—Paraphrase.]

DEPARTMENT OF STATE,
Washington, December 26, 1902.

(Mr. Hay states that the President appreciates profoundly the courtesy with which the powers in interest have suggested his name as arbitrator in the matters now pending in Venezuela. If no other or better means of settling the subjects in dispute presented themselves the President would willingly comply with the wishes of the powers and give his best efforts to an end so laudable; but he has thought from the beginning that it was most desirable that the entire controversy should be submitted to the judgment of that high tribunal at The Hague which has been created by the principal powers of the world for the consideration of precisely such causes, involving, as the present controversy does, no question of national honor or the cession of territory. After a thorough consultation with all the powers, in which he has found an honorable spirit of candor and mutual consideration animating every one of them, the President has been greatly gratified to learn that in the event of his not undertaking the important duty to which the powers have invited him they would all be willing to accept a reference to The Hague. He has therefore the greatest pleasure in announcing to the Governments of Great Britain, Germany, Italy, and Venezuela that all of them have accepted in principle the proposition of a reference of pending questions to the tribunal of The Hague.

If the President can be of any further service in arranging the preliminaries of such an understanding he will gladly hold himself at the disposition of the powers concerned, and if their representatives should find it desirable to meet in Washington he would be happy to welcome them there and to facilitate their labors in every possible way.)

Mr. White to Mr. Hay.

[Telegram.—Paraphrase.]

EMBASSY OF THE UNITED STATES,
London, December 27, 1902.

(Mr. White reports that he has communicated the contents of Mr. Hay's telegrams of December 26 to Lord Lansdowne, who again expressed regret at the President's decision, but said that His Majesty's Government gratefully take note of the President's kind offer to be of any further service possible.

Lord Lansdowne says that Mr. Hay is at liberty to communicate to the Venezuelan Government the propositions or reservations contained in the memorandum cabled by Mr. White on December 23.)

Mr. White to Mr. Hay.

No. 1017.]

AMERICAN EMBASSY,
London, December 31, 1902.

SIR: I have the honor to inclose herewith a copy of a note which, upon the receipt of your telegraphic instructions, I addressed to the Marquis of Lansdowne and handed to him on the 27th instant.

The British Government—and I may also say the British public—are undoubtedly disappointed at having been unable to secure the advantage of the President's services as arbitrator in the questions at issue between this country and Venezuela, and when I saw Lord Lansdowne on the 27th he gave expression, as I have telegraphed you, to this sentiment; but he added that His Majesty's Government gratefully take note of the President's kindness in offering to be of any further service possible in arranging the preliminaries of the understanding, and in being willing to welcome the representatives of the powers at Washington, if they should find it desirable to meet there.

I have again called to-day—being Lord Lansdowne's weekly reception day at the foreign office—upon him, but he had nothing further to say in respect to the Venezuelan question save that he is anxiously awaiting a reply from the Venezuelan Government to the arbitration proposals and reservations which you have been good enough to forward.

I have, etc.,

HENRY WHITE.

[Inclosure.]

Mr. White to Lord Lansdowne.

AMERICAN EMBASSY,
London, December 27, 1902.

MY LORD: With reference to recent interviews with your lordship relative to the submission to arbitration of the questions at issue between Great Britain and Venezuela, and particularly to the memorandum which you were so good as to hand me on the 23d instant, I have the honor to inform you that the President of the United States profoundly appreciates the courtesy with which the powers in interest have suggested his name as arbitrator in the matters now pending in Venezuela, and if no other or no better means of settling the subjects in dispute presented themselves he would willingly comply with the wishes of the powers and give his best efforts to an end so laudable. But the President has thought it most desirable from the beginning that the entire controversy should be submitted to the judgment of that high tribunal at The Hague which has been created by the principal powers of the world for the consideration of precisely such causes, involving, as the present controversy does, no question of national honor nor the cession of territory.

After a thorough consultation with all of the powers concerned, during which the President has found an honorable spirit of candor and of mutual consideration animating every one of them, he has been greatly gratified to learn that in the event of his not undertaking the important duty to which the powers have invited him, they would all be willing to accept a reference to The Hague.

The President has, therefore, the greatest pleasure in announcing to the Governments of Great Britain, Germany, Italy, and Venezuela that all of them have accepted in principle the proposition of a reference of pending questions to the tribunal of The Hague.

If the President can be of any further service in arranging the preliminaries of such an understanding, he will gladly hold himself at the disposition of the powers concerned, and if their representatives should find it desirable to meet in Washington he would be happy to welcome them there and to facilitate their labors in every possible way.

I have, etc.

HENRY WHITE.

Mr. White to Mr. Hay.

[Telegram.—Paraphrase.]

EMBASSY OF THE UNITED STATES,
London, December 31, 1902.

(Mr. White reports that Lord Lansdowne said to-day he is anxiously awaiting the reply of the Venezuelan Government.)

Mr. Hay to Mr. White.

[Telegram.—Paraphrase.]

DEPARTMENT OF STATE,
Washington, December 31, 1902.

(Mr. White is instructed to communicate to the British Government the following telegram, which Mr. Hay has just received from the United States minister to Venezuela:

I have received the following answer from the President of Venezuela:

"I recognize in principle the claims which the allied powers have presented to Venezuela. They would already have been settled if it had not been that the civil war required all the attention and resources of the Government. To-day the Government bows to superior force and desires to send Mr. Bowen to Washington at once to confer there with the representatives of the powers that have claims against Venezuela in order to arrange either an immediate settlement of all the claims or the preliminaries for reference to the tribunal of The Hague or to an American republic to be selected by the allied powers and by the Government of Venezuela. Mr. Bowen would be duly authorized to settle the whole question as the representative of Venezuela.

"CIPRIANO CASTRO."

Mr. White is authorized to say to the British Government that the suggestion of the President of Venezuela that an American power be chosen to arbitrate is not supported by the Government of the United States.)

Mr. White to Mr. Hay.

[Telegram.—Paraphrase.]

EMBASSY OF THE UNITED STATES,
London, January 1, 1903.

(Mr. White reports that he handed Lord Lansdowne a note containing Mr. Bowen's telegram, and communicated verbally the substance of Mr. Hay's telegraphic instructions.

Lord Lansdowne considers arbitration by any American power except the United States out of the question, but said he would have to refer the Venezuelan communication to the prime minister, who is in Scotland, and probably to exchange views with Germany before making a formal reply.)

Mr. White to Mr. Hay.

[Telegram.—Paraphrase.]

EMBASSY OF THE UNITED STATES,
London, January 3, 1903.

(Mr. White reports that he has just had an interview with the British minister for foreign affairs, who inquired whether Mr. White thought the Government of the United States would object to Mr. Bowen's designation to effect immediate settlement. Mr. White replied in the negative, stating that he felt sure if such had been the case he would have been instructed to that effect. Mr. White's reply appeared to afford satisfaction to Lord Lansdowne, who hopes to be able at an early date to make a formal answer to Mr. White's communication of January 1.)

Mr. White to Mr. Hay.

No. 1020.]

AMERICAN EMBASSY,
London, January 3, 1903.

SIR: Referring to my dispatch No. 1017 of 31st ultimo I have the honor to confirm the cablegram which I received from you on the 1st instant and the reply thereto which I sent you on the same day.

I lost no time in seeking an interview with Lord Lansdowne, to whom I handed a note which I had previously addressed to his lordship, setting forth the telegram you had received from Mr. Bowen, embodying the reply of the President of Venezuela to the proposals and reservations of this Government with respect to arbitration which you had communicated to him.

I informed Lord Lansdowne that President Castro's suggestion that an American power be chosen to arbitrate was not supported by my Government. * * *

Lord Lansdowne said in reply that in his opinion a reference of the questions at issue to any American republic save ours is out of the question, and consequently that there appeared to him to be but two alternatives for consideration, viz, the arrangement by Mr. Bowen in behalf of Venezuela at Washington of an immediate settlement of all the claims or arbitration by The Hague tribunal. He added that these proposals would necessarily have to be referred to his colleagues in the cabinet before he could express any opinion in behalf of His Majesty's Government relative thereto, but that he would lose no time in acquainting the prime minister of the communication which I had just made to him, and to which he hoped he might be able to give me an answer at an early date.

I have, etc..

HENRY WHITE.

Mr. White to Mr. Hay.

[Telegram.—Paraphrase.]

EMBASSY OF THE UNITED STATES,
London, January 5, 1903.

(Mr. White reports that Lord Lansdowne handed him a note^a agreeing that Mr. Bowen, as representative of Venezuela, shall confer with the British ambassador at Washington, provided definite assurance is received that the Venezuelan Government accepts the conditions laid down in the memorandum of December 23, 1902.)

Mr. White to Mr. Hay.

No. 1021.]

AMERICAN EMBASSY,
London, January 6, 1903.

SIR: Referring to my dispatch No. 1020 of the 3d instant, I have the honor to inform you that having ascertained yesterday that Lord

Lansdowne would like to see me late in the afternoon I called upon him at the foreign office at half-past 6, when he handed me a note, which I have already cabled you in full, containing the reply of His Majesty's Government to the communication which I addressed to his lordship on the 1st instant. A copy of this note is inclosed herewith.

I have, etc.,

HENRY WHITE.

[Inclosure.]

Lord Lansdowne to Mr. White.

FOREIGN OFFICE,
January 5, 1903.

SIR: I have the honor to inform you, in reply to your communication of the 1st instant, that His Majesty's Government have taken into consideration the answer received by Mr. Secretary Hay from the President of the Venezuelan Republic to the proposals contained in the memorandum which, on behalf of His Majesty's Government, I handed to you on the 23d of December.

His Majesty's Government observe with satisfaction President Castro's statement that he recognizes "in principle" the claims which they have put forward. His Majesty's Government understand this statement to signify that President Castro agrees, on the part of the Venezuelan Government, that any discussions in which Mr. Bowen, as the representative of that Government, is to engage at Washington with the representative of His Majesty's Government, are to proceed upon the assumption that the Venezuelan Government unreservedly accept and agree to be bound by the conditions laid down in the memorandum of December 23, which run as follows:

"1. The claims (small, as has already been pointed out, in pecuniary amount) arising out of the seizure and plundering of British vessels and outrages on their crews, and the maltreatment and false imprisonment of British subjects are not to be referred to arbitration.

"2. In cases where the claim is for injury to or wrongful seizure of property the questions which the arbitrators will have to decide will only be, (a) whether the injury took place, and whether the seizure was wrongful, and (b) if so, what amount of compensation is due. That in such cases a liability exists must be admitted in principle.

"3. In the case of claims other than the above we are ready to accept arbitration without any reserve.

"It would, in the opinion of both governments," (British and German) "be necessary that the arbitral tribunal should not only determine the amount of compensation payable by Venezuela, but should also define the security to be given by the Venezuelan Government, and the means to be resorted to for the purpose of guaranteeing a sufficient and punctual discharge of the obligation."

On receiving a definite assurance from President Castro that this interpretation of his language is accepted by him as correct and that, whatever procedure be adopted, adequate provision will be made for the prompt satisfaction of the claims specified in paragraph 1, His Majesty's Government will be prepared to authorize His Majesty's ambassador at Washington to confer on this basis with Mr. Bowen, as the representative of the Venezuelan Government, and will furnish Sir M. Herbert with the necessary instructions for examining the possibility of an immediate settlement, or, failing such a settlement, for arranging a reference of all points left open for arbitration to the tribunal at The Hague.

His Majesty's Government will be much obliged if Mr. Secretary Hay will be good enough to take such steps as may be necessary to communicate the substance of this memorandum to President Castro and will request an answer at the President's earliest convenience.

I have, etc.,

LANSDOWNE.

Mr. Hay to Mr. White.

[Telegram.—Paraphrase.]

DEPARTMENT OF STATE,
Washington, January 8, 1903.

(Mr. Hay states that the following telegram has just been received from Mr. Bowen:

I have just received the following from President Castro:

“MR. MINISTER: The Venezuelan Government accepts the conditions of Great Britain and Germany; requests you to go immediately to Washington for the purpose of conferring there with the diplomatic representatives of Great Britain and Germany and with the diplomatic representatives of the other nations that have claims against Venezuela, and to arrange either an immediate settlement of said claims or the preliminaries for submitting them to arbitration.

“CIPRIANO CASTRO,
“Constitutional President.”

If, as I understand, Great Britain and Germany want to know what guarantees they will have, please inform them it will be the custom-houses. Consequently I beg that the blockade be raised at once.

Mr. White is instructed to at once communicate the above to the foreign office, saying that Mr. Bowen will come immediately to Washington.)

Mr. White to Mr. Hay.

[Telegram.—Paraphrase.]

EMBASSY OF THE UNITED STATES,
London, January 9, 1903.

(Mr. White reports that he has carried out the instructions contained in Mr. Hay's telegram of January 8 and inquires date Mr. Bowen is expected to reach Washington.)

Mr. White to Mr. Hay.

No. 1024.]

AMERICAN EMBASSY,
London, January 9, 1903.

STR: I have the honor to inclose herewith copies of a telegram^a which I received from you yesterday, of a note which I thereupon addressed to the Marquis of Lansdowne, and of a telegram^a in which I informed you that your instructions had been carried out; also of his lordship's reply to my note.

I have, etc.,

HENRY WHITE.

[Inclosure 1.]

Mr. White to Lord Lansdowne.

AMERICAN EMBASSY, January 9, 1903.

MY LORD: I have the honor, in accordance with instructions from my Government, to communicate to your lordship the copy of a telegram which was received yester-

day morning by Mr. Secretary Hay from Mr. Bowen, the American minister at Caracas.

"I have just received the following from President Castro:

"MR. MINISTER: The Venezuelan Government accepts the conditions of Great Britain and Germany, and requests you to go immediately to Washington for the purpose of conferring there with the diplomatic representatives of Great Britain, Germany, and with the diplomatic representatives of the other nations that have claims against Venezuela, and to arrange either an immediate settlement of said claims or the preliminaries for submitting them to arbitration.

"CIPRIANO CASTRO,
"Constitutional President."

"If, as I understand, Great Britain and Germany want to know what guarantee they will have, please inform them that it will be the custom-houses; consequently I beg that the blockade be raised at once.

"BOWEN."

I am instructed, furthermore, to inform your lordship that Mr. Bowen will proceed to Washington immediately.

I have, etc.,

HENRY WHITE.

[Inclosure 2.]

Lord Lansdowne to Mr. White.

FOREIGN OFFICE, January 9, 1903.

SIR: I have the honor to acknowledge the receipt of your note of to-day's date, in which you are so good as to communicate to me, in accordance with instructions from your Government, copy of a telegram received yesterday by Mr. Secretary Hay from Mr. Bowen, United States minister at Caracas, intimating that the Venezuelan Government accept the conditions proposed by Great Britain and Germany, and suggesting that Mr. Bowen should at once proceed to Washington to discuss the questions at issue with the representatives of the powers at Washington.

You add that Mr. Bowen will proceed to Washington immediately. This communication will receive immediate attention.

I have, etc.,

LANSDOWNE.

Mr. Hay to Mr. White.

[Telegram.—Paraphrase.]

DEPARTMENT OF STATE,
Washington, January 10, 1903.

(Mr. Hay states that Mr. Bowen will leave Caracas for Washington on January 11; that he is anxious for the raising of the blockade at the earliest possible moment on account of scarcity of provisions in Venezuela threatening general distress. Mr. Hay has answered Mr. Bowen that no preliminaries can be adjusted before his arrival, and that the raising of the blockade may depend on the sufficiency of the guarantee.

Mr. White is directed to suggest to the British minister for foreign affairs that the matter might be taken into consideration with a view to early determination.)

Mr. White to Mr. Hay.

[Telegram.—Paraphrase.]

EMBASSY OF THE UNITED STATES,
London, January 12, 1903.

(Mr. White reports that he has had two interviews with Lord Lansdowne, one before and the other after he had discussed with the prime minister the question of raising blockade, which Mr. White suggested

and expressed the hope that it might speedily take place. Lord Lansdowne said in reply that in the opinion of the British Government it will be inexpedient, considering the past conduct of the Venezuelan Government, to remove pressure which has apparently brought them to a tardy recognition of their obligations until after Mr. Bowen has been able to satisfy the British ambassador at Washington that his instructions from the Venezuelan Government comply with the conditions laid down in the memorandum of December 23, 1902, and note of January 5, 1903, and particularly that he is authorized to effect a prompt and satisfactory settlement of those British claims included in the first of the three categories in the memorandum. Lord Lansdowne added that the question of guarantees for satisfaction of the remaining claims would also have to be carefully considered.

Mr. White fears there is no probability of getting the blockade raised until after Mr. Bowen's arrival in Washington.)

Mr. White to Mr. Hay.

No. 1026.]

AMERICAN EMBASSY,

London, January 14, 1903.

SIR: Referring to my dispatch No. 1024 of the 9th instant, I have the honor to confirm your telegraphic instructions of January 8 and 10, and of my telegrams of January 9 and 12.

I sought an early interview with Lord Lansdowne on Monday the 12th instant at Lansdowne House and asked him whether he had considered the request conveyed by Mr. Bowen in his telegram to you of the 8th instant which I had communicated to his lordship on the 9th, with respect to the raising of the blockade. I added that I had just heard from you that Mr. Bowen was very anxious to have the blockade of the Venezuelan coast raised at the earliest possible moment on account of the scarcity of provisions in Venezuela, whereby general distress had been rendered imminent, and that you had authorized me to bring the matter to his lordship's attention in the hope that it might be taken into consideration with a view to an early determination of the blockade which, if possible, would, I said, be a source of gratification to our Government.

Lord Lansdowne replied that, although he had not conferred with his colleagues in the Government on the subject, he felt bound to say that it struck him as altogether premature to think of raising the blockade until His Majesty's Government should be in full possession of the nature of the instructions furnished to Mr. Bowen by the Venezuelan Government. He suggested, however, that if I could make it convenient to call upon him at the foreign office in the afternoon he would see the prime minister meanwhile on the subject and inform me of the result of their discussion of the matter.

In the afternoon I again called upon Lord Lansdowne in accordance with his suggestion, when he gave me the answer, which I cabled you immediately afterwards. I asked him in the course of our interview whether, if President Castro should be willing to make an immediate cash payment in full settlement of those British claims included in the first category, the amount of which is, I understand, in the neighborhood of £5,000, there would be any possibility of this Government's assenting to the immediate raising of the blockade, but he replied that

he feared that course would not be practicable now that it had been arranged that everything should be discussed, and if possible settled, by Sir Michael Herbert and Mr. Bowen at Washington. I therefore asked Lord Lansdowne whether it might not be practicable to raise the blockade, in view of the general distress it was apparently causing, with a prospect of its possible reimposition in case it should turn out that Mr. Bowen had not been properly or fully authorized to effect a settlement upon the lines laid down in this Government's memorandum of December 23 and in his lordship's note of the 5th instant, but he replied that it would obviously be very inconvenient to renew a blockade which had once been raised.

I have just been again to see Lord Lansdowne—to-day being his reception day for foreign representatives—in case he might have something further to say on the subject of the blockade, and also to let him know that I had heard nothing of a rumor published in all the morning newspapers to the effect that President Castro had made the raising of the blockade a condition precedent to the negotiations upon which Mr. Bowen is now on his way to enter, and that this condition would have the support of Italy.

Lord Lansdowne had nothing further to say about the blockade and had heard nothing of the Venezuelan condition suggested in the inclosed paragraph, nor did he believe for a moment that Italy would separate herself from this country or Germany and initiate a separate policy with regard to Venezuela.

I ascertained during my conversation with his lordship that the instructions from this Government to His Majesty's ambassador at Washington with respect to the negotiations upon which he is to enter upon Mr. Bowen's arrival in Washington will be transmitted to his excellency to-day.

I have, etc.,

HENRY WHITE.

Mr. White to Mr. Hay.

[Telegram.—Paraphrase.]

EMBASSY OF THE UNITED STATES,
London, January 26, 1903.

(Mr. White reports that he finds at the foreign office and at the prime minister's office hopeful view of an early settlement; that Mr. Bowen's arrangements for payment of first claims are satisfactory, and the only obstacle now, apparently, is the desire of the three allied powers to secure priority for their claims upon Venezuelan customs over those of other powers. The British Government is making strenuous efforts to get settlement sufficiently advanced to raise the blockade, which Mr. White understands may be on January 27 or 28.)

Mr. White to Mr. Hay.

[Telegram.—Paraphrase.]

EMBASSY OF THE UNITED STATES,
London, January 30, 1903.

(Mr. White reports that he has had an interview with the minister for foreign affairs, the prime minister and the first lord of the Admi-

rally being present. They informed him that to their very great regret the deadlock had been created by Mr. Bowen's demands, of which the British Government first heard on January 24, that all powers having claims against Venezuela be placed on an equal footing with respect to the customs. It appears that Germany has reduced her demand for cash payment on first-rank claims to the same sum as England obtained, viz, £5,500, the remainder, £61,000, of these claims to have, by agreement with Great Britain, priority of treatment over the latter's second-class claims, and but for Mr. Bowen's demand the blockade would already have been raised. The ministers further explained that the blockading powers would probably have agreed to be content with a sum less than the £213,000, which represents the 30 per cent of the customs of the two ports, provided that sum were sufficient to extinguish their claims within, say, six years. This would, it is estimated, leave about £50,000 each year for claims of other powers, with prospect of the whole 30 per cent at their disposal a few years hence. The prime minister said that the British Government can not assent to Mr. Bowen's demand without submitting it to some tribunal of arbitration, and read Mr. White instructions to be cabled the British ambassador at Washington setting forth the situation, and stating that if Mr. Bowen's demand be not withdrawn they must insist on the whole case going to The Hague tribunal. The ministers suggested, however, that the President of the United States might possibly be prepared, in the interest of a speedy settlement, to decide the single point at issue, and they expressed the pleasure it would afford them were this course to be adopted. Mr. White is given to understand that the moment reference to either of the foregoing authorities is agreed upon, or Mr. Bowen's demand withdrawn, the blockade will be raised.

The ministers expressed themselves most anxious to terminate the situation, and asked Mr. White to invoke Mr. Hay's good office, with the President toward that end. They hope the unfairness of expecting powers, through whose action eventual settlement will be effected of all claims which otherwise would have been ignored, to place themselves on the same footing with other powers who have done nothing to effect settlement, will strike the President and Mr. Hay.)

Mr. White to Mr. Hay.

[Telegram.—Paraphrase.]

EMBASSY OF THE UNITED STATES,
London, February 3, 1903.

(Mr. White reports that he has just seen copies of sundry telegrams recently exchanged between Lord Lansdowne and the British ambassador at Washington. The latest British proposal is that the 30 per cent of customs of the two ports, estimated at £213,861, be added to the 13 per cent of entire Venezuelan customs receipts, estimated at £61,782, making a total of £275,643, of which one-half be taken by the three allied powers and the other half by all other powers having claims against Venezuela. If Mr. Bowen refuses assent the British

ambassador is instructed to propose the signature of a protocol embodying all the points agreed upon, and reference of priority of claims question to The Hague, unless the President of the United States will pass upon it.)

Sir Michael Herbert to Mr. Hay.

No. 29.]

BRITISH EMBASSY,
Washington, February 6, 1903.

SIR: On December 27 last the United States chargé d'affaires in London informed the Marquis of Lansdowne that the President of the United States had great pleasure in announcing to the Governments of Great Britain, Germany, Italy, and Venezuela that all of them had accepted in principle the proposal to refer all pending questions between them to The Hague tribunal.

The President, although unable to act as arbitrator himself, was good enough to state that if he could be of any further service in arranging the preliminaries of such a reference he would be glad to hold himself at the disposition of the powers concerned.

Mr. Bowen was subsequently commissioned by President Castro to proceed to Washington in order to arrange either the immediate settlement of the claims of the three powers or the preliminaries for submitting them to arbitration by The Hague tribunal.

Had Mr. Bowen expressed any preference for the second of these alternatives there seems no doubt that the blockade would have been raised in a few days. President Castro had agreed to the preliminary conditions insisted on by the blockading powers, including those having reference to the immediate settlement of the claims of the first rank, i. e., claims arising for the most part out of overt acts of violence and spoliation committed on the subjects of the blockading powers during the last few years.

For reasons, however, the weight of which His Majesty's Government do not desire to minimize, Mr. Bowen preferred to attempt a direct settlement, with the result that questions of considerable difficulty have been raised and a condition of things which His Majesty's Government earnestly desired to terminate has been unfortunately prolonged. Mr. Bowen has apparently felt himself precluded from coming to any arrangement which would not place all the powers claiming compensation from Venezuela upon precisely the same footing.

This seems to His Majesty's Government to be a course quite opposed both to principles of equity and to international practice. They could not assent to it except at the instance of some competent umpire or arbitration tribunal.

It must be remembered that no proposal of the kind was made until Mr. Bowen's arrival in Washington; that neither the President of the United States in his communications with His Majesty's Government nor any of the blockading powers, nor, so far as His Majesty's Government are aware, President Castro, had ever suggested making the neutral powers party to the controversy between the blockading powers and Venezuela. It must further be borne in mind that the preferential

treatment for which the blockading powers have asked is not one which either exhausts the resources at the disposal of Venezuela for the payment of her external debt, or which interferes with what is known as the "diplomatic debt," a charge amounting to only 5.2 per cent on the total customs revenue of Venezuela. There can be no doubt that the neutral powers will be in a far better position under the proposals made by the blockading powers than they have ever been before, and this without any of the cost and trouble necessarily incidental to naval operations.

Under these circumstances it seems to His Majesty's Government that the most expeditious mode of terminating the hostilities would be to embody the conditions already accepted by Mr. Bowen on behalf of the Government of Venezuela, including those for the settlement of the first rank of claims, in a protocol to be signed at Washington, and to refer the proposal made by him for the identical treatment of all the creditor powers to The Hague tribunal, unless, indeed, the President of the United States would be prepared, in the interest of a speedy settlement, to decide the single point which appears to stand in the way of a complete agreement between the blockading powers and Venezuela.

Should the President consent to adopt this suggestion the following questions would have to be adjudicated upon by him:

1. Whether the three powers are not entitled to a separate settlement, provided this settlement leaves an adequate margin for the payment of claims of the other powers, having regard to the resources of Venezuela.

2. If the answer to the first question is in the affirmative, then what are the terms of payment which would leave such adequate margin?

3. If the answer to the first question is in the negative, then is it not equitable that some compensation should be made by Venezuela to the three powers for the expense which they have incurred in connection with the blockade?

It is, perhaps, unnecessary for me to state, in conclusion, that His Majesty's Government would accept the good offices of the President of the United States with feelings of the greatest gratification.

I have, etc.,

MICHAEL H. HERBERT.

Mr. Hay to Sir Michael H. Herbert.

No. 66.]

DEPARTMENT OF STATE,
Washington, February 6, 1903.

EXCELLENCY: I have the honor to acknowledge receipt of your note of the 6th of February, which I have submitted to the President. He charges me to say that, although he appreciates fully the honor done him by this renewed offer from the British, the German, and the Italian Governments to act as arbitrator between those Governments and that of Venezuela, yet in the present situation, considering that his services in that capacity would not substantially expedite the conclusion of the pending negotiation, he sees no reason for changing the view he has hitherto held, that in such a case the high court of The Hague,

which was created by the principal civilized powers for precisely such emergencies, is preferable to any individual chief of state.

He requests me, therefore, in expressing his conviction that it would not be best for him to accept the honorable service you have suggested, to express also his grateful appreciation of your confidence.

I am, etc.,

JOHN HAY.

Mr. White to Mr. Hay.

No. 1052.]

AMERICAN EMBASSY,
London, February 10, 1903.

SIR: * * *

I have visited the foreign office daily and have had interviews on each occasion with Lord Lansdowne or Mr. Villiers, sometimes with both, in order to keep in close touch with the situation and in the hope of being able to telegraph you that the signature of the protocols might be very shortly expected, but I am unfortunately not yet in a position to do so.

It would seem, however, that Great Britain has arrived at a settlement with Mr. Bowen, who, I understand, is prepared to sign the protocols forwarded to the British ambassador at Washington for that purpose, but that the demands of Germany for preferential treatment of her first rank claims bar the way to a signature by the three blockading powers of the protocols and to the consequent raising of the blockade.

There can be no doubt that this Government is exceedingly anxious to reach a settlement and to raise the blockade, especially before the opening of Parliament on the 17th, and that they are making every effort to induce the other two blockading powers to sign the protocols.

I have, etc.,

HENRY WHITE.

Mr. White to Mr. Hay.

[Telegram.—Paraphrase.]

EMBASSY OF THE UNITED STATES,
London, February 14, 1903.

(Mr. White reports that he has just been informed at the foreign office that orders have been cabled this date to raise the blockade of Venezuelan ports.)

Mr. White to Mr. Hay.

No. 1058.]

AMERICAN EMBASSY,
London, February 14, 1903.

SIR: * * *

It is with great satisfaction that I have just heard, through the foreign office, of the signature at Washington yesterday of the protocols, which, as you will infer from your previous knowledge of the

state of public feeling in this country with regard to the Venezuelan difficulty, and particularly to the agreement to cooperate with Germany, will cause as much pleasure and relief from anxiety to the Government and people of this country as to our own.

In view of the close of what I hope will turn out to be the only critical period of the controversy, I deem it proper to emphasize the great regard which has been shown throughout by His Majesty's Government, not only for the Monroe doctrine, which Mr. Balfour truly said last night "has no enemies in this country," but also for the views and wishes of our Government and for the feelings of our people.

I have had occasion to visit the foreign office nearly every day and Lord Lansdowne's private residence, frequently out of foreign office hours, since the Venezuelan question became acute early in December, either to carry out instructions received from you, or to ascertain, with a view to keeping you properly informed at as early a date as practicable, the condition of the negotiations, and I have always found every readiness and even desire on the part of Lord Lansdowne and his subordinates to give me the fullest information as to the instructions sent to Sir Michael Herbert, and as to the communications between this Government and those of the other two cooperating powers.

Just before closing this dispatch I have had the further satisfaction of ascertaining from the foreign office that orders have been cabled to the commander of His Majesty's naval forces in Venezuelan waters to raise the blockade.

I have, etc.,

HENRY WHITE.

Mr. Choate to Mr. Hay.

No. 1066.]

AMERICAN EMBASSY,
London, February 19, 1903.

SIR: I have the honor to inclose herewith copies of an extract from the London Gazette of the 17th instant, which I have received from the foreign office, containing a notification announcing that the blockade of the ports of La Guayra, Carenero, Guanta, Cumana, Carupano, and the mouths of the Orinoco, by a British naval force, which was established on the 20th of December, 1902, has been raised from midnight, 14th-15th February.

I have, etc.,

JOSEPH H. CHOATE.

[Inclosure.]

[*Extract from the London Gazette of Tuesday, February 17, 1903.*]

FOREIGN OFFICE, *February 17, 1903.*

It is hereby notified that the Marquis of Lansdowne, K. G., His Majesty's principal secretary of state for foreign affairs, has received, through the lords commissioners of the admiralty, a telegraphic dispatch from Vice-Admiral Sir Archibald Douglas, commander in chief on the North America and West Indies station, announcing that he has issued a notification to the effect that the blockade of the ports of La Guayra, Carenero, Guanta, Cumana, Carupano, and the mouths of the Orinoco, by a British naval force, established on the 20th of December, 1902 (of which notice was given in the London Gazette of that date), is raised from midnight, 14th-15th February.

NOTE.—Continuation of this correspondence and negotiations at The Hague will appear in the volume of Foreign Relations for 1904.

PROTOCOL OF AGREEMENT BETWEEN VENEZUELA AND GREAT BRITAIN—TO WHICH THE UNITED STATES AND OTHER POWERS ARE PARTIES—RESPECTING THE REFERENCE OF THE QUESTION OF THE PREFERENTIAL TREATMENT OF CLAIMS TO THE TRIBUNAL AT THE HAGUE.

Signed at Washington May 7, 1903.

Whereas Protocols have been signed between Venezuela on the one hand, and Great Britain, Germany, Italy, United States of America, France, Spain, Belgium, the Netherlands, Sweden and Norway, and Mexico, on the other hand, containing certain conditions agreed upon for the settlement of claims against the Venezuelan Government;

And whereas certain further questions arising out of the action taken by the Governments of Great Britain, Germany and Italy, in connection with the settlement of their claims, have not proved to be susceptible of settlement by ordinary diplomatic methods;

And whereas the Powers interested are resolved to determine these questions by reference to arbitration in accordance with the provisions of the Convention for the Pacific Settlement of International Disputes, signed at The Hague on the 29th July, 1899;

The Governments of Venezuela and Great Britain have, with a view to carry out that Resolution, authorized their Representatives, that is to say:—

For Venezuela, Mr. Herbert W. Bowen, duly authorized thereto by the Government of Venezuela, and for Great Britain His Excellency Sir Michael Henry Herbert G. C. M. G., C. B., His Britannic Majesty's Ambassador Extraordinary and Plenipotentiary to the United States of America, to conclude the following Agreement.

ARTICLE I.

The question as to whether or not Great Britain, Germany and Italy are entitled to preferential or separate treatment in the payment of their claims against Venezuela shall be submitted for final decision to the Tribunal at The Hague.

Venezuela having agreed to set aside thirty per cent of the Customs Revenues of La Guaira and Puerto Cabello for the payment of the claims of all nations against Venezuela the Tribunal at the Hague shall decide how the said revenues shall be divided between the Blockading Powers on the one hand and the other Creditor Powers on the other hand, and its decision shall be final.

If preferential or separate treatment is not given to the Blockading Powers, the Tribunal shall decide how the said revenues shall be distributed among all the Creditor Powers, and the Parties hereto agree that the Tribunal in that case shall consider, in connection with the payment of the claims out of the 30 per cent, any preference or pledges of revenue enjoyed by any of the Creditor Powers and shall accordingly decide the question of distribution so that no Power shall obtain preferential treatment, and its decision shall be final.

ARTICLE II

The facts on which shall depend the decision of the questions stated in Article I shall be ascertained in such manner as the Tribunal may determine.

ARTICLE III.

The Emperor of Russia shall be invited to name and appoint from the members of the Permanent Court of the Hague three arbitrators to constitute the Tribunal which is to determine and settle the questions submitted to it under and by virtue of this Agreement. None of the arbitrators so appointed shall be a citizen or subject of any of the Signatory or Creditor Powers.

This Tribunal shall meet on the first day of September, 1903, and shall render its decision within six months thereafter.

ARTICLE IV.

The proceedings shall be carried on in the English language, but arguments may, with the permission of the Tribunal, be made in any other language also.

Except as herein otherwise stipulated, the procedure shall be regulated by the Convention of the Hague of July 29, 1899.

ARTICLE V.

The Tribunal shall, subject to the general provisions laid down in Article 57 of the International Convention of July 29, 1899, also decide how, when and by whom the costs of this arbitration shall be paid.

ARTICLE VI.

Any nation having claims against Venezuela may join as a party in the arbitration provided for by this Agreement.

Done at Washington this seventh day of May, 1903.

[SEAL.]

HERBERT W. BOWEN.

[SEAL.]

MICHAEL H. HERBERT

The undersigned nations having claims against Venezuela hereby join with her as parties in the arbitration provided for in the foregoing protocol.

For the United States of America

JOHN HAY

For the Republic of Mexico,

[SEAL.]

M. DE AZPIROZ.

For Sweden and Norway.

[SEAL.]

MAY 27, 1903.

A. GRIP.

L'Ambassadeur de France, dûment autorisé et agissant au nom de son Gouvernement, adhère au Protocole ci-dessus, sous réserve qu'il est bien entendu que l'article IV du dit protocole ne fera pas obstacle à l'application de la disposition de l'article 38 de l'acte de

La Haye, aux termes de laquelle c'est le tribunal arbitral qui décide du choix des langues dont il fera usage et dont l'emploi sera autorisé devant lui.

1 JUIN 1903

[SEAL.]

JUSSERAND

Le Ministre de Belgique, dûment autorisé et agissant au nom de son gouvernement adhère au protocole ci-dessus.

12 JUIN 1903

[SEAL.]

BN MONCHEUR.

Le Ministre des Pays-Bas, dûment autorisé et agissant au nom de son Gouvernement adhère au protocole ci-dessus.

WASHINGTON, le 13 Juin, 1903.

[SEAL.]

GEVERS.

REJECTION OF CLAIMS OF BRITISH SUBJECTS ON ACCOUNT OF LOSSES INCURRED THROUGH ACTION OF UNITED STATES TROOPS IN CUBA AND THE PHILIPPINES.

Sir Michael Herbert to Mr. Hay.

[Personal.]

BRITISH EMBASSY,
Washington, December 31, 1902.

DEAR MR. SECRETARY: Lord Pauncefote reported to His Majesty's Government the adverse decision of the United States Government in the matter of certain claims made against them by British subjects on account of losses incurred through the action of United States troops in Cuba and the Philippines.

The rejection of these claims, which may all fairly be held to belong to the same class, is based on a strict interpretation of the principles of international law, and His Majesty's Government are not prepared to dispute the decision arrived at by the United States Government with regard to them, but they have nevertheless instructed me to bring unofficially to your notice certain considerations on the subject which appear to be worthy of attention.

Not the least of the calamities resulting from a state of war is the loss caused thereby to the subjects or citizens of neutral powers possessing property or engaged in business in the affected area. It often happens that destruction of that property or damage to that business is a matter of military necessity to one of the belligerents, and as such no compensation can be claimed on strictly legal grounds. The hardship in such cases is nevertheless so manifest that it has become usual for the Government whose troops have been concerned to grant a reasonable indemnity to the sufferers, not as a right, but as a matter of grace and favor.

This practice was lately exemplified when His Majesty's Government granted a sum of money to the subjects and citizens of foreign powers who had been compelled by the British military authorities to leave South Africa on account of the war, in order to indemnify them for any loss they might have suffered through their expulsion. This measure, from which, as you are aware, United States citizens bene-

fited to the extent of £6,000, was not one which His Majesty's Government were obliged to take by the rules of international law, but was adopted entirely *ex gratia*.

It appears to His Majesty's Government that these claims of British subjects in Cuba and the Philippines belong to the class described above, in view of the grave and peculiar hardship suffered by the claimants, and they have instructed me once more to approach you unofficially with regard to them, and to express the earnest hope that Congress may be disposed to consider the subject and grant a reasonable sum by way of indemnity as a matter of grace and favor.

The details of all but one of these claims are already familiar to the United States Government, and I will not trouble you with a recapitulation of them, but I venture to transmit a memorandum setting forth the special circumstances in each case which would appear to entitle the claimant to favorable consideration.

The remaining claim, that of Mr. J. Walter Higgin, is now presented for the first time, and I have accordingly added a note giving details regarding it at the end of the inclosed memorandum.

I am, etc.,

MICHAEL H. HERBERT.

[Inclosure.]

Memorandum on claims of certain British subjects against the United States Government on account of losses incurred through the action of United States troops in Cuba and the Philippines.

1. *Claim of Mr. William Hardman (£93).*

This claim is for property destroyed through the action of United States troops at Siboney, Cuba, on July 28, 1898.

It was recommended to the favorable consideration of Congress in a special message of the President on December 13, 1901, but was adversely reported by the Senate Committee on Foreign Relations on January 23, 1902.

The rejection of the claim by the committee is based solely on the absence of legal liability on strict principles of law, but it would seem that the case is one in which compensation might very well be granted as a matter of grace and favor, especially in view of the fact that it was recommended to the favorable consideration of Congress, without qualification, in a special message from the President.

2. *Claim of the Philippines Mineral Syndicate (\$113,776.72 Mexican).*

This claim is for losses incurred owing to damage inflicted on the property of the syndicate in the neighborhood of Mambulao, province of Camarines del Norte, Luzon, through the policy pursued by the United States military authorities.

There are certain special circumstances in connection with this case which, while they do not perhaps afford legal ground for demanding compensation, are yet of such a nature as to entitle it to the consideration of Congress as a matter of grace and favor. Although these facts are already in the possession of the United States Government, they may be briefly recapitulated.

In March, 1899, the United States authorities were warned that the nature of the syndicate's property was such as to invite attack and that some of the mineral deposits were of such a kind as to afford an easy revenue for the benefit of the insurgents. In thus advising the authorities and so rendering, as it would appear, a signal service to the United States Government, the syndicate urged that steps should be taken to protect their property and to prevent the insurgents from deriving advantage from it in the prosecution of hostilities, and they thus acted not only in accordance with their own interest, but likewise with that of the United States.

Although thus apprised that there was a valuable property belonging to the citizens of a friendly foreign power, the owners of which were prepared to aid the United States forces in protecting it, and incidentally in preventing the insurgents from obtaining an advantage in conducting their hostile operations, no effort was

made by the United States military authorities to communicate with the agents of the syndicate.

On July 8, 1899, two United States gunboats entered the Bay of Mambulao, and the chief engineer of the syndicate went out in a boat to meet them. The vessels immediately opened fire, without giving him an opportunity to disclose his identity, character, or purpose, so that he was obliged to retire in peril of his life.

There were at that time no insurgents or other hostile forces at Mambulao, and the peaceful inhabitants of the village instantly fled. After doing a little damage to the village and without effecting or attempting to effect a landing or making any inquiries or inviting any communication with the syndicate's agents after the repulse given to the chief engineer, the gunboats steamed out of the bay.

This demonstration of military force, followed by immediate abandonment, had the consequence of attracting to the scene the hostile Tagalos, who, seeing the place abandoned alike by the peaceful inhabitants and by the military authorities, entered the district, plundered and destroyed the property of the syndicate, and robbed the European employees even of their personal effects. Repeated requests made by the syndicate for military protection or for the privilege of arming the employees, so as to enable them to protect themselves and their employers' property having been alike refused by the United States military authorities previous to this time, no effectual resistance could be offered to the insurgents; and the servants of the syndicate remained at the mercy of the latter, who prevented their egress, while the United States military authorities maintained a blockade and prevented them from securing assistance or from communication of any sort with the outside world.

It further appears that the known friendly attitude of the syndicate and its agents to the United States was the cause of the needless and malicious destruction by the insurgents of such of the syndicate's property as was not stolen.

3. *Claim of Messrs. Hoskyn & Co.* (\$207,416.30 Mexican).

4. *Claim of Messrs. W. F. Stevenson & Co.* (\$122,876.77 Mexican).

5. *Claim of Mr. J. Walter Higgin* (\$385 Mexican).

This claim, the details of which have only reached His Majesty's embassy since the presentation and rejection of the two preceding ones, has never hitherto been presented to the United States Government. It is for compensation for the loss of 35 cases of whisky stored in the warehouse of Messrs. Hoskyn & Co. at Iloilo, which were destroyed by fire during the bombardment of that town by United States forces on February 11, 1899. Details respecting it will be found at the end of this memorandum.

These three claims are all founded on the same circumstances, and grow out of the destruction of the property of the claimants at the time of the bombardment of Iloilo.

The United States Government are already in possession of full particulars regarding the first two, and it is not therefore necessary to recapitulate the circumstances in detail; but the events which gave rise to all three claims would appear to be such as would entitle the claimants to compensation *ex gratia*.

On February 10, 1899, the officer commanding the United States forces before Iloilo issued a notice to the foreign consuls in that town in the following form:

"In view of anticipated hostility, notice is hereby given you to cause all persons who are under your protection to seek a place of safety before 5 a. m. Sunday, the 12th instant.

"Hostilities may commence at any time after that hour and date."

He also sent an ultimatum to the Filipinos to the effect that, should they attempt to strengthen their defenses or throw up intrenchments, they would be attacked at once, but he failed to inform the consuls that this ultimatum had been sent.

As a matter of fact the Filipinos did make this attempt, with the result that the United States forces began the bombardment nearly twenty-four hours before the time mentioned in the notice to the consuls.

It is plain from the wording of the above notice that the United States forces were the attacking party, and that in the absence of the attack made by them no hostilities would have ensued.

The effect of the notice and ultimatum on the insurgents appears to have been to cause them to use the time at their disposal to collect materials for the destruction by fire of the town, which they felt themselves unable effectually to defend; for, when the United States forces attacked, they encountered no resistance from the insurgents, who at once occupied themselves with the retaliatory measure of setting fire to the town and the property it contained.

It is clear, therefore, that had the United States forces attempted to take possession of the town on the 10th instant they could have done so without effective opposition, and that the destruction of the claimants' property would thus have been prevented;

that by postponing the attack in the first instance they gave the insurgents the chance of preparing for the destruction of the claimants' property, and that by subsequently attacking before the time mentioned in the notice they deprived the claimants of the opportunity of protecting that property.

The terms of the notice led the claimants to believe that they would not be subject to any of the effects of a bombardment until 5 a. m. on February 12, 1899; and by the precipitation of the attack by nearly twenty-four hours their property, not yet having been placed in safety, was left at the mercy of the insurgents, who, of course, carried out their prearranged plan of firing the town by just so long in advance of the time when it would otherwise have occurred.

While the right of military authorities thus to proceed in advance of their notice, with or without warning, can not be disputed, the issue of the notice and its subsequent violation undoubtedly placed the claimants in a worse position than if no notice had been given; and the further notice or ultimatum issued to the Filipino leaders, and not communicated to the foreign consuls, had the effect of placing the neutral aliens at a greater disadvantage in the attack by the United States forces than the hostile insurgents.

NOTE ON THE CLAIM OF MR. J. WALTER HIGGIN.

This claim is for the loss of a consignment of whisky stored in Messrs. Hoskyn's warehouse at Iloilo, and destroyed by fire at the time of the bombardment of that town by the United States forces. The arguments advanced above in favor of the assignment of compensation *ex gratia* to Messrs. Hoskyn and Stevenson apply equally to this case.

Mr. Higgin himself addressed the United States Government on March 21, 1900, submitting his claim, and explained that his delay in doing so had been caused by the fact that he had expected his claim to be included in that of Messrs. Hoskyn, and had only just been informed that no claims on consignments would be admitted by the United States Government. He inclosed certain documents bearing on the case.

On September 21, 1900, Mr. Higgin received a letter from the United States Government forwarding reports from United States officers in the Philippines respecting his case, and also a copy of a circular letter from General Otis, when military governor, on the subject of the claims arising out of the bombardment of Iloilo, in which it is stated that the claims of foreign subjects must be presented through the diplomatic channel.

BRITISH EMBASSY,
Washington, December 31, 1902.

Mr. Hay to Sir Michael Herbert.

[Personal.]

DEPARTMENT OF STATE,
Washington, January 27, 1903.

MY DEAR MR. AMBASSADOR: I have received your personal note of the 31st ultimo, with inclosure, relating to certain claims of British subjects which have been brought to this Government's attention from time to time and which arose out of the operations during the recent war with Spain.

The Department concurs in the expression contained in your note that "not the least of the calamities resulting from a state of war is the loss caused thereby to the subjects or citizens of neutral powers possessing property or engaged in business in the affected area." The losses sustained by His Majesty's subjects mentioned in the memorandum accompanying your note come within the category of cases above described, in which, as you say, "It often happens that the destruction of that property or damage to that business is a matter of military necessity to one of the belligerents." And such destruction may sometimes be wantonly inflicted by insurgents, which, though equally

deplorable, does not create liability on the part of the titular government in the circumstances existing in connection with said claims.

These claims appear to the Department to be quite different in legal character from those which arose in behalf of American citizens expelled by the British authorities from South Africa and for which His Majesty's Government graciously made compensation. However much I might be personally disposed to recommend a compensation in these cases as a matter of grace and favor, as is suggested in your note, I am persuaded that such recommendation to Congress would be fruitless, in view of the adverse report^a of the Senate Committee on Foreign Relations in the mentioned claim of William Hardman, and in view of the further fact that the Government of the United States would probably be reluctant to set a precedent for the making of compensation for the losses of property caused by the action of insurgents beyond the control of the military authorities of the United States and for whose action the latter was not morally culpable. Such a precedent, if set, would doubtless be followed by the presentation of numerous and other large claims for compensation for property destroyed by acts of insurgents.

The claim of Mr. J. Walter Higgin, now presented for the first time, is of the same essential legal character as those which have already been rejected by the Department.

I am, etc.,

JOHN HAY.

RIGHT OF UNITED STATES CONSULS TO RECEIVE EFFECTS OF UNITED STATES CITIZENS, DECEASED ON BRITISH TERRITORY OR VESSELS.

Mr. White to Mr. Hay.

No. 1016.]

AMERICAN EMBASSY,
London, December 31, 1902.

SIR: I have the honor to inclose herewith copies of a letter addressed to the ambassador on the 15th November last by the consul-general, relative to the refusal of the British India Steamship Company to hand over to him the effects of Capt. Charles E. Schonberg, a first-class passenger from Calcutta to London, who died on board that vessel on the 18th September last, and to inform you that on the 24th ultimo I called at the foreign office and requested that inquiry be made in the matter.

I now have the honor to transmit herewith, for your information, the copy of a note which I have received from the foreign office, from which you will see that the laws of Great Britain do not recognize the right of a foreign consul to the custody of the personal effects of a subject or citizen of his country who dies in the United Kingdom or on board a British ship, and that if the agents of the British India Steamship Company had handed over to our consul-general Captain Schonberg's effects without having previously satisfied themselves of their value they would have exposed themselves to the infliction of a heavy penalty.

I have, etc.,

HENRY WHITE.

^aSee Senate Report No. 224, Fifty-seventh Congress, first session, January 23, 1902.

[Inclosure 1.]

*Mr. Evans to Mr. Choate.*CONSULATE-GENERAL OF THE UNITED STATES,
London, November 15, 1902.

SIR: I have the honor to submit the following facts for your consideration, viz:

Under date of October 13, Messrs. Gray, Dawes & Co. reported to this consulate-general the death of Capt. C. E. Schonberg, an American citizen, on board the steamship *Manora*, en route from Calcutta to London. (Copy of such notice herewith.) I immediately requested that the personal effects of Captain Schonberg be turned over to this consulate. (Copy herewith.)

Some two weeks thereafter a gentleman called giving his name, and said that he represented Messrs. Gray, Dawes & Co., and after explanation he agreed to turn over the effects of Captain Schonberg, provided I would give a receipt for same, and said he would submit a form. This form was sent in, but it being so general, I said that he must state of what the effects consisted; if a trunk, locked, say so; if a box, fastened, say so, etc.; that the form of the receipt was all right, but I wanted to know the packages I was getting.

On November 7 I received a letter from the solicitors. (Copy herewith.)

I immediately made reply addressed Messrs. Gray, Dawes & Co. (Copy herewith.)

Soon thereafter another solicitor called, claiming to represent Messrs. Gray, Dawes & Co. and wanting me to agree to indemnify Messrs. Gray, Dawes & Co. against any damages or suit at law of any kind from the representatives of Captain Schonberg. This I declined to do; and after pointing out to the solicitor the law and consular regulations, informing him that I was appointed by my Government, and had given bond to my Government; that my duties were clearly defined in such cases by international laws; that His Majesty had duly accepted me as the representative of my Government to look after such interests as were now involved; that I must protest against them or their clients opening the trunks or baggage of whatsoever nature belonging to this American citizen, who happened to be a passenger on their ship and died upon the journey and was buried at sea; and that these personal effects must be turned over to me as the representative of the United States.

On November 12 a messenger came with the word that the trunks and baggage of Captain Schonberg, at the East India Docks, had been examined, but nothing of value was found; that they only contained wearing apparel, and that there was a tin box that they would open at the office of the solicitors, and inviting me to call and see the contents. I paid no attention to this. About 5 p. m. one of the solicitors (as he represented himself) called at the consulate, wanting to turn over the box and contents, and had prepared a receipt for me to sign. After adding a memorandum I signed the receipt. (Copy herewith attached.)

I call your attention to the list of items submitted as personal effects under date of October 13, and again to the list of November 7, and my declining to receipt in general terms, but asking for a list of the packages.

At the time of each call of the solicitors I brought to their respective attention section 1709 of the Revised Statutes of 1878—duties of consuls as to the personal effects of deceased American citizens.

I submit these facts for your consideration. I have used my best efforts to protect the interests of the widow in this case and prevent the representatives of this steamship company from breaking open and inspecting the personal effects and private papers of this deceased American citizen, who was traveling upon their line from Calcutta to this port. I would thank you to advise me in the premises. Has this steamship company, or any other steamship company, or any transportation company, acting simply in the capacity of common carriers, the legal right under international laws and commercial regulations between friendly nations to open, examine, inspect, or otherwise pry into the personal effects or affairs of an American citizen, who is so unfortunate as to die while a passenger en route?

Very respectfully,

H. CLAY EVANS, *Consul-General.*

[Subinclosure 1.]

Messrs. Gray Dawes & Co., to Mr. Evans.

23 GT. WINCHESTER STREET,
London, E. C., October 13, 1902.

DEAR SIR: As representing the British India Company we have to advise you of

the death of Capt. Charles E. Schonberg, who was a saloon passenger on board the steamship *Manora* for London, and who, we understand, was a United States citizen.

The captain's letter advising the regretful incident of his death is as follows:

"I regret having to report the death of Capt. Charles E. Schonberg, first-class passenger from Calcutta to London. The deceased had been suffering more or less from fever ever since embarking at Garden reach; he informed me it was a malarial fever, contracted in America. Doctors Danton and Douglas also received the same information, which was substantiated by their personal observations. On the 15th of September he was ordered to bed by Doctor Douglas, being very weak, but showing no alarming symptoms, but at 0.45 p. m., 18th, he suddenly took a turn for the worse and expired at 1.35 p. m. His body was committed to the deep at 5.30 p. m.

"His effects have been taken charge of and will be handed over to your representatives at the Royal Albert Dock. The deceased was a citizen of the United States of America.

"The personal effects referred to above are as follows: 1 deed box, 1 Gladstone bag, 1 ring, 1 watch and chain, 1 set sleeve links, 3 studs, 3 pair spectacles, 1 trunk, 1 portmanteau, 1 canvas bag, 1 wooden box, 1 umbrella, 1 walking stick, 1 holdall, 1 bunch keys, 1 tin box."

In communicating this to you may we ask your kind offices with a view to tracing the relatives of the deceased so that they may apply for the effects.

We are, etc.,

GRAY, DAWES & Co.

[Subinclosure 2.]

Mr. Evans to Messrs. Gray, Dawes & Co.

UNITED STATES CONSULATE-GENERAL,
London, October 14, 1902.

DEAR SIR: I am in receipt of your letter of the 13th instant regarding the effects of the late Capt. Charles E. Schonberg, who died on board the steamship *Manora*. If you will have the effects in question delivered to me I will take charge of them for delivery to the person or persons entitled thereto.

Yours, faithfully,

H. CLAY EVANS,
Consul-General.

[Subinclosure 3.]

Messrs. Lyne & Holman to Mr. Evans.

5 AND 6 WINCHESTER STREET,
London, E. C., November 7, 1902.

DEAR SIR: Referring to our communications herein we find that in addition to the articles we were previously aware of there are seven packages of effects lying at the docks still unopened by our clients, and if it should appear that the contents of these are of substantial value there would be a difficulty in the way of handing them over except to the authorized legal personal representative of the deceased. If, however, the contents are of small value we would be quite willing that they should be handed over to you as previously suggested.

Our representative is going down to the docks to satisfy himself on the point of value, and if you like to inform Mr. T. S. Schonberg of this there will be no objection to his being present, or we will inform him if you prefer. We propose 11.30 a. m. on Monday for the purpose, and await your reply.

Yours, faithfully,

LYNE & HOLMAN.

[Subinclosure 4.]

Mr. Evans to Messrs. Gray, Dawes & Co.

UNITED STATES CONSULATE-GENERAL,
London, November 7, 1902.

GENTLEMEN: Reference to personal effects of Capt. Charles E. Schonberg, who died and was buried at sea.

On October 14 I wrote you requesting that they be turned over to this consulate for shipment to his widow.

I call your attention to international law and consular regulations upon this subject: "A consular officer is by the law of nations and by the statute the provisional conservator of the property within his district belonging to his countrymen deceased therein." Consular regulations make it the duty of a consul "to take possession of the personal estate left by any citizen of the United States, etc."

A gentleman claiming to represent you came to my office raising a technical objection to turning over to this consulate the personal effects of Captain Schonberg; finally submitted a form of a receipt to be given. I agreed to this. Now I am advised by letter that upon examination if these effects are of any value they will not be turned over, but if they are of no value ("or of small value") they will be turned over.

If you are unwilling to deliver the personal effects of Capt. Charles E. Schonberg to this consulate please say so, that I may bring the matter to the attention of the foreign office of His Majesty's Government through the proper channels. I have been desirous that whatever effects he had left on your ship might be gotten and shipped to his widow without expense to her. In this I had the cooperation and approval of the deceased's brother and uncle in this city. Your early reply will greatly oblige.

Very respectfully,

H. CLAY EVANS,
Consul-General.

[Subinclosure 5.]

Received of Messrs. Gray, Dawes & Co. the effects undermentioned of Charles E. Schonberg, a citizen of the United States of America who died on board the steamship *Manora* on or about September 18, 1902, which effects I claim should be delivered to me as consul-general of the United States of America pursuant to the laws of that country, and which effects are received for distribution to the parties entitled thereto under such laws:

One small box containing 1 watch and chain, 3 pair spectacles, 1 signet ring, 2 metal sleeve links, 3 studs, and 1 bunch of keys (9); 1 japanned dispatch box containing as follows: £20 in Bank of England notes and 9½ rupees in silver; sundry pocketbooks containing letters of introduction and cards of ditto; sundry Masonic papers and certificate; leather case containing necklace or chain, of garnets apparently, and small silver brooch; letter book and sundry business correspondence and papers; counterfoils of cheques; empty dollar case, 1 dozen photos of scenes in India and 2 small photos of natives; handbook of Hindustani language; certain envelopes marked as containing letters from friends, letters from home, regimental papers, traveling memoranda, and 1 envelope of papers marked I. P. & S. (I. Payne & Sons); small packet of some soft material like tobacco and addressed to W. Brown, esq., care Thos. Cook & Son, 4 Broadway, New York; sundry paid bills and other papers apparently of small importance.

Dated this 12th day of November, 1902.

Notice of death of Captain Schonberg was given this consulate the 13th of October, 1902, and on the 14th October, 1902, request was made, according to custom of consular service, for the personal effects of Capt. C. E. Schonberg; they were not delivered. After personal interviews and letters—one letter stating if effects were of value they would not be turned over—and upon inspection, if found of little value, they would be turned over. They have since been opened and inspected by the shipping company or its agents, so this consulate is only responsible for such articles as received.

Dated November 12, 1902.

H. CLAY EVANS, *Consul-General.*

[Inclosure 2.]

Lord Lansdowne to Mr. White.

FOREIGN OFFICE, *December 23, 1902.*

SIR: I lost no time in considering the communication which you left at this office, on the 24th ultimo, in regard to the treatment, by Messrs. Gray, Dawes & Co., of the effects of the late Captain Schonberg, a citizen of the United States.

I have the honor to inform you that the laws of this country do not recognize the right of a foreign consul to the custody of the personal effects of a citizen or subject of his country who dies in the United Kingdom or on board a British ship.

A heavy penalty is imposed on any person who deals in any way with the estate

of a deceased person without taking out probate or administration and paying the death duties which are levied in such cases.

Where, however, the total value of a person's effects is less than £100 no death duties are levied, and Messrs. Gray, Dawes & Co. no doubt thought that if the estate was of less value than the above sum they might safely hand over the effects, as the object with which the penalties are imposed on anyone meddling with the estate of deceased persons is to secure the commissioners of inland revenue against loss of duty.

Unless they had satisfied themselves of the value of the effects they could not have handed them to the consul at all, as they would have exposed themselves to the infliction of the penalties mentioned. The delivery of Captain Schonberg's effects to the United States consul-general was consequently purely a matter of courtesy.

I have, etc.,

LANSDOWNE.

Mr. Hay to Mr. White.

No. 1109.]

DEPARTMENT OF STATE,
Washington, January 15, 1903.

SIR: I have received your dispatch, No. 1016, of the 31st ultimo, reporting correspondence had with Consul-General Evans and with the foreign office in regard to the application of the consul-general to the attorneys representing the British India Steamship Company for delivery to him of the personal effects of Capt. C. E. Schonberg, a citizen of the United States, who died on board the company's steamship *Manora* while on the way from Calcutta to London.

The application of the consul-general to take possession of the estate of Captain Schomberg is based on the authority and prescription of sections 1709, 1710, and 1711 of the Revised Statutes. Sections 1709 and 1711 expressly make the consul's action dependent on the permission of the laws of the country, and the same condition is implied in section 1710, which provides for transmitting to the Department an inventory of the effects of the deceased "taken as before directed" (in section 1709); that is, taken by the consul if permitted by the laws of the country, or by the proper lawful authority of the country if the consul's intervention to that end be not permitted.

Mr. Evans's claim that he, as a consular officer, is by the law of nations and by statute the provisional conservator of the property within his district belonging to his countrymen deceased therein is apparently based on the initial clause of paragraph 409 of the United States Consular Regulations of 1896. That paragraph is not entirely consistent. It goes on to declare that "he has no right, as a consular officer, apart from the provisions of treaty, local law, or usage, to administer on the estate, or in that character to aid any other person in so administering it, without judicial authorization," and restricts his duties to "guarding and collecting the effects and to transmitting them to the United States, or to aid others in so guarding, collecting, and transmitting them, to be disposed of pursuant to the law of the decedent's State." This qualifying limitation upon his powers follows an opinion of Attorney-General Cushing (7 Op. Att. Gen., 274). It implies that the power and duty of the consul to so guard, collect and transmit the decedent's estate is not exclusive. If those powers are not conferred upon him by treaty, local law, or usage, it is his alternative duty to aid others upon whom those functions devolve under local law. The passage quoted by Mr. Evans to sustain his contention is,

in fact, only applicable when the matter is not regulated by treaty or local law.

Section 389 of the Consular Regulations prescribes that "the authority of consuls with respect to the effects of deceased citizens can be exercised, however, only so far as is permitted by the authorities of the country, or is accorded by established usage, or is provided for by treaty or the laws of the country," meaning the *lex loci*. There is no treaty stipulation between the United States and Great Britain on this point. Article IV of the treaty of 1815, which is still in force, subordinates the consul's action to the laws of the country to which he is sent.

Under the circumstances no exception can be made to the position taken by His Majesty's Government in Lord Lansdowne's note to you of December 23, which it is presumed you have communicated to the consul-general. The effects of the decedent, having been ascertained to fall in value below the limit taxable with the statutory death duties, have been turned over to the consul-general as a matter of courtesy, thus closing the incident.

A copy of this instruction will be sent to the consul-general for his information.

I am, etc.,

JOHN HAY.

ALASKAN BOUNDARY.

CONVENTION BETWEEN THE UNITED STATES AND GREAT BRITAIN PROVIDING FOR THE SETTLEMENT OF QUESTIONS BETWEEN THE TWO COUNTRIES WITH RESPECT TO THE BOUNDARY LINE BETWEEN THE TERRITORY OF ALASKA AND THE BRITISH POSSESSIONS IN NORTH AMERICA.

Signed at Washington January 24, 1903.

Ratification advised by the Senate February 11, 1903.

Ratified by the President February 24, 1903.

Ratified by Great Britain February 16, 1903.

Ratifications exchanged at Washington March 3, 1903.

Proclaimed March 3, 1903.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Whereas a Convention between the United States of America and Great Britain providing for the settlement of questions between the two countries with respect to the boundary line between the territory of Alaska and the British possessions in North America, was concluded and signed by their respective Plenipotentiaries at Washington, on the twenty-fourth day of January, one thousand nine hundred and three, the original of which Convention is word for word as follows:

The United States of America and His Majesty Edward the Seventh, of the United Kingdom of Great Britain and Ireland, and of the British Dominions beyond the Seas, King, and Emperor of India, equally desirous for the friendly and final adjustment of the differences which exist between them in respect to the true meaning and application of certain clauses of the convention between Great Britain and Russia, signed under date of February 28/16, A. D. 1825, which clauses relate

to the delimitation of the boundary line between the territory of Alaska, now a possession of the United States, and the British possessions in North America, have resolved to provide for the submission of the questions as hereinafter stated to a tribunal, and to that end have appointed their respective plenipotentiaries as follows:

The President of the United States of America, John Hay, Secretary of State of the United States; and

His Britannic Majesty, The Right Honorable Sir Michael H. Herbert, K. C. M. G., C. B., His Britannic Majesty's Ambassador Extraordinary and Plenipotentiary;

Who, after an exchange of their full powers which were found to be in good and due form, have agreed upon the following articles:

ARTICLE I.

A tribunal shall be immediately appointed to consider and decide the questions set forth in Article IV of this convention. The tribunal shall consist of six impartial jurists of repute who shall consider judicially the questions submitted to them, each of whom shall first subscribe an oath that he will impartially consider the arguments and evidence presented to the tribunal and will decide thereupon according to his true judgment. Three members of the tribunal shall be appointed by the President of the United States, and three by His Britannic Majesty. All questions considered by the tribunal, including the final award, shall be decided by a majority of all the members thereof.

In case of the refusal to act, or of the death, incapacity or abstention from service of any of the persons so appointed, another impartial jurist of repute shall be forthwith appointed in his place by the same authority which appointed his predecessor.

The tribunal may appoint a secretary and a bailiff to perform such duties as they may prescribe, and may employ scientific experts if found to be necessary, and may fix a reasonable compensation for such officers. The tribunal shall keep an accurate record of all its proceedings.

Each of the High Contracting Parties shall make compensation for the services of the members of the tribunal of its own appointment and of any agent, counsel, or other person employed in its behalf, and shall pay all costs incurred in the preparation of its case. All expenses reasonably incurred by the tribunal in the performance of its duties shall be paid by the respective governments in equal moieties.

The tribunal may, subject to the provisions of this convention, establish all proper rules for the regulation of its proceedings.

ARTICLE II.

Each of the High Contracting Parties shall also name one person to attend the tribunal as its agent.

The written or printed case of each of the two parties, accompanied by the documents, the official correspondence and all other evidence in writing or print on which each party relies, shall be delivered in duplicate to each member of the tribunal and to the agent of the other party as soon as may be after the organization of the tribunal, but within a period not exceeding two months from the date of the exchange of ratifications of this convention.

Within two months after the delivery on both sides of the written or printed case, either party may, in like manner, deliver in duplicate to each member of the tribunal, and to the agent of the other party, a counter-case and additional documents, correspondence and evidence in reply to the case, documents, correspondence and evidence so presented by the other party. The tribunal may, however, extend this last mentioned period when in their judgment it becomes necessary by reason of special difficulties which may arise in the procuring of such additional papers and evidence.

If in the case submitted to the tribunal either party shall have specified or referred to any report or document in its own exclusive possession without annexing a copy, such party shall be bound, if the other party shall demand it, within thirty days after the delivery of the case, to furnish to the party applying for it a duly certified copy thereof; and either party may call upon the other, through the tribunal, to produce the original or certified copies of any papers adduced as evidence, giving in each instance such reasonable notice as the tribunal may require; and the original or copy so requested shall be delivered as soon as may be and within a period not exceeding forty days after receipt of notice.

Each party may present to the tribunal all pertinent evidence, documentary, historical, geographical, or topographical, including maps and charts, in its possession or control and applicable to the rightful decision of the questions submitted; and if it appears to the tribunal that there is evidence pertinent to the case in the possession of either party, and which has not been produced, the tribunal may in its discretion order the production of the same by the party having control thereof.

It shall be the duty of each party through its agent or counsel, within two months from the expiration of the time limited for the delivery of the counter-case on both sides, to deliver in duplicate to each member of the said tribunal and to the agent of the other party a written or printed argument showing the points and referring to the evidence upon which his Government relies, and either party may also support the same before the tribunal by oral argument of counsel. The tribunal may, if they shall deem further elucidation with regard to any point necessary, require from either party a written, printed, or oral statement or argument upon the point; but in such case the other party shall have the right to reply thereto.

ARTICLE III.

It is agreed by the High Contracting Parties that the tribunal shall consider in the settlement of the questions submitted to its decision the Treaties respectively concluded between His Britannic Majesty and the Emperor of All the Russias under date of 28/16 February, A. D. 1825, and between the United States of America and the Emperor of All the Russias concluded under date of March 30/18, A. D. 1867; and particularly the Articles III, IV, V, of the first mentioned treaty, which in the original text are word for word as follows:

“La ligne de démarcation entre les Possessions des Hautes Parties Contractantes sur la Côte du Continent et les Iles de l’Amérique Nord-Ouest, sera tracée ainsi qu’il suit:

“A partir du Point le plus méridional de l’Ile dite *Prince of Wales*, lequel Point se trouve sous la parallèle du 54me degré 40 minutes de

latitude Nord, et entre le 131me et 133me degré de longitude Ouest (Méridien de Greenwich), la dite ligne remontera au Nord le long de la passe dite *Portland Channel*, jusqu'au Point de la terre ferme où elle atteint le 56me degré latitude Nord; de ce dernier point la ligne de démarcation suivra la crête des montagnes situées parallèlement à la Côte, jusqu'au point d'intersection du 141me degré de longitude Ouest (même Méridien); et finalement, du dit point d'intersection, la même ligne méridienne du 141me degré formera, dans son prolongement jusqu'à la Mer Glaciale, la limite entre les Possessions Russes et Britanniques sur le Continent de l'Amérique Nord-Ouest."

IV.

"Il est entendu, par rapport à la ligne de démarcation déterminée dans l'Article précédent;

"1. Que l'Isle dite *Prince of Wales* appartiendra toute entière à la Russie.

"2. Que partout où la crête des montagnes qui s'étendent dans une direction parallèle à la Côte depuis le 56me degré de latitude Nord au point d'intersection du 141me degré de longitude Ouest, se trouveroit à la distance de plus de dix lieues marines de l'Océan, la limite entre les Possessions Britanniques et la lisière de Côte mentionnée ci-dessus comme devant appartenir à la Russie, sera formée par une ligne parallèle aux sinuosités de la Côte, et qui ne pourra jamais en être éloignée que de dix lieues marines."

V.

"Il est convenu en outre, que nul Etablissement ne sera formé par l'une des deux Parties dans les limites que les deux Articles précédens assignent aux Possessions de l'Autre. En conséquence, les Sujets Britanniques ne formeront aucun Etablissement soit sur la Côte, soit sur la lisière de terre ferme comprise dans les limites des Possessions Russes, telles qu'elles sont désignées dans les deux Articles précédens; et, de même, nul Etablissement ne sera formé par des Sujets Russes au delà des dites limites."

The tribunal shall also take into consideration any action of the several governments or of their respective representatives preliminary or subsequent to the conclusion of said treaties so far as the same tends to show the original and effective understanding of the parties in respect to the limits of their several territorial jurisdictions under and by virtue of the provisions of said treaties.

ARTICLE IV.

Referring to Articles III, IV, and V of the said treaty of 1825 the said tribunal shall answer and decide the following questions:—

1. What is intended as the point of commencement of the line?
2. What channel is the Portland Channel?
3. What course should the line take from the point of commencement to the entrance to Portland Channel?
4. To what point on the 56th parallel is the line to be drawn from the head of the Portland Channel, and what course should it follow between these points?
5. In extending the line of demarcation northward from said point

on the parallel of the 56th degree of North latitude, following the crest of the mountains situated parallel to the coast until its intersection with the 141st degree of longitude west of Greenwich, subject to the condition that if such line should anywhere exceed the distance of ten marine leagues from the ocean then the boundary between the British and the Russian territory should be formed by a line parallel to the sinuosities of the coast and distant therefrom not more than ten marine leagues, was it the intention and meaning of said convention of 1825 that there should remain in the exclusive possession of Russia a continuous fringe or strip of coast on the mainland, not exceeding ten marine leagues in width, separating the British Possessions from the bays, ports, inlets, havens, and waters of the ocean, and extending from the said point on the 56th degree of latitude north to a point where such line of demarcation should intersect the 141st degree of longitude west of the Meridian of Greenwich?

6. If the foregoing question should be answered in the negative, and in the event of the summit of such mountains proving to be in places more than ten marine leagues from the coast, should the width of the lisière which was to belong to Russia be measured (1) from the mainland coast of the ocean, strictly so-called, along a line perpendicular thereto, or (2) was it the intention and meaning of the said convention that where the mainland coast is indented by deep inlets, forming part of the territorial waters of Russia, the width of the lisière was to be measured (a) from the line of the general direction of the mainland coast, or (b) from the line separating the waters of the ocean from the territorial waters of Russia, or (c) from the heads of the aforesaid inlets?

7. What, if any exist, are the mountains referred to as situated parallel to the coast, which mountains, when within ten marine leagues from the coast, are declared to form the eastern boundary?

ARTICLE V.

The tribunal shall assemble for their first meeting at London as soon as practicable after receiving their commissions; and shall themselves fix the times and places of all subsequent meetings.

The decision of the tribunal shall be made so soon as possible after the conclusion of the arguments in the case, and within three months thereafter, unless the President of the United States and His Britannic Majesty shall by common accord extend the time therefor. The decision shall be made in writing, and dated, and shall be signed by the members of the tribunal assenting to the same. It shall be signed in duplicate, one copy whereof shall be given to the agent of the United States of America for his government, and the other to the agent of His Britannic Majesty for his government.

ARTICLE VI.

When the High Contracting Parties shall have received the decision of the tribunal upon the questions submitted as provided in the foregoing articles, which decision shall be final and binding upon all parties, they will at once appoint, each on its own behalf, one or more scientific experts who shall with all convenient speed proceed together to lay down the boundary line, in conformity with such decision.

Should there be, unfortunately, a failure by a majority of the tribunal to agree upon any of the points submitted for their decision, it shall be their duty to so report in writing to the respective governments through their respective agents. Should there be an agreement by a majority upon a part of the questions submitted, it shall be their duty to sign and report their decision upon the points of such agreement in the manner hereinbefore prescribed.

ARTICLE VII.

The present Convention shall be ratified by the President of the United States, by and with the advice and consent of the Senate, and by His Britannic Majesty, and the ratifications shall be exchanged in Washington or in London so soon as the same may be effected.

In faith whereof we, the respective plenipotentiaries, have signed this Convention and have hereunto affixed our seals.

Done at Washington, in duplicate, this 24th day of January, A. D. 1903.

JOHN HAY [SEAL.]
MICHAEL H. HERBERT [SEAL.]

And whereas the said Convention has been duly ratified on both parts, and the ratifications of the two governments were exchanged in the City of Washington, on the third day of March, one thousand nine hundred and three;

Now, therefore, be it known that I, THEODORE ROOSEVELT, President of the United States of America, have caused the said Convention to be made public, to the end that the same and every article and clause thereof, may be observed and fulfilled with good faith by the United States and the citizens thereof.

In testimony whereof, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

Done at the City of Washington, this third day of March, in the year of our Lord one thousand nine hundred and three, and [SEAL] of the Independence of the United States the one hundred and twenty-seventh.

THEODORE ROOSEVELT

By the President:

JOHN HAY

Secretary of State.

CORRESPONDENCE BETWEEN THE GOVERNMENTS OF THE UNITED STATES AND GREAT BRITAIN AFTER THE RATIFICATION OF THE TREATY OF JANUARY 24, 1903.

Mr. Hay to Sir M. H. Herbert.

No. 73.]

DEPARTMENT OF STATE,
Washington, February 13, 1903.

EXCELLENCY: I have the honor to inform you that the Senate, by its resolution of the 11th instant, two-thirds of the Senators present concurring therein, gave its advice and consent, without amendment, to

the ratification of the convention which I signed with you on January 24, 1903, providing for the settlement of the questions between the United States and Great Britain with respect to the boundary line between the Territory of Alaska and the British possessions in North America.

I have, etc.,

JOHN HAY.

Mr. Hay to Sir M. H. Herbert.

DEPARTMENT OF STATE,
Washington, March 5, 1903.

DEAR EXCELLENCY: I have the honor to inform you that the President has appointed the Hon. Elihu Root, the Hon. Henry Cabot Lodge, and the Hon. George Turner, of Washington, as the American members of the tribunal created by the convention between the United States and Great Britain, which was signed on the 24th of January, 1903.

I have the honor to be, with assurance of the highest consideration, your excellency's obedient servant,

JOHN HAY.

Mr. Loomis to Mr. Choate.

No. 1149.]

DEPARTMENT OF STATE,
Washington, March 10, 1903.

SIR: I inclose for the embassy's use twelve copies of the President's proclamation of the convention between the United States and Great Britain for the settlement of questions between the two countries with respect to the boundary line between Alaska and the British possessions in North America, signed at Washington on January 24, 1903.

The President has appointed the Hon. Elihu Root, Secretary of War, Senator Henry Cabot Lodge, of Massachusetts, and ex-Senator George Turner, of Washington, as the American members of the tribunal provided for in the convention.

I am, sir, your obedient servant,

FRANCIS B. LOOMIS,
Acting Secretary.

Mr. Choate to Mr. Hay.

No. 1094.]

AMERICAN EMBASSY,
London, April 1, 1903.

SIR: Referring to your instruction, No. 1149, of March 10 last, I have the honor to inclose herewith copies of the note in which I communicated the President's proclamation of the convention between the United States and Great Britain for the settlement of questions relative to the Alaska boundary, and of his lordship's reply.

I have the honor to be, sir, your obedient servant,

JOSEPH H. CHOATE.

The Hon. JOHN HAY,
Secretary of State.

[Inclosure 1.]

*Mr. Choate to Lord Lansdowne.*AMERICAN EMBASSY, *London, March 19, 1903.*

MY LORD: I have the honor to inclose herewith copies (2) of the President's proclamation of the convention between the United States and Great Britain for the settlement of questions between the two countries with respect to the boundary line between Alaska and the British possessions in North America, signed at Washington January 24, 1903, and to inform your lordship that the President has appointed the Hon. Elihu Root, Secretary of War of the United States, the Hon. Henry Cabot Lodge, the Senator for Massachusetts, the Hon. George Turner, ex-Senator of the State of Washington, as American members of the tribunal provided for in the convention.

I have the honor to be, etc.,

JOSEPH H. CHOATE.

[Inclosure 2.]

*Lord Lansdowne to Mr. Choate.*FOREIGN OFFICE, *March 28, 1903.*

YOUR EXCELLENCY: I have the honor to acknowledge the receipt of your excellency's note of the 19th instant, inclosing copies of the President's proclamation of the convention between the United States and Great Britain for the settlement of questions with respect to the boundary line between Alaska and the British possessions in North America, signed at Washington on the 24th of January last.

Your excellency at the same time informed me that the President has appointed the Hon. Elihu Root, Secretary of State for War, the Hon. Henry Cabot Lodge, and the Hon. George Turner as American members of the tribunal provided for in the convention.

I have the honor to be, etc.,

LANSDOWNE.

*Sir M. H. Herbert to Mr. Loomis.*BRITISH EMBASSY,
Washington, March 13, 1903.

DEAR MR. LOOMIS: In accordance with a request made to me by the Secretary of State on the 5th instant, I telegraphed to the Marquis of Lansdowne, suggesting that, in order to save trouble and the waste of time involved by two journeys across the Atlantic, the purpose of the second article of the Alaska convention might be considered as complied with by the appointment, on each side, of the commissioners and the presentation of the respective cases, and even of the counter cases, without an actual meeting in London.

I have now received a telegram from his lordship in reply, in which he states that there may be some difficulty in preparing the cases, evidence, etc., within the period of two months after the exchange of ratifications for which provision is made in article 2 of the convention.

I am accordingly directed to inquire whether the United States Government will agree to extend the period, either by an exchange of notes, or, if necessary, by a supplementary convention, until the 31st of May, or, better still, until June 30?

When the date is fixed, an arrangement could be made for the simultaneous exchange of all the documents without a formal meeting of the tribunal in London.

The members of the tribunal might later on themselves arrange the date of meeting after the counter cases and arguments have been presented.

Believe me, dear Mr. Loomis, yours, very truly,

MICHAEL H. HERBERT.

Mr. Loomis to Sir M. H. Herbert.

DEPARTMENT OF STATE,
Washington, March 14, 1903.

YOUR EXCELLENCY: I have the honor to acknowledge the receipt of your note of March 13, respecting certain suggestions for carrying out the purposes of the second article of the Alaska convention.

In reply permit me to say that the matter is now under consideration, and it is hoped that a definite answer may be given you in a few days.

Believe me, your excellency, very truly, yours,

FRANCIS B. LOOMIS,
Acting Secretary of State.

Sir M. H. Herbert to Mr. Loomis.

No. 59.]

BRITISH EMBASSY,
Washington, March 19, 1903.

SIR: In accordance with instructions which I have received from the Marquis of Lansdowne, I have the honor to inform you that the lord chief justice of England, His Honor Sir Louis Aimable Jetté, K.C.M.G., retired judge of the supreme court of Quebec, and the Hon. John Douglas Armour, judge of the supreme court of Canada, have been selected as the British members of the Alaska boundary tribunal.

I have the honor to be, with highest consideration, sir,

Your most obedient humble servant,

MICHAEL H. HERBERT.

Sir M. H. Herbert to Mr. Hay.

BRITISH EMBASSY,
Washington, March 23, 1903.

DEAR MR. SECRETARY: With reference to our conversation of the day before yesterday, I hasten to inform you that, in view of the inconvenience which would be caused to the American commissioners by any postponement of the delivery of the cases to the Alaska tribunal, His Majesty's Government do not desire to press the proposal for an extension of time.

The British case will be ready for delivery in London on May 3, in accordance with the stipulation of Article II of the convention.

I am, dear Mr. Secretary, yours, very truly,

MICHAEL H. HERBERT.

Mr. Hay to Sir M. H. Herbert.

[Personal.]

DEPARTMENT OF STATE,
Washington, March 24, 1903.

MY DEAR MR. AMBASSADOR: I beg to acknowledge the receipt of your personal note of the 23d instant, stating that His Majesty's Government will not press for an extension of time for the delivery of the cases to the Alaska tribunal, and that the British cases will be ready for delivery in London on May 3 next, in accordance with the stipulation of Article II of the convention.

I take it for granted that it will be regarded as a compliance with the stipulations of the convention if our case is presented on the same day to the American members of the tribunal in Washington, and to your embassy for transmittal to London.

I am, my dear Sir Michael, very sincerely, yours,

JOHN HAY.

Sir M. H. Herbert to Mr. Hay.

[Personal.]

BRITISH EMBASSY,
Washington, March 25, 1903.

DEAR MR. SECRETARY: I beg to acknowledge the receipt of your personal note of yesterday's date, in which you state that you take it for granted that it will be regarded as a compliance with the stipulations of the Alaska convention if the United States cases are presented on the same day to the American members of the tribunal in Washington and to this embassy for transmission to London.

In reply, I beg to inform you that in my opinion you are correct in your assumption, but I have forwarded a copy of your note to the Marquis of Lansdowne.

I am, dear Mr. Secretary, yours, very truly,

MICHAEL H. HERBERT.

Sir M. H. Herbert to Mr. Hay.

WASHINGTON, April 16, 1903.

SIR: On the 5th March last you suggested to me verbally that, in order to save trouble and the waste of time involved by two journeys across the Atlantic, the purpose of the second article of the Alaska convention, signed on the 24th January last, might be considered as complied with by the appointment on each side of the commissioners, and the presentation of the respective cases and even of the counter cases, without an actual meeting in London.

I have the honor to inform you that the Marquis of Lansdowne agrees to your suggestion, and proposes the following arrangements

shall be considered as fulfilling the provisions contained in the second paragraph of Article II of the convention.

The delivery on May 2 (May 3, the correct date, falling on a Sunday) of the British case at the United States embassy in London for the American members of the tribunal and the American agent.

The delivery on May 2 of the American case at the British embassy in Washington for the British members of the tribunal and the British agent.

Lord Lansdowne further suggests that the members of the tribunal might, later on, themselves arrange the date of meeting after the presentation of the counter cases and printed arguments.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

MICHAEL H. HERBERT.

Mr. Hay to Sir M. H. Herbert.

No. 110.]

DEPARTMENT OF STATE,
Washington, April 17, 1903.

EXCELLENCY: I have the honor to acknowledge the receipt of your note No. 86 of the 16th instant, by which you inform me that the Marquis of Lansdowne agrees to the suggestion which I made to you verbally on March 5 last, that, in order to save trouble and the waste of time involved by two journeys across the Atlantic, the purpose of the second article of the Alaska convention of January 24, 1903, might be considered as complied with by the appointment on each side of the commissioners, and the presentation of the respective cases, and even of the counter cases, without an actual meeting in London.

His lordship proposes that the following arrangements shall be considered as fulfilling the provisions contained in the second paragraph of Article II of the convention.

The delivery on May 2 (May 3, the correct date, falling on Sunday) of the British case at the United States embassy in London for the American members of the tribunal and the American agent.

The delivery on May 2 of the American case at the British embassy in Washington for the British members of the tribunal and the British agent.

This Government understands these arrangements to be now accepted on both parts, and will in accordance therewith deliver, on the 2d of May next, the American case at the British embassy at Washington for the British members of the tribunal and the British agent.

Note is taken of Lord Lansdowne's further suggestion that the members of the tribunal might, later on, themselves arrange the date of meeting after the presentation of the counter cases and printed arguments.

I have the honor to be, with the highest consideration, your excellency's most obedient servant,

JOHN HAY.

Mr. Hay to Mr. Choate.

DEPARTMENT OF STATE,
Washington, April 21, 1903.

SIR: I inclose for your information copies of notes exchanged with the British ambassador here concerning the delivery of the respective cases of the two Governments under the second article of the Alaska convention of January 24, 1903.

In accordance with the arrangement set out in the notes, you are authorized to receive on May 2 the British case for the American members of the tribunal and the American agent.

I am, sir, your obedient servant,

JOHN HAY.

Mr. Hay to Mr. Choate.

[Telegram.]

DEPARTMENT OF STATE,
Washington, April 30, 1903.

By agreement of both parties the cases are to be delivered here and in London to-morrow, so as to catch Saturday's steamer.

HAY.

Mr. Hay to Sir M. H. Herbert.

No. 117.]

DEPARTMENT OF STATE,
Washington, May 1, 1903.

EXCELLENCY: I have the honor to transmit herewith a letter of this date from Mr. John W. Foster, agent of the United States before the Alaskan Boundary Tribunal, addressed to the Hon. Clifford Sifton, British agent, accompanied by twenty copies of the printed case of the United States, delivery of which is made to you in accordance with an agreement, and as a compliance with Article II of the treaty signed by us on January 24 last.

I have the honor to be, with the highest consideration, your excellency's most obedient servant,

JOHN HAY.

[Inclosure.]

Mr. Foster to Mr. Sifton.

MAY 1, 1903.

SIR: In accordance with the terms of the treaty of January 24, 1903, between the United States and Great Britain, and of the agreement between the two Governments, I transmit herewith, through the British embassy in Washington, copies in duplicate of the printed case of the United States before the Alaskan Boundary Tribunal for the British agent and the British members of the tribunal, and twelve additional copies for the use of yourself and British counsel.

I have the honor to be, with high respect, your obedient servant,

JOHN W. FOSTER,

Agent of the United States before the Alaskan Boundary Tribunal.

Mr. Choate to Mr. Hay.

No. 1113.]

AMERICAN EMBASSY,
London, May 1, 1903.

SIR: I have the honor, in accordance with your instruction No. 1186 of the 21st of April, 1903, to transmit herewith eight copies of the British case in connection with the Alaskan boundary, which, under the second article of the Alaska convention of January 24, 1903, were handed to me to-day on the part of Mr. Sifton, His Britannic Majesty's agent.

I have the honor to be, sir, your obedient servant,

JOSEPH H. CHOATE.

[Inclosure.]

Mr. Sifton to Mr. Choate.

LONDON, *May 1, 1903.*

SIR: I have the honor to hand to your excellency herewith eight copies of the case of Great Britain, with accompanying appendices, under the convention signed at Washington, January 24, 1903, for the adjustment of the boundary between the Dominion of Canada and the Territory of Alaska.

It having been agreed that delivery of these documents at the United States embassy at London should be taken as delivery under the terms of Article II of the said convention, they are delivered accordingly.

The twelve additional sets of these volumes will be delivered to-morrow.

I have also the honor to transmit for your excellency's own use one copy of the case and accompanying appendices.

I have the honor to be, sir, your excellency's obedient servant,

CLIFFORD SIFTON,

Agent of His Britannic Majesty before the Alaska Boundary Tribunal.

Mr. Choate to Mr. Hay.

[Telegram.]

LONDON, *May 20, 1903.*

Mr. Choate telegraphs the Secretary of State that he is urging that Commission meet on September 3 to hear or arrange for early oral argument; and Attorney-General suggesting that time might be required for production of papers, he has said that he would do all he could to facilitate the production of papers without formal proceedings.

Mr. Hay to Mr. Choate.

[Telegram.]

DEPARTMENT OF STATE,
Washington, May 21, 1903.

We will waive formalities of the treaty as to production of papers, but should have early notice of those desired.

HAY.

Mr. Hay to Mr. Choate.

No. 1203.]

DEPARTMENT OF STATE,
Washington, May 25, 1903.

SIR: I inclose herewith a letter from John W. Foster, esq., agent of the United States before the Alaskan Boundary Tribunal, addressed to the Hon. Clifford Sifton, agent of Great Britain, making demand, in pursuance of paragraph 4 of Article II of the treaty of January 24, 1903, for copies of certain documents therein particularly described which are specified or referred to in the British case without annexing copies thereto.

You will communicate this demand, through the foreign office, to the British agent.

I am, sir, your obedient servant,

JOHN HAY.

[Inclosure.]

Mr. Foster to Mr. Sifton.

WASHINGTON, D. C., May 23, 1903.

To the Hon. CLIFFORD SIFTON,
Agent of Great Britain.

SIR: I have the honor, pursuant to paragraph 4 of Article II of the treaty of January 24, 1903, between the United States and Great Britain, to request copies of the following documents specified or referred to in the British case without annexing copies thereto, to wit:

1. The supplementary agreement entered into between the Russian American Company and the Hudsons Bay Company on the 17th of May, 1842, referred to on page 87 of the British case.

2. The agreement extending the lease of 6th February, 1839, between the said companies to 1st January, 1862, entered into 28th December, 1858, and referred to on page 87 of the British case.

3. The agreement extending said lease till June, 1865, referred to on page 87 of the British case.

4. The agreement further extending said lease for one year, terminating on 31st May, 1867.

5. The certain information and suggestions respecting the northwest coast of America inclosed in Mr. G. Canning's letter of January 20, 1824, to Sir C. Bagot, No. 41, which inclosures are referred to in the British case, Appendix, Vol. I, page 65.

6. The tracing of Admiralty Chart, showing the general direction of the coast, inclosed in letter of instructions from J. S. Dennis, surveyor-general, to Joseph Hunter, C. E., dated March 3, 1877, and therein specified in paragraph (D) and referred to in paragraph No. 7 of said letter, appearing in the British case, Appendix, Vol. I, page 224.

7. The tracing of a sketch made by his honor Chief Justice Begbie, inclosed in letter of instructions above mentioned, and therein specified in paragraph (F) and referred to in paragraph No. 4 of said letter appearing in the British case, Appendix, Vol. I, page 224.

8. The letter from the Russian American Company, dated St. Petersburg, April 18 (May 10), 1867, specified in the declaration from William Ware, esq., secretary of the Hudsons Bay Company, and referred to in paragraphs Nos. 4 and 5 of said declaration appearing in the British case, Appendix, Vol. I, page 306.

Very respectfully,

JOHN W. FOSTER,

Agent of the United States before the Alaskan Boundary Tribunal.

Sir M. H. Herbert to Mr. Hay.

BRITISH EMBASSY,
Washington, May 29, 1903.

DEAR MR. SECRETARY: I have just received a telegram from Lord Lansdowne, requesting me to ask you to inform the American agent before the Alaska tribunal that the British agent applies for the production, under paragraph 4 of article 2 of the Alaska convention, of the documents included in the United States case which are mentioned in the inclosed list.

The telegram adds that the British agent could examine them in Washington or make arrangements to photograph the originals.

I gather from the telegram that some further documents are required, but as the sentence relating to them is not quite clear, I have telegraphed for a repetition of it.

I am, dear Mr. Secretary, yours, very truly,

MICHAEL H. HERBERT.

[Inclosure.]

ALASKA BOUNDARY COMMISSION.

List of documents which the British agent desires to examine in original, or of which he wishes to be allowed to take photographs, under articles 2 and 4 of the Alaska Boundary Convention.

- | | | |
|-----|----|--|
| 112 | 1 | Baron Tuyll to Count Nesselrode, October 2 (November 2), 1822. |
| 132 | 2 | Monsieur Poletica to Count Nesselrode, November 3, 1823. |
| 152 | 3 | Admiral Mordvinof to Count Nesselrode, February 20 (March 3), 1824. |
| 175 | 4 | Count Lieven to Count Nesselrode, May 20 (June 1), 1824. |
| 179 | 5 | Count Lieven to Count Nesselrode, May 21 (June 2), 1824. |
| 166 | 6 | Count Nesselrode to Admiral Mordvinof, April 11, 1824. |
| 135 | 7 | Count Lieven to Count Nesselrode, July 13 (25), 1824. |
| 205 | 8 | Explanations with regard to contre projet. |
| 207 | 9 | Count Lieven to Count Nesselrode, September 19 (October 1), 1824. |
| 213 | 10 | Contre projet submitted by Stratford Canning, February 1 (13), 1825. |
| 218 | 11 | S. Canning's contre projet as altered and corrected by Matusevich. |
| 224 | 12 | Mr. Middleton to Mr. Adams, February 17, 1825. |
| 225 | 13 | Count Nesselrode to Count Lieven, February 20 (March 3), 1825. |
| 229 | 14 | Count Lieven to Count Nesselrode, May 8 (20), 1825. |
| 259 | 15 | Governor Simpson to the manager of the Russian American Company, March 20, 1829. |
| 260 | 16 | Hudson's Bay Company to Russian American Company, December 16, 1829. |
| 261 | 17 | Director Severin to the minister of finance, February 27, 1830. |
| 262 | 18 | Manager Drujinin to minister of finance, March 5, 1830. |
| 264 | 19 | Report of the governor of the board of directors of the Russian American Company, May 6, 1832. |
| 265 | 20 | The same to the same, April 28, 1834. |
| 273 | 21 | The governor of the Russian American Company to the commander of the schooner <i>Chilkat</i> , Second Lieutenant Kuznetsoff, March 30, 1835. |
| 274 | 22 | Baron Wrangle to board of directors of the Russian American Company, April 30, 1835. |
| 282 | 23 | Report of the directors of the Russian American Company on the <i>Dryad</i> affair, November 14, 1835. |
| 289 | 24 | Board of directors of the Russian American Company to the department of trade and manufactures, January 3, 1836. |
| 291 | 25 | The same to the governor of the Russian American colonies, Ivan Antonovich Kupreyanoff, March 12, 1836. |

- 296 26 Mr. Milbanke to Count Nesselrode, July 13, 1837.
 297 27 Count Nesselrode to Mr. Milbanke, April 28, 1838.
 302 28 The governor of the Russian colonies in America to the commander of the brig *Chichagoff*, Lieutenant Zarembo, March 23, 1838.
 303 29 Report of the governor of the Russian colonies in America to the board of directors, May 1, 1838.
 307 30 Count Nesselrode to Count Kankreen, December 9, 1838.
 308 31 Report of the governor to the general board of the Russian American Company, May 1, 1838.
 309 32 Journal of correspondence, 1839. No. 3.
 309 33 Report of the board of directors of the Russian American Company, December 20, 1839.
 312 34 Count Nesselrode to Count Kankreen, January 14, 1839.
 312 35 Report of governor of Russian colonies in America to the board of directors of the Russian American Company, April 20, 1839.
 317 36 Translation of the Russian memorandum, marked "A A."

Sir M. H. Herbert to Mr. Hay.

[Personal.]

BRITISH EMBASSY,
 Washington, May 29, 1903.

DEAR MR. SECRETARY: With reference to my personal note of this morning, marked "immediate," I hasten to inform you that the British agent desires to examine or take photographs of the originals of all documents printed on pages 345-550 of the Appendix to the United States case, in addition to those mentioned in the list already sent you.

These additional documents include "Papers relating to American occupation," "Geographical and topographical information relative to southeastern Alaska," and "Miscellaneous documents, etc."

I am, dear Mr. Secretary, yours, very truly,

MICHAEL H. HERBERT.

Mr. Hay to Sir M. H. Herbert.

DEPARTMENT OF STATE,
 Washington, June 4, 1903.

DEAR MR. AMBASSADOR: Your personal note of the 29th ultimo was duly received, in which you ask me to inform the agent of the United States before the Alaska tribunal that the British agent applies for the production, under paragraph 4 of Article II of the Alaskan Boundary Convention, of documents included in the case of the United States enumerated in a list inclosed with your note. And in a second note of the same date you inform me that the British agent desires to examine or take photographs of all the documents printed on pages 345-550 of the Appendix to the case of the United States.

The treaty paragraph upon which you base this application provides that (1) "If *in the case* submitted to the tribunal either party shall have specified or referred to any report or document in its own exclusive possession *without annexing copy*," the other party shall be entitled to

a duly certified copy thereof; and (2) "either party may call upon the other, *through the tribunal*, to produce the original or certified copies of any papers adduced as evidence."

The list of papers inclosed with your first note embraces documents all of which have been textually set forth in the case of the United States, many of which are likewise printed in full in the British case without any material variation, and the originals of some of which should exist in the British archives. The documents called for in your second note are likewise textually set forth in the case of the United States. They consist not only of copies of official papers certified to by the chief officer of the respective Department of the Government, but of extracts from official printed publications and from books accessible to the general public. It is suggested that such a sweeping request would hardly be approved by the tribunal.

The treaty does not appear to provide for either the production or examination of original papers by the agent of the other party upon his own request, nor for permission to photograph any papers. Although no reason is given in justification of the unusual request of the British agent, the United States is desirous of avoiding all unnecessary delay and of affording every proper opportunity for verifying anything relied upon by it in its case. I take pleasure, therefore, in assuring you that the British agent, or a representative duly authorized by him, will be given full opportunity to examine and verify the originals in the exclusive possession of this Government of anything contained in the case of the United States, provided that no delay is thereby caused either in the delivery of the counter case or of the printed argument, or in the commencement of the oral argument.

I beg to add that it is the intention of the agent of the United States to take to London the originals or certified copies of all documents and papers contained in the case and counter case of the United States, and to be prepared to produce them at the request of the British agent approved by the tribunal.

I am, my dear Mr. Ambassador, yours, very truly,

JOHN HAY.

Mr. Hay to Sir M. H. Herbert.

No. 138.]

DEPARTMENT OF STATE,
Washington, June 8, 1903.

EXCELLENCY: I have the honor to advise you that the agent of the United States before the Alaskan Boundary Tribunal expects to deliver at your embassy on July 3 the duplicate copies of the counter case and Appendix of the United States required by the treaty, and in addition thereto twenty-two copies of the same.

He will be pleased to receive an equal number of copies of the British counter case and Appendix, if it suits the convenience of the British agent.

I have the honor to be, with the highest consideration, your excellency's most obedient servant,

JOHN HAY.

Sir M. H. Herbert to Mr. Foster.

BRITISH EMBASSY,
Washington, June 8, 1903.

DEAR MR. FOSTER: With reference to my note to Mr. Hay of the 29th May, I received to-day from the British agent the inclosed detailed list of the documents the production of which he has already asked for.

Yours, very truly,

MICHAEL H. HERBERT.

[Inclosure.]

DIPLOMATIC CORRESPONDENCE RELATING TO THE TREATY OF 1825
BETWEEN GREAT BRITAIN AND RUSSIA.

Originals of the following letters and documents:

| Date. | | U. S. Appendix. |
|-----------------|--|-----------------|
| 1822. Nov. 2. | Tuyll to Nesselrode | 112 |
| Oct. 21. | | |
| 1823. Nov. 3. | Poletica to Nesselrode | 132-7 |
| 1824. May 20. | Lieven to Nesselrode..... | 177-9 |
| June 1. | | |
| 1824. May 21. | “ “ “ | 179 |
| June 2. | | |
| 1824. July 13. | “ “ “ | 185-6 |
| July 25. | | |
| | Explanations with regard to contre projet | 205-6 |
| 1824. Sept. 19. | Lieven to Nesselrode..... | 207 |
| Oct. 1. | | |
| 1825. Feb. 1. | Contre projet submitted by S. Canning..... | 213-17 |
| Feb. 13. | | |
| | S. Canning's contre projet as altered and corrected by Matusevich | 218-23 |
| 1825. Feb. 20. | Nesselrode to Lieven..... | 225 |
| Mar. 3. | | |
| 1825. May 8. | Lieven to Nesselrode..... | 229-31 |
| May 20. | | |
| 1824. Feb. 20. | Admiral Mordvinof to Nesselrode..... | 152-3 |
| 1824. Apr. 11. | Nesselrode to Mordvinof | 166-9 |
| 1825. Feb. 17. | Middleton to Adams..... | 224-5 |
| Mar. 1. | | |

The originals of the following papers relating to the Russian occupation up to the cession to the United States in 1867, and set out in the Appendix to the United States case, pp. 251-323.

| Date. | | U. S. Appendix. |
|----------------|---|-----------------|
| 1829. Mar. 20. | Governor Simpson to the manager of the Russian-American Company..... | pp. 259-260 |
| 1829. Dec. 16. | Hudsons Bay Company to Russian-American Company | “ 260-261 |
| 1830. Feb. 27. | Director Severin to the minister of finance..... | “ 161-2 |
| 1832. May 6. | Report of the governor to the board of directors of the Russian-American Company..... | “ 264-5 |
| 1834. Apr. 28. | Report of the governor of the board of directors of the Russian-American Company..... | “ 265-7 |
| 1835. Mar. 30. | The governor of the Russian-American Company to the commander of the schooner <i>Chilkat</i> , Second Lieutenant Kuznetsoff | “ 273-4 |
| 1835. Apr. 30. | Baron Wrangell to board of directors of the Russian-American Company..... | “ 274-278 |

| Date. | | U. S. Appendix. |
|----------------|---|-----------------|
| 1835. Nov. 14. | Report of the directors of the Russian-American Company on the <i>Dryad</i> affair..... | pp. 282-5 |
| 1836. Jan. 3. | Board of directors of the Russian-American Company to the department of trade and manufactures..... | " 289-291 |
| 1836. Mar. 12. | The board of directors of the Russian-American Company to the governor of the Russian-American colonies, Ivan Antonovich Kupreyanoff..... | " 291-2 |
| 1837. July 13. | Mr. Milbanke to Count Nesselrode..... | " 296-7 |
| 1838. Apr. 28. | Count Nesselrode to Mr. Milbanke..... | " 297-302 |
| 1838. Mar. 23. | The governor of the Russian colonies in America to the commander of the brig <i>Chichagoff</i> , Lieutenant Zarembo..... | " 302-3 |
| 1838. May 1. | Report of the governor of the Russian colonies in America to the board of directors..... | " 303 |
| 1838. Oct. 6. | Mr. Milbanke to Count Nesselrode..... | " 304-7 |
| 1838. Dec. 9. | Count Nesselrode to Count Kankreen..... | " 307-8 |
| 1838. May 1. | Report of the governor to the general board of the Russian-American Company..... | " 308-9 |
| 1839. June 23. | Journal of correspondence, 1839, No. 3, kept during the voyage in the Straits and the tour of inspection to Redoubt St. Dionysius, from June 6, 1839, to June 23, 1839..... | " 309 |
| 1839. Dec. 20. | Report of the board of directors of the Russian-American Company..... | " 309-11 |
| 1839. Jan. 4. | Count Nesselrode to Count Kankreen..... | " 312 |
| 1839. Apr. 20. | Report of governor of Russian colonies in America to the board of directors of the Russian-American Company..... | " 312-13 |
| | Translation of the Russian memorandum marked A. A. By S. N. Buynitsky..... | " 317-18 |

The originals of the following papers relating to United States occupation after the cession, copies of which, or extracts from which, are set out in the Appendix to the United States case, pp. 345-510.

| Date. | Military operations. | U. S. Appendix. |
|-----------------|--|-----------------|
| 1903. Mar. 31. | Report of Adjutant-General..... | pp. 345-6 |
| 1867. Sept. 3. | Instructions to Lieut. Col. Robert N. Scott..... | " 346-7 |
| 1867. Nov. 12. | Colonel Scott's report on the Indians, 1867, with inclosures..... | " 347-353 |
| 1867. Sept. 6. | General Davis's instructions..... | " 353-4 |
| 1868. May 27. | Reports from General Davis..... | " 354-8 |
| 1869. Sept. 27. | Report of Maj. Gen. George H. Thomas..... | " 358-9 |
| 1875. June 30. | General Howard's tour in Alaska..... | " 359-60 |
| | Operations of the Navy. | |
| 1903. Apr. 6. | Acting Secretary of the Navy to the Secretary of State..... | pp. 361 |
| 1869. Jan. 7. | Richard W. Meade, jr., commanding U. S. S. <i>Saginaw</i> , to Rear-Admiral T. T. Craven, commanding North Pacific Squadron..... | " 362 |
| 1869. Feb. 1. | Richard W. Meade, jr., commanding U. S. S. <i>Saginaw</i> , to Rear-Admiral T. T. Craven, commanding North Pacific Squadron..... | " 362 |
| 1873. July 31. | A. M. Pennock, rear-admiral commanding U. S. Naval Force on North Pacific Station, to Hon. George M. Robeson, Secretary of the Navy, and note A..... | " 363 |
| 1873. Aug. 31. | A. M. Pennock, rear-admiral commanding U. S. Naval Force on North Pacific Station, to Hon. George M. Robeson, Secretary of the Navy, and note A..... | " 363 |
| 1881. Apr. 28. | Capt. L. A. Beardslee to the Secretary of the Navy and inclosures..... | " 373-77 |
| 1881. Mar. 3. | Mr. Woodworth to Commander Glass..... | " 377 |
| 1881. Apr. 6. | Commander Glass to the Secretary of the Navy, with inclosures..... | " 378 |
| 1881. May 6. | The Secretary of the Navy to Commander Glass..... | " 378 |
| 1881. May 9. | Commander Glass to the Secretary of the Navy..... | " 379 |
| 1881. July 9. | Commander Glass to the Secretary of the Navy, with report of G. C. Hanus..... | " 379-381 |

| Date. | Operations of the Navy. | U. S. Appendix. |
|-----------------|--|-----------------|
| 1881. Sept. 8. | Commander Lull to the Secretary of the Navy..... | pp. 382 |
| 1884. July 11. | Commander Coghlan to the Secretary of the Navy ... | " 382-3 |
| 1884. Sept. 20. | Commander Nicholls to the Secretary of the Navy and note a | " 383 |
| 1886. June 8. | Commander Nicholls to the officer of detail and note b. | " 383 |
| 1886. Dec. 21. | Mr. Hahn and others to Governor Swineford | " 384 |
| 1887. May 18. | Lieutenant-Commander Newell to the Secretary of the Navy | " 384-7 |
| 1887. May 23. | Lieutenant-Commander Newell to Governor Swine- ford | " 387-8 |
| 1887. May 24. | Lieutenant-Commander Newell to the Secretary of the Navy | " 388 |
| 1887. June 1. | Governor Swineford to Lieutenant-Commander Newell | " 388 |
| 1887. June 1. | Governor Swineford to Lieutenant-Commander Newell | " 389 |
| 1887. June 21. | Governor Swineford to Lieutenant-Commander Newell, inclosing letter of Max Pracht | " 389-390 |
| 1887. June 23. | Lieutenant-Commander Newell to Governor Swine- ford | " 390 |
| 1887. June 16. | Lieutenant-Commander Newell to the Secretary of the Navy | " 391-2 |
| 1887. June 16. | Lieutenant-Commander Newell to the Secretary of the Navy, inclosing report of Lieutenant McCrackin's trip over Chilcoot trail, with Exhibits A and B | " 392-5 |
| 1887. June 20. | Lieutenant-Commander Newell to Governor Swine- ford | " 395 |
| 1888. Mar. 1. | Mr. Grant to Lieutenant-Commander Newell | " 395-6 |

The original logs of United States naval vessels on duty in Alaskan waters, from which the following extracts have been taken:

| | | |
|----------------|--|-----------|
| 1873. July 31. | Log of the United States flagship <i>Saranac</i> , second rate, 13 guns, under the command of Capt. Thomas S. Phelps, U. S. Navy | pp. 396 |
| 1881. Aug. 23. | Log of the U. S. S. <i>Wachusets</i> , third rate, 7 guns, under the command of Edward P. Lull, U. S. Navy | " 397 |
| " Aug. 25. | | |
| " Aug. 29. | | |
| " Aug. 30. | | |
| 1884. Apr. 22. | Log of the U. S. S. <i>Adams</i> , third rate, 6 guns, under the command of Commander J. B. Coghlan, U. S. Navy | " 397 |
| 1884. June 7. | | |
| 1885. May 20. | Logs of the U. S. S. <i>Pinta</i> , fourth rate, 2 guns, under the command of Lieutenant-Commander H. E. Nichols, U. S. Navy | pp. 397-8 |
| 1885. Dec. 24. | | |
| 1886. Apr. 25. | | |
| 1886. Apr. 26. | | |
| 1886. Apr. 27. | | |
| 1886. May 3. | | |
| 1886. May 7. | | |
| 1886. May 16. | | |
| 1886. May 18. | | |
| 1886. May 31. | | |
| 1886. June 4. | | |
| 1886. June 18. | | |
| 1887. May 31. | Logs of the U. S. S. <i>Pinta</i> , fourth rate, 2 guns, under command of Lieutenant J. S. Newell, U. S. Navy... | p. 399 |
| 1888. July 4. | | |
| 1890. Apr. 28. | Log of the U. S. S. <i>Pinta</i> , fourth rate, under the command of Lieutenant-Commander O. W. Farenholt, U. S. Navy | " 399 |
| 1890. Apr. 30. | | |
| 1891. July 18. | | |

The originals of the following letters from naval officers:

| Date. | | U. S. Appendix. |
|----------------|---|-----------------|
| 1903. Mar. 13. | H. M. Dombaugh, lieutenant-commander, U. S. Navy, to the Chief of Bureau of Navigation | pp. 399-400 |
| 1903. Mar. 14. | John W. Stewart, lieutenant, U. S. Navy, to Chief of Bureau of Navigation | p. 401 |
| 1903. Mar. 16. | Admiral J. B. Coghlan to Secretary of the Navy..... | pp. 401-2 |

| Date. | | U. S. Appendix. |
|----------------|---|-----------------|
| 1903. Mar. 28. | G. T. Emmons, lieutenant, U. S. Navy, retired, to the Secretary of the Navy | pp. 402-6 |
| 1903. Apr. 6. | H. C. Taylor, rear-admiral, U. S. Navy, to the Secretary of the Navy | p. 407 |

EXERCISE OF JURISDICTION IN ALASKA BY JUDICIAL AUTHORITIES.

The original of the following letter:

| | | |
|----------------|--|--------|
| 1903. Apr. 13. | The Attorney-General to the Secretary of State | p. 407 |
|----------------|--|--------|

The original court record and other original papers or books referring to the following cases alleged to have been tried before U. S. tribunals in Alaska:

| Date. | | U. S. Appendix. |
|-------|--|-----------------|
| 1887. | United States v. John (an Indian) | p. 407 |
| 1888. | United States v. Charles (an Indian) | " 408 |
| 1889. | United States v. Frank Gudmamen | " 408 |
| | United States v. Robert Obman | " 408 |
| 1890. | United States v. John Bjerkland | " 408 |
| 1891. | United States v. George Chartrich | pp. 408-9 |
| 1892. | United States v. Tom (an Indian) | p. 409 |
| 1892. | United States v. John Wade | " 409 |
| 1892. | United States v. M. V. Sharp | " 409 |
| 1893. | United States v. John Dalton | " 409 |
| 1894. | United States v. Jack McGlotchlin | " 409 |
| 1894. | United States v. An-ta-Yache | " 409 |
| 1894. | United States v. Go-na-Kah | " 409 |
| 1894. | United States v. Soun-Doo | " 409 |

The originals of the following letters and depositions:

| Date. | | U. S. Appendix. |
|----------------|---|-----------------|
| 1892. July 25. | Examiner Dougall to the Attorney-General | pp. 410-13 |
| 1903. Mar. 23. | Deposition of William Moore | " 413-17 |
| 1903. Mar. 23. | Deposition of J. Bernard Moore, and notice | " 417-22 |
| 1903. Mar. 24. | Deposition of Robert Wright | " 422-5 |
| 1903. Mar. 25. | Deposition of Joseph Carr | " 425-7 |
| 1903. Mar. 27. | Deposition of Don-a-wak | " 427-8 |
| 1903. Mar. 27. | Letters, memorandum, and appointment certified to by W. J. Hills, by J. J. Clarke | " 429-30 |
| 1903. Mar. 27. | Deposition of John Don-a-wak | p. 431 |
| 1903. Mar. 27. | Deposition of Edward Armstrong | pp. 432-4 |
| 1903. Mar. 27. | Deposition of E. B. Clark | " 434-6 |
| 1903. Mar. 26. | Deposition of S. Hall Young | " 436-7 |
| 1903. Mar. 26. | Deposition of Lewis L. Williams, and attached papers marked A, B, C, D, and E | " 438-441 |
| 1903. Mar. 26. | Deposition of In-da-Yonk | " 441-2 |
| 1903. Mar. 27. | Deposition of George Kostrometinoff | p. 443 |
| 1903. Mar. 27. | Deposition of George Shortridge | pp. 444-5 |
| 1903. Mar. 27. | Deposition of Klanot | p. 445 |
| 1903. Mar. 27. | Deposition of Stephen E. York | " 446 |

ENFORCEMENT OF REVENUE LAWS AND EXERCISE OF AUTHORITY BY TREASURY OFFICIALS.

The originals of the following letters, reports, and documents:

| Date. | | U. S. Appendix. |
|-----------------|--|-----------------|
| 1903. Apr. 10. | The Acting Secretary of the Treasury to the Secretary of State | p. 447 |
| 1898. Sept. 15. | The Secretary of the Treasury to the Secretary of State | " 447 |
| | Memorandum relating to the establishment and maintenance of the United States customs service in southeastern Alaska, as shown by the records of the Treasury Department | pp. 447-448 |
| 1868. Apr. 8. | Report from Acting Collector Dodge, and accompanying documents | " 448-452 |
| 1868. Dec. 15. | Extract from letter of Collector Ketchum to the Secretary of the Treasury | " 452-3 |

| | | U. S. Appendix. |
|-----------------|---|-----------------|
| Date. | | |
| 1880. Mar. 12. | Report of Special Agent W. G. Morris, of March 12, | |
| Mar. 27. | 1880, and of the collector at Sitka, March 27, 1880, | |
| Apr. 2. | and the Department's letter of April 2, 1880 | pp. 453-5 |
| 1880. Apr. 7. | Letter, H. F. French to collector of customs, Sitka ... | p. 455 |
| 1881. Jan. 1. | } Letters of January 1 and February 19, 1881, to the col- lector at Sitka, and the latter's reports of November 5, 1881, and August 9, 1882 | " 456 |
| 1881. Feb. 19. | | |
| 1881. Nov. 5. | | |
| 1882. Aug. 9. | | |
| 1890. July 12. | Reports of July 12, 1890, from collector at Sitka, and | |
| Aug. 19. | Department's letter of August 19, 1890, to that officer. | pp. 457-9 |
| 1891. Oct. 23. | Letter, John J. Healy to the governor of Alaska | " 458-9 |
| 1894. Feb. 23. | Collector at Sitka to Secretary of Treasury | p. 460 |
| 1894. Mar. 8. | Acting Secretary to collector at Sitka | " 460 |
| 1895. Mar. 29. | Collector at Sitka to Secretary of Treasury | pp. 460-1 |
| 1895. Apr. 12. | Acting Secretary to collector | p. 461 |
| 1895. Apr. 13. | Newspaper clipping | " 461 |
| 1881. Dec. 7. | Extracts from report of William Gouverneur Morris, special Treasury agent, Alaska, to the Secretary of the Treasury | pp. 461-70 |
| 1877. Aug. 12. | | |
| 1869. Jan. 5. | Reports of officers of the United States Revenue | |
| 1877. Nov. 12. | Marine | " 470-4 |
| 1879. Sept. 11. | Letters from officers of the Revenue-Cutter Service.. | " 474-9 |

The originals of the following reports, relating to schools, census, and control of the Indians, and mining locations on the mainland:

| | | U. S. Appendix. |
|-----------------|--|-----------------|
| Date. | | |
| 1903. Apr. 13. | The Secretary of the Interior to the Secretary of State. | p. 479 |
| 1898. Sept. 16. | The Secretary of the Interior to the Secretary of State. | pp. 479-80 |
| 1898. Sept. 15. | The Commissioner of Education to the Secretary of the Interior | " 480-1 |
| 1898. Sept. 15. | Rev. Sheldon Jackson to the Secretary of State | " 481-2 |
| 1884. Oct. 1. | Extracts from reports of the governors of Alaska | " 482-7 |
| 1886. Oct. 1. | | |
| 1888. Oct. 1. | | |
| 1890. Oct. 1. | | |
| 1892. Oct. 1. | | |
| | Report of the Rev. Sheldon Jackson, D. D., upon the condition of education in Alaska, 1881 | " 288-9 |
| | Census of Alaska Indians, 1880. Census of Alaska Indians, 1890. Statement from the Commissioner of the General Land Office | " 489-90 |
| | The originals of the entries referred to in abstract of mineral locations in the vicinity of Lynn Canal, 1885 to 1895 | " 492-4 |
| | Deposition of Rev. Sheldon Jackson | " 494-5 |
| | | " 495-6 |

List of post-offices in Alaska:

| | | |
|----------------|--|--------|
| 1903. April 8. | Letter, Postmaster-General to the Secretary of State with inclosed list of post-offices | p. 496 |
|----------------|--|--------|

Originals of the following miscellaneous letters and documents:

| | | |
|-----------------|--|-----------|
| 1867. Oct. 14. | Letter of General Aide-de-Camp Crabb | pp. 522-3 |
| 1903. April 16. | Mr. Titmann to the Secretary of State | " 529-30 |
| 1903. April 17. | Deposition of Herbert G. Ogden | " 530-2 |
| 1903. April 16. | Deposition of W. C. Hodgkins | " 532-4 |
| 1903. April 16. | Deposition of A. L. Baldwin | " 535-7 |
| 1903. April 17. | Deposition of John Adolph Flemer | " 537-8 |
| 1900. June 21. | Mr. Titmann to the Secretary of State, and inclosed petition | " 539-40 |
| 1903. April 13. | Mr. Titmann to the Secretary of State, inclosing affi- davit of Lindenkole, and letters exchanged in 1867 with Hon. W. H. Seward, Secretary of State, and the assistant in charge of the Coast Survey, respect- ing the map of Northwestern America, compiled for Department of State at the Coast Survey Office in 1867 | " 540-2 |

TESTIMONY SECURED IN THE YEAR 1899. AMONG THE CHILKAT INDIANS.

Originals of the following:

| Date. | | U. S. Appendix. |
|----------------|--|-----------------|
| 1899. July 24. | Letter of John Tweedale, major, U. S. Army, etc., to Secretary of State | pp. 543-4 |
| " June 29. | Testimony of Koo-Too-At | " 544-5 |
| " " 29. | " George Sha-Trage | p. 545 |
| " " 29. | " Koo-Too-At | " 545 |
| " July 4. | " " " | " 546 |
| " June 29. | " Jack Kitchk | " 546 |
| " July 4. | " Da-na-Wak | pp. 546-7 |
| " " 4. | " Skin-Ya | p. 547 |
| " " 4. | " George Kah-oosh-Tey | " 548 |
| " " 4. | " Yel-Hak | pp. 548-9 |
| " " 4. | " Koow-Tey-Na-Ah | p. 549 |
| " " 4. | " David Ye-Ka-She | pp. 549-50 |
| " " 4. | " Yen-Sheesh Johnson | p. 550 |
| " " 4. | Affidavit of George Kostrometinof | " 550 |

Mr. Sifton to Mr. Foster.

LONDON, June 11, 1903.

SIR: I have the honor, pursuant to paragraph 4 of article of treaty of January 24, 1903, between the United States and Great Britain, to request certified copies of the following documents, specified or referred to in the United States case, without annexing copies thereto, to wit:

Marine map filed in the hydrographic department of the ministry of marine at St. Petersburg (No. 2629/223), mentioned in memoranda of United States Appendix, 251.

Survey of mouth of Chilkat River by Lindenberg, mentioned in report of governor of Russian colonies in America to the board of directors of the Russian-American Company, April 20, 1839, United States Appendix, page 382.

Coast map, mention of, in Mr. G. Davidson's report (Coast Survey Report, 1867), United States Appendix, 341.

Sketch relating to Tongas Island, mention of, in official correspondence and records of the War Department, United States Appendix, 349.

Letter from Governor Seymour, mention of, in Colonel Scott's report to the Headquarters Military Division of the Pacific, United States Appendix, page 349.

Note from Doctor Tohmie, mention of, in Colonel Scott's report to the Headquarters Military Division of the Pacific, United States Appendix, 350.

Information relating to Indians living on the coast, mentioned as Inclosure G, in Colonel Scott's report to Headquarters Military Division of the Pacific, United States Appendix, page 350.

Letter from Mr. Duncan, mention of, in Colonel Scott's report to Headquarters Military Division of the Pacific, United States Appendix, page 350.

Instructions from Major-General Halleck, mention of, in Colonel Scott's report on the Indians to the Headquarters Military Division of the Pacific, United States Appendix, page 351.

Copy of statement of the boundary line, as published in an English journal, mention of, in General Howard's letter to Headquarters Department of Columbia, United States Appendix, page 360.

Plans of harbors made by Commander R. W. Meade during his cruise to the northward, mention of, in Colonel Meade's letter to Rear-Admiral Craven, United States Appendix, page 362.

Chilcoot Inlet Chart. Captain Beardslee's report to the United States Naval Department, United States Appendix, page 376.

Map mentioned in Mr. Max Pradt's letter to the United States Secretary to the Treasury, United States Appendix, page 457.

Chart by Lieutenant Symons, of the Jamestown, mention of, in Mr. G. W. Morris's report to the United States Secretary to the Treasury, United States Appendix, page 469.

Survey by Pilot Lindenberg, map and original journal kept by Lindenberg, mention of, in report of governor of the Russian colonies in America to the board of directors of the American Company, United States Appendix (No. 139), 312.

Maps, mention of, in report of governor of Russian colonies in America to the board of directors of the Russian-American Company—(No. 139), United States Appendix, page 313.

Yours, respectfully,

CLIFFORD SIFTON,

Agent for Great Britain before the Alaskan Boundary Commission.

Sir M. H. Herbert to Mr. Hay.

[Telegram.]

NEWPORT, June 12, 1903.

His Majesty's Government take exception to condition laid down in your note of June 4, and strongly support application for extension of time. I am sending note by post, which should reach you Saturday morning.

HERBERT.

Sir M. H. Herbert to Mr. Hay.

[Immediate.]

BRITISH EMBASSY, Newport, June 12, 1903.

DEAR MR. SECRETARY: I duly telegraphed to my Government the substance of your personal note of June 4, in which you informed me that the British agent to the Alaska tribunal, or a representative duly authorized by him, would be given full opportunity to examine and verify the originals in the exclusive possession of the Government of the United States of anything contained in their case, provided that no delay were caused thereby either in the delivery of the counter case or of the printed argument, or in the commencement of the oral argument.

I have now received a telegram from the Marquis of Lansdowne, stating that His Majesty's Government are not aware that any precedent exists for coupling the production of original documents with any condition such as that laid down by the United States Government.

The condition, moreover, in the opinion of His Majesty's Government, amounts to a refusal, as, without an extension of time, it is practically impossible to examine large numbers of documents and to embody the result.

Both in private litigation and in international arbitrations the right to inspect has never been questioned, and His Majesty's Government can not, by accepting conditions, cast doubt on the existence of this right and thus establish a precedent which might prove a serious bar to a resort to arbitration.

The originals in Russian, of which only translations are given, form a great proportion of the documents which it is desired to inspect. His Majesty's Government consider that they have obviously a right to compare the originals with these translations.

The description which has been given of other documents has not been sufficient for the purpose of tracing copies in England.

His Majesty's Government consider that in cases where certified extracts are given, they have clearly the right to see the whole documents, so as to satisfy themselves that nothing material is contained in the omitted portions.

His Majesty's Government hope that on further consideration the United States Government will agree unconditionally to their request, so that it may be possible to avoid the necessity of calling a special meeting of the tribunal to consider the matter.

An application for the extension of time is expressly contemplated in the convention, and, unless this application is acceded to, it will be impossible to present fully the reply to the United States case. His Majesty's Government can not believe that the United States Government will be prevented through any question of personal convenience from favorably considering the request, the refusal of which would entail the presentation of the British counter case in an incomplete form, as unsatisfactory to His Majesty's Government as to the tribunal.

His Majesty's Government would accordingly be glad to learn that the United States Government agree to the application of the British agent, whose request for an extension of time they strongly support.

I may mention, in conclusion, that the British agent was fully aware that under the treaty originals of documents should be called for through the tribunal, but he considers the method adopted—through diplomatic channels—as being more convenient and more likely to save time.

I should be very grateful if you could let me have an answer as soon as possible.

I am, dear Mr. Secretary, yours, very truly,

MICHAEL H. HERBERT.

Mr. Hay to Sir M. H. Herbert.

DEPARTMENT OF STATE,
Washington, June 16, 1903.

DEAR MR. AMBASSADOR: According to your request, I have given the earliest possible attention to your note of the 12th instant, received on the 13th, in which you ask, on behalf of His Majesty's Government, that the condition be removed under which an examination was

to be granted of the documents in the case of the United States, and an urgent request is made for an extension of time in which to deliver the counter case.

Your note seems to confuse the production or examination of documents already introduced in the case of the United States with the application for an extension of time for the delivery of the counter case, or to make the one dependent upon the other. Before making a specific reply to your requests, I beg you will allow me to review the provisions of the treaty upon those subjects, as the two requests are clearly separate and distinct, and are dependent upon different facts to justify them.

The third paragraph of Article II contemplates the possible need of an extension of time in the preparation and delivery of the counter case. This possibility arises, and an extension can be made, however, only upon two conditions, both of which must exist.

1. There must arise "special difficulties" in procuring the "additional papers and evidence" in reply to the case—documents, correspondence, and evidence of the other party.

2. These "special difficulties" must be shown and established in such a way to the tribunal that it is convinced that it is necessary to extend the time in order to give the party desiring the extension opportunity to procure the additional papers and evidence.

In the absence of the organization of the tribunal, it is to be presumed that the two governments must act in its place and exercise the power of extension by mutual consent. As the tribunal is made up of an equal number of commissioners from each nation, no disadvantage can arise through the failure of the tribunal to organize.

The fourth paragraph provides that if reports or documents are cited by one party without annexing a copy, they may be called for by the other party, if notice is given within thirty days; and that applications may be made to the tribunal for the production of the originals or certified copies of documents which are printed in the case, and they must be produced within forty days—that is, within seventy days after the case is delivered. But the counter case must be delivered according to the treaty within sixty days after the delivery of the case. It is apparent, therefore, that the natural delay in the production of such reports and documents was not among the "special difficulties" within the meaning of the treaty.

Such reports and documents already in evidence were not intended to be adduced by the other party, but it was intended that they could be referred to in argument as contradictory of the statements based upon them, or, if found to be falsified, as prejudicial to the offending party.

Furthermore, it must be shown to the satisfaction of the tribunal, and, in lieu of the tribunal not having organized, to the two governments, that "special difficulties" have arisen in procuring additional papers and evidence which are relied upon in replying to the case of the opposite party. If these papers and such evidence are not essential to the reply, then there would be no warrant for an extension. If they are essential, it must be shown to the tribunal that they are so, and that can not be done without specifying in what particular. It must likewise appear that the "special difficulties" have arisen since the treaty went into effect.

In any event it can not be presumed that the documents for which a demand for production or examination has been made can be held to be the "additional papers and evidence," the procuring of which is the only basis for an extension of time.

With these plain provisions of the treaty in view, I address myself to the reasons given by the Marquis of Lansdowne why the requests in your note should be granted. I can hardly accept without qualification his statement that no precedents exist for coupling the production of original documents with conditions such as those indicated in my note of June 4, and that in private litigations and international arbitrations the right to inspect has never been questioned. I do not understand that in such proceedings a litigant has the unquestioned and unconditional right to demand the production of such documents before the issues are joined. The courts often require that reasons should be given for such demands, and the usual practice, at least in the United States, is to produce the original documents upon the hearing of the cause. Such is plainly the intent of Article II of the treaty under which the two governments are acting.

Neither can I concede that the requests contained in your note of May 29 are in consonance with the usual practice in international arbitrations. They constitute a demand for the examination and photographing of almost the entire body of evidence submitted in the case of the United States, except that which had been obtained from British sources and had been published. None of the various arbitrations which have taken place between the United States and Great Britain, I venture to assert, furnish such precedent. In the Fur Seal Arbitration at Paris, under the treaty of February 29, 1892, in which the volume of documentary evidence was much larger than in the present case, the originals or certified copies of a limited number of documents were requested by the British agent, although asked after the expiry of the time fixed; and the certified copies were cheerfully furnished. In no other instance can it be recalled that such a complete impeachment of the American case has ever been made. And the request has been presented without alleging any reason for such a sweeping examination, one which would impose upon both governments much time and labor.

It now appears from your note that the request is made the basis of the renewed application for an extension of time for the delivery of the British counter case. I think I have shown that such a course has no warrant in the treaty, and it was for the purpose of avoiding such an issue as that now presented that the condition was made in my note of June 4. There has been no disposition evinced on the part of the United States to question the right of Great Britain to demand the production before the tribunal of original or certified documents upon the hearing of the cause, and while it has doubted the right to a production of such papers in advance of the hearing, permission for a full examination was promptly granted. The wisdom of the condition attached thereto has been fully demonstrated by your note, which shows that the labor and trouble which the British agent voluntarily seeks to assume by this request is made the reason of an application for an extension of time.

It is true, as stated by you, that application for the extension of time is contemplated in the convention, but I have pointed out that such extension is to be based upon one reason and only one. No such

condition has been alleged and it is believed that none such exists. The British agent, in a letter dated May 15, to the agent of the United States, made this statement: "A preliminary examination of the case for the United States, which reached my hands a couple of days ago, makes it clear that it will be impossible to prepare a counter case for Great Britain within the period of two months, which is, in the absence of an extension, contemplated in the treaty. The many allegations of fact contained in the case and appendix filed on behalf of the United States which can only be examined upon, and in the neighborhood of the territory in question, obviously renders further time necessary."

It is suggested that neither the British agent nor the British Government can allege that it has been taken by surprise by the case of the United States. Full notice had been given to that Government and its representatives of the claims of the United States on this question. It has been the subject of much discussion during the sessions of the Joint High Commission in 1898 and 1899. Besides the oral consideration, a printed pamphlet was laid before the commission, entitled "Views of the United States commissioners on the Alaskan Boundary as defined by the treaty of 1825." This document set forth at length the claims of the United States and every essential point made in the case of the United States was there mentioned. It is seen from the British case that this pamphlet was in the hands of the British agent. In addition to this, after the adjournment of that commission, the boundary question had been discussed at great length between Mr. Choate and the secretaries of the foreign office in London; so that the British Government had abundant notice of the views and contentions of the United States. Since 1898 the Alaska boundary had been a subject of correspondence and discussion, and ample time had been afforded the Canadian authorities to prepare their case. The character of the case of the United States could not, therefore, be a just ground for an extension of time.

Upon this point the Government of the United States has been diligent in making its wishes known. You will remember that during the negotiation of the treaty organizing the present tribunal, when you asked for a longer period than two months each for the preparation of the case and counter case, I explained to you the President's wish that if the boundary was to be submitted to adjudication, it should be concluded within the time indicated by me. You accepted these conditions, and the treaty was signed.

In the month of March, last, after the British agent had begun his labors in visits to this Department, you expressed the desire of that official and your Government that the time should be extended for the preparation of the case and counter case, and you will recall that, in addition to a repetition of the views of the President, you were informed that the official engagements of two of the American members of the tribunal made it impossible to extend the time. Lord Lansdowne must, therefore, be laboring under a misapprehension of the facts if he fears, as seems to be intimated, that the Government of the United States is influenced in its action through any question of personal convenience. For reasons which are well founded, and which have been explained to you, the United States has not been able to consent to any change in the stipulations of the treaty in this respect, and it can not see any cause in the considerations advanced by the British agent for reversing its judgment.

I trust you will assure the Marquis of Lansdowne of the earnest desire of the President to bring this vexed question to a termination in such a way that it will leave no unkind feeling between the two nations, and that he is desirous of meeting his lordship's wishes as far as possible. He has, therefore, directed me to state that the British agent, or his representative, will be permitted at his convenience to examine all the documents adduced in the case of the United States to which reference is made in your notes of May 29 and June 8, without any restriction or condition as to the use he shall make of the results of his examination, reserving for the agent of the United States the right to enter such motion or objection before the tribunal when it assembles as he may think proper.

I have already advised you of the intention of the agent of the United States to have in London the originals or certified copies of all documents and papers contained in the case and counter case of the United States. He has already prepared copies in the original of the Russian documents in the case. Should the British agent not see proper to take advantage of the permission herein given to examine these and other documents in Washington, and should desire it, the Russian documents will be forwarded to him at London.

In closing, I have the honor to inform you that, in faithful compliance with the treaty, the counter case of the United States, which is already printed, will be delivered in the numbers heretofore indicated, on July 3, at your embassy in this city, unless you should indicate that delivery at Newport will be more convenient to you.

I am, dear Sir Michael, faithfully yours,

JOHN HAY.

Mr. Sifton to Mr. Foster.

HOTEL CECIL,
London, W. C., June 15, 1903.

SIR: I have the honor, in reply to your communication of May 23, to inclose memorandum dealing with the requests made by you in the said communication.

I have the honor to be, sir, your obedient servant,

CLIFFORD SIFTON,
Agent for His Britannic Majesty.

[Inclosure.]

Memorandum respecting the request of the United States agent for copies of documents specified in British Case without annexing copies thereto.

[Inserted in the margin:] as to requests numbered 1, 2, 3, and 4.

The following from the records of the Hudson's Bay Company comprises all the documentary evidence available to the British agent at present. The letters referred to from the Russian American Company are stated to be somewhere in the archives of the Hudson's Bay Company, but as yet they have not been found. If copies are received, they will at once be forwarded to the United States agent.

The records of the Hudson's Bay Company above referred to show the following:

1. Agreement between Hudson's Bay Company and Russian American Company, May 17, 1842.

2. Extract from minutes of board of Hudson's Bay Company, December 20, 1858, referring to offer of Russian American Company to extend lease to January 1, 1862.
3. Extract from minutes of same board, January 10, 1859, approving offer and containing letter of acceptance.
4. Letter from Thomas Fraser, secretary Hudson's Bay Company, November 25, 1862, to board of directors of Russian American Company, requesting renewal of lease to June 1, 1864 or 1865.
5. Extract from a letter from the same to the same, March 24, 1863, acknowledging receipt of letter extending lease to June, 1865.
6. Extract from a letter from the same to the same, May 3, 1865, acknowledging receipt of Admiral Tebankoff's letter and accepting extension of lease till June 1, 1866.
7. Extract from minutes of board, May 22, 1866, when letter of Russian American Company, May 4/16, 1866, referred to governor and deputy governor.
8. Extract from minutes of board May 29, 1866, that extended lease for one year more.
9. Letter May 24, 1866, by T. Fraser, secretary of Hudson's Bay Company to Russian American Company accepting renewal of lease till June, 1867.
10. Extract from a letter, January 25, 1867, the same to the same, offering to renew the lease for three years from June, 1867.
11. Letter from Admiral Tebankoff, April 28, May 20, 1867, to Hudson's Bay Company, notifying the company of the cession of Russian America to the United States, and of the inability of the Russian American Company to carry out its conditional agreement of 1/13 February, 1867, and requesting that the term of the lease be considered as ending with the date of the actual transmission of Russian America.
12. Extract from minutes of board of Hudson's Bay Company, May 21, 1867, where letter April 18/10 May, 1867, from Russian American Company is read, and ordered that they be informed that lease must terminate May 31.
13. Extract from letter from W. G. Smith, secretary, May 22, 1867, to board of Russian American Company, terminating the lease on May 31, 1867.

Agreement between Hudson's Bay Company and Russian American Company.

MAY 17, 1842.

In order to remove certain ambiguities which appear to exist in the agreement entered into by Sir George Simpson, acting on behalf of the Hudson's Bay Company, and Baron Wrangel, under date 6th February, 1839, and with a view to guard against any difficulty that might arise in the construction of the terms of that agreement, it is further agreed by Sir George Simpson, governor in chief of Rupert's Land, acting on behalf of the Hudson's Bay Company, and Captain Etolin, of the Russian Imperial Navy, governor of the Russian American colonies, acting on behalf of the Russian American Company:

1st. That from and after the 1st June proximo all sea otter skins that may be traded by the agents, officers, or servants of the Hudson's Bay Company from Indians or others, that can by possibility be ascertained to have been killed or hunted to the northward of latitude 54° 110' [sic], whether received at Fort Simpson or elsewhere, shall be delivered over to the Russian American Company, and that all land furs of any description that may be traded by the agents, officers, or servants of the Russian American Company to the southward of Cape Spencer, whether the produce of the islands or of the mainland, shall be delivered over to the Hudson's Bay Company.

2nd. That in order to simplify and facilitate the adjustment of the account, the following tariff be adopted, by which the account will be made up in blankets of 3½ points, best quality, which are substituted for blankets of 3 points, in consequence of the usual gratuity in liquor being discontinued; and, on the interchange of furs, the balance due on either side shall be paid in the article of 3 point blanket, instead of making a money account of it, which can not conveniently be agreed upon.

The tariff as follows:

| | |
|---------------------------|-----------------------------------|
| 1 large sea otter | 7 blankets, 3½ pts. best quality. |
| 1 half sized " | 3 " " |
| 1 cub " | 1½ " " |
| 1 large beaver | 1 " " |
| 1 middling beaver | 2 " " |
| 1 small " | 1 " " |
| 1 land otter, large | 1 " " |

| | | |
|---------------------------|---|---------------------------------|
| 1 middling otter | 2 | blankets, 3½ pts. best quality. |
| 1 small " | 3 | " |
| 1 large silver fox | 2 | " |
| 1 small " " | 1 | " |
| 1 large cross fox | 1 | " |
| 1 small " " | 1 | " |
| 1 large red fox | 1 | " |
| 6 seasoned martens | 1 | " |
| 2 lynxes, large | 1 | " |
| 3 " middling | 1 | " |
| 5 " small | 1 | " |
| 1 black bear, large | 1 | " |
| 1 " " middling | 1 | " |
| 1 " " small | 1 | " |
| 1 brown bear, large | 1 | " |
| 1 " " middling | 1 | " |

Foxes, martens, and lynxes to be received at the prices affixed to each, whether made up into robes or not, and all cubs, unseasoned skins, minks, muskrats, and others not enumerated to be paid for at proportionate prices to the more valuable furs.

Previous to the discontinuation of liquor it was usual with the Russian American Company to consider best 3 points blankets as the standard in all dealings with Indians, giving therewith a gratuity of rum, but now that article is interdicted in trade the 3½ point blanket, best quality, is substituted as a standard.

This tariff to be adopted in the settlement of account on the interchange of furs between the Hudson's Bay Company and the Russian American Company, but it is not necessary it should be adopted by either party in their dealings with Indians, and this tariff may be altered or modified from time to time as the Hudson's Bay Company and Russian American Company may hereafter find expedient.

3rd. That this agreement shall take effect and be acted upon from and after the 31st May, 1842, new style, and that it shall be understood to supercede and annul the agreement entered into by Mr. F. Douglas, acting on behalf of the Hudson's Bay Company, and Captain Kooprianoff, acting on behalf of the Russian American Company, in the month of May, 1842, but not executed by the contracting parties, although since acted on.

Given under our hands and seals at New Archangel, May, 1842.

(Signed)
(Signed)

GEORGE SIMPSON. [L.S.]
A. ETHOLINE. [L.S.]

Extracts from minutes of board of Hudson's Bay Company, December 20, 1858, referring to offer of Russian American Company to extend lease to June 1, 1862.

Read a letter from the Russian American Company dated St. Petersburg, 27 November, 9 December, 1858, in which they offer to renew the lease of their territory to the Hudson's Bay Company till January 1, 1862, on the same terms as before, but excepting from the lease the sale and export of ice, coals, timber, and salt fish.

Ordered that the question be postponed for further consideration.

Extract from minutes of board, January 10, 1859, approving offer and containing letter of acceptance.

The answer of the governor under date the 28th December, 1858, to the letter of the Russian-American Company of 27 November, 9 December, 1858, was read and approved of.

Copy of answer referred to—

The Directors of the Russian-American Company,
St. Petersburg.

Hudson's Bay House,
London,
28 December, 1858.

GENTLEMEN: I have the pleasure of acknowledging the receipt of Governor Etholin's letter, addressed to the directors of the Hudson's Bay Company, dated St. Petersburg, 27 November, 9 December, 1858, on the subject of the renewal of the lease of the territory on the northwest coast of America in which he proposes to prolong the said lease to the 1st January, 1862, on the same terms as the present lease, with the

exception of the privilege at present possessed by the Hudson's Bay Company, to export rice, coal, timber, and salt fish from the territory in question.

On the part of the Hudson's Bay Company I beg to state that, notwithstanding this very important exception, I am willing to renew the lease on the same terms as to rent, as my colleagues are desirous that the good understanding that has so long subsisted between the companies should continue. At the same time I feel bound to state that we have serious apprehensions that the captains of vessels coming from San Francisco for ice or timber may interfere with the fur trade, and we confidently look to your directors to take all the necessary precautions to prevent such interference, reserving to this company the right, should such interference be proved, of at once determining the contract.

I have the honor to be, gentlemen, your most obedient servant,

(Signed) H. H. BERENS, *Governor.*

Letter from Thomas Fraser, secretary Hudson's Bay Company, November 25, 1862, to board of directors of Russian-American Company, requesting renewal of lease to 1 June, 1864 or 1865.

GENTLEMEN: When I had the honor of addressing you on 11 July last I informed you that the governor and committee of the Hudson's Bay Company, owing to the unfavorable reports received from the officers in charge of their establishments on the northwest coast of America of the results of the trade for the last two years, and the still more disheartening prospects as to the future, had found themselves under the necessity of giving you notice of their intention to terminate the relations which have so long existed between them and your honorable company by relinquishing the lease of the territory which they held under you.

Since then the company have received advices from their agents which state that, notwithstanding the discouraging account which they have had to transmit, they think that in the present state of transition through which the whole of that region is passing it would be premature on the part of the company to relinquish the trade without a further trial.

They consequently suggest that the board should apply to your company for a renewal of the lease for a limited term.

In the circumstances I am directed by the governor and committee to inquire if it would suit the views of your honorable board to extend the lease of the territory on the same terms as at present for one or two years, say, to 1 June, 1864, or 1 June, 1865.

Extract from a letter from the same to the same, March 24, 1863, acknowledging receipt of letter extending lease till June, 1865.

I am directed by the governor and committee to acknowledge the receipt of your letter of 25 February, 8 March, 1863, in which you inform them that, having obtained the authority of His Majesty the Emperor to extend the lease of the Stakine territory, at present rented from you by this company, you have determined that, in compliance with the application of this company, you shall extend the lease of the territory in question for two additional years—that is to say, until the 1st day of June, 1865.

I am directed to add that no time has been lost in communicating the new arrangement to the officers of the Hudson's Bay Company on the northwest coast of America, with a recommendation that they should in every occasion which offers endeavor to preserve your interests in that quarter from infringement.

Extract from a letter from the same to the same, May 3, 1865, acknowledging receipt of Admiral Tebankoff's letter and accepting extension of lease till June 1, 1866.

I am directed by the governor and committee to acknowledge the receipt of Admiral Tebankoff's letter of the 10th and 20th ultimo, declining the offer made by this company of £2,000 per annum for the trade of both the mainland and islands of the Stikine territory, but offering to continue the present existing lease of the mainland as now held by this company for an additional year—that is to say, till 1 June, 1866.

In reply I am directed to inform you that the governor and committee have determined to accept your offer, and it is hereby accepted accordingly on the same terms as at present.

Information will be sent forthwith to the board of management of the Hudson's Bay Company at Victoria of your present offer and of its acceptance by the governor and committee.

Extract from minutes of board, May 22, 1866, when letter of Russian-American Company, May 4/16, 1866, referred to governor and deputy governor.

Read a letter from the Russian-American Company, dated St. Petersburg, May 4/16, 1866, which was referred to the governor and deputy governor.

Extract from minutes of board, May 29, 1866, that extended lease for one year more.

The governor and deputy governor reported that the lease of the Russian-American territory had been renewed for one year more at the former terms—which was approved.

Letter May 24, 1866, by T. Fraser, secretary of the Hudson's Bay Company, to the Russian-American Company, accepting renewal of lease till June, 1867.

I am directed by the governor and committee to acknowledge the receipt of your letter of the 4/16 May, and in reply to inform you that they accept your offer to continue the lease of the Stikine territory for one year from the termination of the present lease—namely, till June, 1867.

The board of management at Victoria will be informed by next post that the lease is renewed.

Extract from a letter, January 25th, 1867, the same to the same, offering to renew the lease for three years from June, 1867.

In my letter of 24 May, 1866, I informed you that the Hudson's Bay Company accepted the offer conveyed in your letter of the 4/16 of that month to continue the lease of the Stikine territory for one year from the termination of the lease—namely, till June, 1867.

It appears to the governor and committee of this company that the uncertainty as to whether their tenure of the territory is to be continued beyond that period or to be brought to a close is inconvenient to both companies, and that it is desirable that the tenure should be put upon a more distinct footing.

They desire me therefore to state that if agreeable to you they are willing to continue the lease of the territory for the three years from the termination of the present lease—namely, from June, 1867—on the present terms, it being understood that either party is at liberty to terminate the lease upon the expiry of that period on giving twelve months' notice to the other.

Letter from Admiral Tebenhoff April 28, May 20, 1867, to Hudson's Bay Company notifying the company of the cession of Russian America to the United States, and of the inability of the Russian America Company to carry out its conditional agreement of 1/13 February, 1867, and requesting that the term of the lease be considered as ending with the date of the actual transmission of Russian America.

RUSSIAN AMERICAN COMPANY,
THE BOARD OF DIRECTORS,
St. Petersburg, 28 April-20 May, 1867.

The governor and committee of the Hudson's Bay Company.

GENTLEMEN: In consequence of a just received official advise stating the cession of the Russian territory in America by the Imperial Government to the Government of

the United States of America, the conditional agreement contained in our respects of the 1/13 February last, for the renewal of the lease of the Stikine territory cannot be sanctioned by our Government, and therefore we beg respectfully to request that the term of the above lease be considered expired on the day of the actual transmission of our colonies, which we presume will be effected in the course of this year, and you will oblige us by giving proper instructions thereupon to your board of management on the NW. coast of America. On our part we have forwarded such instructions to our colonial authorities.

We have the honor to be, gentlemen, your obedient servants,

(Signed) TEBENNOFF.

Extract from minutes of board of Hudson's Bay Company, May 21, 1867, where letter, April 18-10 May, 1867, from Russian American Company is read and ordered that they be informed that lease must terminate May 31.

Read a letter from the Russian American Company, dated St. Petersburg, April 18-10 May, 1867.

Ordered that they be informed that the occupation of the Stikine country by this company, and their liability under the lease must cease on 31 May.

Extract from letter from W. G. Smith, secretary, May 22, 1867, to board of Russian American Company, terminating the lease on May 31, 1867.

I have the honor to acknowledge the receipt of your letter of April 28, May 10, addressed to the governor and committee of the Hudson's Bay Company announcing that, in consequence of an official intimation by the Imperial Government of the cession of the Russian territory in America to the Government of the United States, the conditional agreement made with this company in February last, for the renewal of the lease of the Stikine territory for three years from 31 May, 1867, cannot be sanctioned by the Russian Government, and, therefore, you request that the lease may be considered at an end on the day of the actual transfer of your colonies.

In reply I am directed to inform you that the Hudson's Bay Company, under the circumstances, cannot extend their occupation of the territory, and consequent liability for rent, beyond 31 May current, when the lease expires by agreement, and I have given the necessary instructions to that effect to the company's board of management at Victoria, Vancouver's Island.

[Inserted in the margin:] As to request numbered 5.

There is no absolute evidence as to what the certain information and suggestions referred to in letter Canning to Bagot, June 20th, 1824, are, but it is believed that it refers to the letter printed immediately above, Appendix to British case, page 65, in the form of a letter from Mr. Pelley, to Mr. Secretary Canning. The Faden map referred to in this letter has not been found, although diligent search has been made for it. The only Faden maps of the period that can be found are reproduced pages 10 and 11, British Atlas Appendix, Vol. II.

[Inserted in the margin:] As to request numbered 6.

The tracing of the Admiralty chart asked for is not in the possession of the British agent. The records do not show that any copy of it was kept.

[Inserted in the margin:] As to request numbered 7.

The tracing of Begbie's sketch is reproduced upon page 215 of the Appendix to the British case, Vol. I. Begbie's sketch was transmitted by Mr. Justice Crease to the minister of justice, as shown by the report of the minister of justice, paragraph 44, page 212, Appendix to British case, Vol. I. A certified copy of it was prepared by Dennis, surveyor-general, for the minister of justice, and is reproduced, as stated above, page 215.

[Inserted in the margin:] As to request numbered 8.

Letter copied above.

Sir M. H. Herbert to Mr. Hay.

[Personal.]

BRITISH EMBASSY,
Newport, June 18, 1903.

DEAR MR. SECRETARY: I have received your note of the 16th instant in regard to the refusal to the British agent of an extension of time for the delivery of the Alaska counter cases, and have telegraphed its substance to my Government.

In this note I notice the following sentence: "You will remember that during the negotiation of the treaty organizing the present tribunal, when you asked for a longer period than two months each for the preparation of the case and counter case, I explained to you the President's wish that if the boundary was to be submitted to adjudication it should be concluded within the time indicated by me, you accepted those conditions, and the treaty was signed."

It is true that I took exception to the short time allotted for the preparation of the cases and counter cases, but I have no recollection of accepting any condition specifying the time within which the adjudication was to be concluded. All I understood you to say at the time was that there was no need to prolong the periods which you had suggested for the preparation of the cases and counter cases owing to the fact that the evidence on which each party relied was already in the possession of the two Governments, and that there was nothing to be done except to put it into shape. But, assuming that I am wrong, any arrangement such as you indicate would necessarily have been modified by Article II of the treaty, which confers the right on both parties to ask for an extension of time.

Your note also states that I asked in March for an extension of time for the preparation of the case and counter case. I certainly supported the request of the British agent for an extension of time for the case in a conversation with Mr. Loomis, during your absence from Washington, but I did not ask on that occasion for a prolongation of the period allotted by the treaty for the preparation of the counter case.

Believe me, dear Mr. Secretary, yours, very truly,

MICHAEL H. HERBERT.

Mr. Hay to Sir M. H. Herbert.

DEPARTMENT OF STATE,
Washington, June 22, 1903.

MY DEAR MR. AMBASSADOR: I have your letter of the 18th of June, acknowledging receipt of mine of the 16th, and calling attention to certain points in which our recollections of conversations seem not exactly to agree. I take note of your corrections, which do not seem in any essential point to affect the action of the two Governments in the case, and am, my dear Sir Michael,

Very sincerely, yours,

JOHN HAY.

Mr. Choate to Mr. Hay.

No. 1141.]

AMERICAN EMBASSY,
London, June 23, 1903.

SIR: I have the honor to report that upon the receipt of your cablegram of the 16th instant, stating what had passed between yourself and Sir Michael Herbert in respect to proposed delay in the service of the British counter case before the Alaska Boundary Commission, I had an interview with Sir Robert Finlay, the attorney-general, and urged upon him the grave necessity on the part of our commissioners and counsel of avoiding any unnecessary delay in the various proceedings provided for by the treaty, especially in the service of the counter case and the commencement of the oral argument. I appealed to him to let no considerations of personal convenience stand in the way of a prompt hearing of the case at the time clearly intended by the treaty, and explained to him fully the important engagements at home resting upon our commissioners and counsel which would compel their prompt return to the United States, at any rate, by the end of October. I sent you a cable telegram about this interview on June 19, of which I annex a copy. On the same day I followed up the interview with a personal letter to Sir Robert, of which I annex a copy, and on the 19th June I received in reply from him a letter, of which I annex a copy, which seems to promise a more prompt compliance with the understanding of the treaty, as to time, than we had feared. Doubtless General Foster will communicate with Mr. Sifton, at Ottawa, as suggested by the attorney-general as the best way of expediting matters.

I annex cablegram sent you on receipt of Sir Robert's letter.

I have honor to be, sir, your obedient servant,

JOSEPH H. CHOATE.

[Inclosure 1.]

Mr. Choate to Mr Hay.

[Cablegram.]

No. 44.]

LONDON, *June 19, 1903.*

Have seen attorney-general, who holds out hopes of serving counter case July 3. Am laboring to induce him to begin oral argument September 10. Would you approve of September 20 as a compromise? He thinks oral argument ought not to be very long. This would give thirty days for the argument and ten for decision, thereby releasing our people by the end of October.

CHOATE.

[Inclosure 2.]

*Mr. Choate to Sir Robert Finlay.*AMERICAN EMBASSY, *London, June 19, 1903.*

DEAR SIR ROBERT: I do sincerely hope that you will let me cable to Washington that your counter case will be ready on the day fixed in the treaty.

As to oral argument, besides the urgent necessity which rests upon our commissioners to return early to the United States, as I explained to you, you will not forget that the counsel on our side are not only giving up a large part of their vacation in coming over to attend the opening of the tribunal, and arguing the case in September, as the treaty clearly intends, but all the time they are detained here after

that is taken out of their court work at home, as our legal vacation ends with the first Monday of October. They very reasonably consider that a week after the service of the printed arguments on September 3 will be ample time for the preparation of the oral argument, at any rate to begin them. So when they insist, as they do, that the oral argument shall begin on September 10, you will already have had a full month's vacation after the adjournment of Parliament, and in that respect will be better off than they are.

May I not, therefore, hope that you will consent that the oral argument begin on the 10th of September. Otherwise it will be left wholly uncertain and must be determined by the tribunal when it meets on September 3.

Yours, most sincerely,

JOSEPH H. CHOATE.

[Inclosure 3.]

Sir Robert Finlay to Mr. Choate.

HOUSE OF COMMONS, *June 19, 1903.*

MY DEAR MR. CHOATE: Our counter case is in course of preparation, and we believe that it will be delivered here on the 3d of July, the day fixed by the treaty. This counter case, however, will be necessarily incomplete, owing to the fact that we have not yet had inspection of documents which we consider of great importance, and there will not be time to have embodied in the counter case the results of any inspection which may take place in America before the 3d of July. We shall have to accompany the delivery of the counter case with a statement that owing to this circumstance it is necessarily incomplete and may have to be supplemented in some form.

Inspection is, of course, a matter of right, and my colleagues inform me that we are asking only for what is reasonable and necessary in the way of documents.

I am writing in the absence of Mr. Sifton, who is now on his way to America—he will be at Ottawa by the 25th instant.

As regards the date of meeting, I am quite sensible of the force of what your excellency says as to the convenience of the American commissioners, and I can assure you that no question of personal convenience on our side will be allowed to stand in the way of having the case heard at the earliest date possible. But it is essential that the case should be ready for hearing, and, after full consultation with my colleagues, I much regret that it is impossible for me at present to undertake that the oral argument should commence on the 10th of September. We may possibly have the materials ready by that date, but it is probable that more time will be wanted. There is not only the question of documents, but inquiries have been directed in America as to various matters of fact alleged in case of the United States. Till we know something of the results we are not in a position to fix a date definitely. All I can say is that every effort will be made to have the hearing at as early a date as possible, and to meet in every way possible the convenience of the commissioners of the United States.

I very much wish I could give a more definite answer, but I feel that at present it is impossible for me to do so without grave risk of imperiling the proper presentation of the case for Canada.

Probably the best way of expediting matters would be that communications should be opened direct with Mr. Sifton at Ottawa.

Believe me, yours, very sincerely,

R. B. FINLAY.

[Inclosure 4.]

Mr. Choate to Mr. Hay.

[Cablegram.]

No. 46.]

LONDON, *June 22, 1903.*

Attorney-general writes me that he believes British counter case will be delivered here on July 3, but incomplete and accompanied by statement that owing to inability to embody in it results of inspection of documents it will have to be supplemented in some form. Can not undertake at present that oral argument shall commence 10th September. May possibly have materials ready by that date, but probably more time will be required. Is making inquiries in America as to various facts alleged in our case, but he promises to make every effort to have hearing at as early a date as possible and that no question of personal convenience on their side shall stand in the way. Sifton is now on the way to America, and will reach Ottawa 25th. Attorney-general suggests the best way of expediting matters would be to communicate direct with Sifton at Ottawa.

CHOATE.

Sir M. H. Herbert to Mr. Hay.

BRITISH EMBASSY, *Newport, June 23, 1903.*

DEAR MR. SECRETARY: In reply to your note of June 16, I have the honor to inform you that His Majesty's Government have carefully considered the reply of the United States Government to the application for extension of time for the preparation of the British counter case, and for permission to examine the originals of various documents used to support the case of the United States Government.

In regard to the extension of time, His Majesty's Government desire to point out—in addition to the reason already stated—that the case of the United States Government rests to a large extent on the contention of Russian occupation of a part of the territory in dispute, and in support of this contention translations of a number of Russian documents, and of extracts from such documents, not previously brought to the notice of His Majesty's Government, are given in the Appendix. To enable His Majesty's Government to deal with this question of occupation in their counter case, it is essential that they should be afforded full opportunity of comparing these translations with the original documents, and the extracts with the context, and possibly preparing and appending alternative translations. It would have been different had certified copies of these originals been appended. As matters stand it is clearly impossible that within a period of two months the documents should be copied at Washington and forwarded to London for comparison with the translations, and that the results of such comparison should be considered and embodied in the counter case.

The United States Government will no doubt readily admit that a translation stands upon quite a different footing from a copy of a document. It is not, strictly speaking, by itself evidence at all, but merely the personal opinion of an unnamed translator as to the meaning and contents of the document. If the United States Government desire that the documents in question should be treated as evidence, His Majesty's Government have on their side a right, according to the provisions of the convention, to lay before the tribunal their claim for time sufficient for the examination of the evidence upon which the United States case relies in regard to a vital part of the matter in dispute. The delay which this examination must cause is not the fault of His Majesty's Government but of the form in which the United States case has been presented. But His Majesty's Government do not rest their claim to an extension of time on this question alone. The United States case contains also affidavits, being the sworn statements of members of the Chilkat tribe residing at the head of the Lynn Canal, and His Majesty's Government are entitled to claim the time necessary for inquiry on the spot as to the credibility of these witnesses and the weight which should be attached to their statements. Time is similarly necessary for the examination on the spot of certain statements made for the first time in the United States case as to acts of occupation and exercise of jurisdiction in the disputed territory by the United States Government. It is impossible to obtain the results of this inquiry in a place so remote and to embody it in the reply of His Majesty's Government within the period of two months from the delivery of the United States case. The possibility that at this stage of the proceedings an extension might be required and be granted by the tribunal was clearly contemplated by the terms of the convention (vide Article II), and the provision would be illusory if not exercised for the purpose now indicated. The tri-

bunal not yet having been constituted, the two Governments would, as suggested in the United States note, naturally act in its place, and upon the principles by which the tribunal itself would have been guided. His Majesty's Government are ready to meet, as far as they can, the convenience of the members of the tribunal in regard to the time for the oral argument, and will use every effort to complete their counter case at the earliest possible date; but the material embodied in the United States case has given them a claim to the extension of time for which they have applied, and for which, considering the important interests at stake, they feel bound to press. If the two Governments should unfortunately be unable to come to an agreement, it will be necessary to summon the tribunal in order that the point may be discussed.

His Majesty's Government are convinced that in this event the tribunal will admit the justice of the applications, and they are anxious to impress strongly on the United States Government that the assembly of the tribunal merely to argue and decide the preliminary question would probably cause general inconvenience and the postponement of the discussion of the real question. An amicable arrangement in anticipation of the probable decision of the tribunal would, on the other hand, have the effect of expediting the ultimate hearing of the case.

Believe me, dear Mr. Secretary, yours, very truly,

ARTHUR S. RAIKES,
For Sir Michael Herbert.

Mr. Hay to Mr. Raikes.

DEPARTMENT OF STATE,
Washington, June 24, 1903.

MY DEAR MR. RAIKES: I have received your letter of the 23d of June, and submitted it to the attention of our agent and counsel.

I have this morning received a telegram from Mr. Choate, showing that the matter to which your letter refers is now under discussion in London between Mr. Choate and the Government, with what, I should hope, are reasonable prospects of its being arranged. He informs me that Mr. Sifton is now on his way to America, and will reach Ottawa on the 25th. The Attorney-General suggests that direct communication with Mr. Sifton might be a desirable way of expediting matters. If that should be Mr. Sifton's opinion, he might put himself into communication with Gen. John W. Foster, who is now staying at Henderson Harbor, Jefferson County, N. Y. His address by telegram would be the above, via Adams, N. Y. If the agents of the two Governments should consider a personal interview desirable, Mr. Foster's nearness to the border might facilitate matters.

Very sincerely, yours,

JOHN HAY.

Mr. Hay to Mr. Raikes.

DEPARTMENT OF STATE,
Washington, June 26, 1903.

DEAR MR. RAIKES: I inclose a memorandum in reply to the argument of the British Government of the 23d of June, for an extension of time for the presentation of evidence in the British counter case.

I am, my dear Mr. Raikes, sincerely yours,

JOHN HAY.

[Enclosure.]

Memorandum upon the note of the British ambassador, dated June 23, 1903.

1. "To enable His Majesty's Government to deal with this question of occupation in their counter case, it is essential that they should be afforded full opportunity of comparing the translations (of Russian documents) with the original documents, and the extracts with the context, and possibly preparing and appending alternative translations."

In order to avoid any delay for the comparison of translations and originals, though under the treaty there is no provision for an extension upon such grounds, the United States will consent that any alternative translations which Great Britain may desire to place before the tribunal may be introduced at any time, either as supplementals of the British counter case or by reference in the printed or oral argument, provided copies of such translations are furnished to the agent of the United States before the commencement of the oral argument.

Unless Great Britain desires to submit translations differing materially from those printed in the case of the United States, it can in no way affect the record before the tribunal. On the other hand, by the United States consenting to their introduction as above stated, the British case before the tribunal can in no way be prejudiced by proceeding with the delivery of the counter case before the original documents are examined.

2. "His Majesty's Government have on their side a right, according to the provisions of the convention, to lay before the tribunal their claim for time sufficient for the examination of the evidence upon which the United States case relies in regard to a vital part of the matter in dispute."

As already stated in the note of June 16 to the British ambassador, the inspection of originals or certified copies of documents offered in evidence by the United States does not constitute "the procuring of such additional papers and evidence," upon which an extension of time for the preparation of the counter case may be properly asked, when "special difficulties" arise in connection therewith. Such originals or certified copies are not "additional papers and evidence." Their production is only to verify the correctness of evidence already submitted. For the purpose of preparing the counter case it is to be assumed that they are correctly submitted as printed.

As the time in which their production can be demanded is unlimited, it was contemplated by the treaty that they could be called for at any time for purposes of verification, even during the progress of the oral argument.

In case such production is after the delivery of the counter cases, and an examination discloses that the originals or certified copies materially differ from the copies submitted in the case of the United States, thereby affecting statements made in the British counter case in reliance upon the printed evidence of the United States, Great Britain would undoubtedly be entitled to amend its counter case to conform with the evidence of the original documents. In view of this right, which could not be denied, the British case, as finally laid before the tribunal, would in no way be prejudiced by relying upon the evidence printed in the case of the United States; and an inspection of the originals or certified copies is not necessary to protect Great Britain in any substantial right.

3. "The delay which this examination must cause is not the fault of His Majesty's Government, but of the form in which the United States case has been presented."

The treaty contemplated that a report or document might be referred to without producing a copy, for in paragraph 4 of Article II the following appears:

"If in the case submitted to the tribunal either party shall have specified or referred to any report or document in its own exclusive possession without annexing a copy, such party shall be bound, if the other party shall demand it, within thirty days after the delivery of the case, to furnish to the other party applying for it a duly certified copy thereof."

All that can be demanded, therefore, under the treaty is "a duly certified copy." It is apparent that the treaty contemplated, and it was understood by the parties, that in certain cases citations only would be made, and full copies would not be produced of certain documents and reports in the "exclusive possession" of one party. The latitude thus given by the treaty could be employed by either party, and to criticise a method of presentation in accordance therewith is hardly warranted, while to ask for an extension of time upon such a ground is entirely without the provisions of the treaty. It offers no "special difficulties" in "procuring additional evidence."

Furthermore, as was pointed out in the note of June 16, an examination of originals or certified copies can not be construed into "procuring additional papers and evidence," the only ground stated in the treaty as a basis for applying for an exten-

sion of time. If the existence or validity of a document was one of the main issues, a preliminary examination might then be appropriately demanded; but no such question has arisen in the present case. It would be as proper to refuse to consider in evidence diplomatic correspondence and official reports until the signatures of the writers had been proven by sworn statements as to their genuineness as to imply doubt of the authenticity of other documents adduced in evidence by the United States.

It is to be presumed that in a proceeding of this character, in which the evidence is necessarily procured and submitted *ex parte*, a government acts in good faith. To deny that it proceeds upon that principle in collecting its evidence and in presenting it to an international tribunal amounts to a grave reflection upon its integrity. The same rules which apply to litigation between individuals before a municipal court can not be invoked in a controversy between nations. Such procedure would require that a party have opportunity to cross-examine witnesses, and that it should establish by sworn statements the authenticity of documentary evidence. The resort to a tribunal of the character of the one created under the treaty of January, 1903, rests upon the mutual confidence of the high contracting powers that each will act in good faith.

4. "The United States case contains also affidavits, being sworn statements of members of the Chilkat tribe residing at the head of Lynn Canal, and His Majesty's Government are entitled to claim the time necessary for inquiry on the spot as to the credibility of these witnesses and the weight which should be attached to their statements."

It would appear that Great Britain required time to procure, if possible, evidence with which to impeach the witnesses whose depositions are submitted with the case of the United States. Such evidence can not, in an international proceeding like the present, be properly introduced, nor, if introduced, can it be relied upon by the tribunal.

The treaty provides for two submissions of evidence, one in the case, the other in the counter case; besides these two opportunities, no evidence can be introduced except by the tribunal upon its own motion. It is manifest that, if the British Government can in its counter case produce proof that witnesses, whose evidence has been submitted in the case of the United States, are unworthy of belief, the United States would have no opportunity to establish their credibility by proving that they bore good reputations for truth and veracity. Under such circumstances it would clearly be unjust for the tribunal to take into consideration impeaching evidence, such, as it appears, Great Britain contemplates procuring. An entire case might be destroyed if such evidence were admissible, since a party would be precluded from rebutting it.

It therefore devolves upon the tribunal to determine from its general knowledge, and not from sworn statements, the weight which should be given to the evidence of this character. Such was the course pursued in the Fur Seal Arbitration, in which hundreds of depositions made by Indians were introduced without one being offered to impeach the deponents.

In view of the peculiar conditions existing in a judicial proceeding between nations, and the manifest inadmissibility of impeaching evidence, when taken *ex parte* and introduced in the counter case, when no reply can be made to it, the procuring of such evidence, however difficult it may be, can form no basis for asking an extension of time.

5. "Time is similarly necessary for the examination on the spot of certain statements made for the first time in the United States case as to acts of occupation and exercise of jurisdiction in the disputed territory by the United States."

The United States conceives that Great Britain does not intend to assert that the fact of occupation and the exercise of jurisdiction by the United States along the *Lisière* is new to the present controversy, but merely that the proofs adduced in substantiation thereof had not been fully submitted to the British Government before they appeared in the case of the United States. Of the reliance of the United States upon these acts of sovereignty Great Britain had been previously advised both in the "Views" of the United States commissioners submitted to the Joint High Commission in 1898, and in the correspondence which subsequently followed between the United States embassy in London and the British foreign office.

Furthermore, Dr. George M. Dawson and the Canadian surveyor, Ogilvie, had, as early as 1888, reported upon the occupation of the head of the Lynn Canal by the United States, and it had been a subject of frequent debate in the Dominion Parliament. Great Britain was, therefore, put upon inquiry as to the extent of the occupation and exercise of authority by the United States in that region, and it entered into the treaty of January, 1903, with full knowledge of the claim of the

United States as to its governmental acts in the *Lisière*. Moreover, the British case in the present controversy devotes considerable space to the subject, and attempts to show that the United States exercised little control over the mainland until a recent date.

The United States claim of possession and occupancy was open and notorious and has been generally recognized. It therefore placed the burden upon Great Britain from the very outset to overthrow the presumption created by the existing fact that the United States was in possession and exercising control. Such evidence was properly a part of the British case and not of the counter case. It certainly could not form the ground for a request to extend the time in which the counter case should be delivered.

6. "It is impossible to obtain the results of this inquiry in a place so remote and embody it in the reply of His Majesty's Government within the period of two months from the delivery of the United States case."

Whatever difficulties attach to the procuring of evidence upon this subject, caused by the remoteness of the locality, existed and were known to exist when the treaty was signed January 24, 1903. The treaty provides that an extension of time may be secured "when it becomes necessary by reason of special difficulties which may arise in the procuring" of additional papers and evidence. As the difficulties of securing evidence in regard to occupation of the *Lisière* by the United States were fully understood at the time of the signature, and they were not particularly referred to or excepted in the treaty, they can not be classed as "special difficulties." And as they existed then they can not be said to be "difficulties which may arise." The treaty clearly indicated "special difficulties" arising after it was signed, and therefore not then in existence.

The attention of His Majesty's Government may be called to the fact that, knowing the United States was in actual possession, and having been frequently notified of its claim of sovereignty prior to the convention of January, 1903, Great Britain had approximately five months before the date of the delivery of the counter case in which to make investigations and obtain evidence "on the spot" as to the governmental authority exercised by the United States in and about the head of Lynn Canal and at other points along the *Lisière*. Because Great Britain failed to take immediate steps to collect proofs against the occupation of the United States immediately upon the signature of the treaty, or after the exchange of ratifications, it can not be pleaded that there has been insufficient time to procure evidence of that character, nor can such a reason be advanced for an extension of time. To grant a request for an extension upon such grounds would permit the British Government to benefit through a condition created by its own negligence, a result contrary to every legal maxim and principle of equity.

The United States having thus briefly reviewed the grounds upon which His Majesty's Government relies to secure an extension of time in which to prepare and deliver its counter case, confidently believes that upon further consideration of the terms of the treaty it will no longer press its demand for such extension, but will submit its counter case and printed argument at the time fixed by the treaty, and be prepared to enter upon the oral argument as soon after the meeting of the tribunal in London as is compatible with the interests of the two Governments.

Mr. Raikes to Mr. Hay.

[Personal.]

BRITISH EMBASSY,
Newport, R. I., June 28, 1903.

DEAR MR. SECRETARY: I beg to acknowledge the receipt of your note of the 26th instant inclosing a memorandum relative to the application of His Majesty's Government for an extension of time for the presentation of the British counter case before the Alaskan Boundary Tribunal.

I am, dear Mr. Secretary, yours, very truly,

ARTHUR S. RAIKES.

Mr. Lansing to Mr. Sifton.

WASHINGTON, July 1, 1903.

SIR: I have the honor, in response to your request to the agent of the United States, under date of June 11, 1903, that you be furnished with certified copies of certain documents specified or referred to in the case of the United States, of which copies were not thereto annexed, to direct your attention to the fact that Article II of the treaty of January 24, 1903, provides that such demand shall be made within thirty days after the delivery of the case, and that the right secured by such provision had expired by limitation when your request was served upon the agent of the United States.

As it is, however, the desire to comply with every request of His Majesty's agent which can be reasonably granted, the strict right under the treaty is not insisted upon, but there is herewith transmitted to you certified copies of the documents requested which are in the possession of the Government of the United States, together with a memorandum explanatory thereof, and of the documents of which the Government is unable to furnish copies.

I have the honor to be, sir, your obedient servant,

ROBERT LANSING,
*Acting Agent of the United States before the
Alaskan Boundary Tribunal.*

[Inclosure.]

Memorandum in relation to documents specified in the request of the British agent, dated June 11, 1903.

1. *The marine map.* A certified photographic facsimile has been furnished in the copies of Russian and French documents already delivered to the British agent.

2. *Survey of the mouth of Chilcat River* by Lindenberg. This is presumably the same as the *Survey by Pilot Lindenberg No. 15* in this memorandum. A certified photographic copy of this survey is herewith transmitted.

3. *Coast map*, mentioned in Mr. G. Davidson's report. A search has been made for this map in the archives of the United States Coast and Geodetic Survey, but it has not been found, and there is no evidence that it ever was completed or delivered to that office. If on further search it is discovered, a certified copy will be furnished.

4. *Sketch relating to Tongas Island.* A certified lithographic copy is herewith transmitted.

5. *Letter from Governor Seymour*, mentioned in Colonel Scott's report. A certified copy is herewith transmitted, together with a certified copy of Colonel Scott's letter, to which the former is a reply.

6. *Note from Doctor Tohmie*, mentioned in Colonel Scott's report. This note is not in the possession of the United States Government. A certified copy of the letter to Doctor Tohmie is herewith transmitted.

7. *Information relating to Indians living on the coast.* A certified copy is herewith transmitted.

8. *Letter from Mr. Duncan.* It does not appear by Colonel Scott's report that any such letter was received by him, and it is not in the possession of the United States Government. A certified copy of the letter to Mr. Duncan is herewith transmitted.

9. *Instructions from Major-General Halleck*, mentioned in Colonel Scott's report. These instructions are printed at page 346 of the appendix to the case of the United States.

10. *Copy of statement* of the boundary line as published in an English journal, mentioned in General Howard's letter. A certified copy of the copy made by General Howard is herewith transmitted.

11. *Plans of harbors* made by Commander R. W. Meade. A search has been made in the archives of the Navy Department, but the plans referred to have not been

found. They were probably destroyed when superseded by later and more accurate charts.

12. *Chilcoot Inlet chart*, mentioned in Captain Beardslee's report. A certified copy is herewith transmitted.

13. *Map* mentioned in Mr. Max Pradt's letter. This map is not in the possession of the United States Government.

14. *Chart* by Lieutenant Symons of the *Jamestown*. This chart is the same as *Chilcoot Inlet chart*, No. 12 in this memorandum.

15. *Survey by Pilot Lindenberg*, map and original journal. The map is presumably the same as the *Survey of the mouth of Chilcat River*, No. 2 in this memorandum, of which a certified copy is herewith transmitted. No other map answering to such a description, and no journal by Lindenberg, is in the possession of the United States Government.

16. *Maps* mentioned in report of governor of Russian colonies in America. There is no evidence that such maps were ever delivered, and no such maps are in the possession of the United States Government.

ROBERT LANSING,

Acting Agent of the United States before the Alaskan Boundary Tribunal.

Mr. Loomis to Mr. Raikes.

No. 153.]

JULY 1, 1903.

SIR: In accordance with the agreement between the two governments as to the place of delivery of the counter case in the Alaskan boundary dispute, I have the honor to deliver herewith by special messenger the counter case of the United States, pursuant to provisions of treaty, together with a communication from the agent of the United States to the agent of Great Britain, which you are respectfully requested to transmit to the latter.

I have the honor to be, with high consideration, sir,

Your most obedient servant,

FRANCIS B. LOOMIS,
Acting Secretary.

Mr. Raikes to Mr. Hay.

BRITISH EMBASSY,
 Newport, July 1, 1903.

DEAR MR. SECRETARY: With reference to your personal note of June 26, and in reply to the memorandum which was inclosed therein, I am directed by His Majesty's principal secretary of state for foreign affairs to inform you that His Majesty's Government contend, and it is apparently not disputed by the United States Government, that, in appending to their case translations of documents on which they rely the latter failed to comply with Article II of the convention, which provides that documentary evidence should accompany the case. On this ground His Majesty's Government would be fully justified in refusing to accept the case delivered on behalf of the United States, but they have refrained from this extreme step and have only requested the time required for the examination of documents not yet produced.

The convention clearly provides that each side shall have two months in which to reply to the evidence produced by the other side, and His Majesty's Government are entitled to claim that period, if necessary, for the examination of and reply to evidence upon which the United

States rely, but which they announce will not be open for examination until after the delivery of the counter case. It is not a question of "procuring additional papers and evidence" by His Majesty's Government, but a claim that the United States Government shall comply with the stipulations of the treaty by producing evidence, and that His Majesty's Government shall have the time specified by the convention to examine and reply to that evidence.

Even if it were merely a matter of producing an original or certified copy of a document adduced as evidence, the convention clearly contemplates that an extension of time should be given for that purpose, as the demand may be made at any time within thirty days after the delivery of the case, and a maximum of forty days for delivery is allowed after the receipt of notice. It is to be borne in mind that all the evidence upon which either party relies in support of its own case or in rebuttal of the other case must be supplied with the case and counter case, and that, while it is open to the tribunal to call for further evidence, it is not open to the parties without the concurrence of the tribunal to introduce new evidence after the delivery of the counter case, and, unless originals or certified copies of the documents called for were delivered in time to be dealt with in the counter case, it would be impossible to bring the result of their examination before the tribunal, unless the tribunal, of its own motion, called for it.

But the documents in question are not documents merely specified or referred to in the United States case. They form the whole evidence upon which a substantial and vital part of the United States case rests, and it could not have been contemplated that it should have been open to one party to base its case on evidence which the other party should not be allowed the fullest opportunity to examine and deal with, and, if the United States Government adhere to their refusal to afford His Majesty's Government the opportunity of seeing and dealing with this evidence in their counter case, His Majesty's Government must reserve their right to protest against its reception and consideration by the tribunal.

With regard to the claim to an extension for the purpose of examining on the spot the evidence of occupation adduced, His Majesty's Government must demur to the statement that the fact of occupation, etc., was notorious, and evidence to overthrow such a presumption should have appeared in the British case and not in the counter case. In so far as a general claim to occupation and exercise of jurisdiction by the United States over the disputed territory is concerned, the fact is no doubt notorious, and the British case has dealt with that general claim as fully as possible in the absence of information as to the specific acts upon which it is based. But when a general claim is in question, and until the facts upon which it is based are brought forward, it is impossible to deal with it except by a general denial supported by such general negative evidence as may be procurable.

The case of the Indian affidavits cited in the Bering Sea case is not in point, as they were procured in support of specific allegations as to pelagic sealing which were notorious, and His Majesty's Government were fully aware, therefore, of the statements which they had to meet. There was substantially nothing in those affidavits which had not been discussed at length in the diplomatic correspondence, or in the volume of inquiry which preceded the arbitration.

In that case, moreover, an extension of time was readily conceded, and counter affidavits were, as a matter of fact, filed with the British counter case. The procedure therefore supports the claim now urged.

In these circumstances the statement that the claim to an extension is not justified "on such grounds, as to grant it would permit the British Government to benefit through a condition created by its own negligence," has been noted with surprise. His Majesty's Government had no previous information nor means of procuring information as to the facts upon which the United States base their claim to occupation and exercise of jurisdiction in the disputed territory. These facts are for the first time brought to their notice in the United States case, and the demand of the United States Government that His Majesty's Government should forego their right to examine the evidence adduced is to a demand that they should upon this issue allow the tribunal to have only the evidence of one side before it.

To this His Majesty's Government can not accede, and they can not think that the United States Government will, on reconsideration, refuse to grant the extension expressly contemplated by the convention and insist that the tribunal shall be compelled to proceed without all the evidence on both sides before it.

Should His Majesty's Government be disappointed in this expectation they would be fully justified in refusing to proceed further in the matter, and in any case they reserve their right to protest to the tribunal against the reception of evidence to which the opportunity of reply had been denied them, and to claim permission to put in such evidence in rebuttal of the statements in the United States case as they have been prevented from submitting with their counter case.

His Majesty's Government can not bind themselves to any time for the opening of the oral argument. If the extension they now require is not granted, and the tribunal meets in September, His Majesty's Government reserve the right to show cause before the tribunal for the postponement of the oral argument on the ground that time has not been granted to complete and examine the evidence which should be dealt with in their counter case.

I am, dear Mr. Secretary, sincerely yours,

ARTHUR S. RAIKES.

Mr. Foster to Mr. Sifton.

JULY 2, 1903.

SIR: In accordance with the terms of the treaty of January 24, 1903, between the United States and Great Britain, and of the agreement between the two Governments, I transmit herewith, through the British embassy in Washington, copies in duplicate of the printed counter case of the United States before the Alaskan Boundary Tribunal for the British agent and the British members of the tribunal, and twenty-two additional copies for the use of yourself and British counsel.

I have the honor to be, with high respect,

Your obedient servant,

JOHN W. FOSTER,
Agent of the United States.

Mr. Loomis to Mr. Raikes.

DEPARTMENT OF STATE,
Washington, July 2, 1903.

DEAR MR. CHARGÉ: Acting in the direction indicated by your personal note of the 28th ultimo, certified copies of the documents in the Russian and French languages, of which translations were appended to the case of the United States, together with certified copies of certain diplomatic correspondence in the English language, also appended, will go in to-morrow's pouch for delivery to Mr. Sifton through the United States embassy at London.

I am, my dear Mr. Raikes, very truly, yours,

FRANCIS B. LOOMIS,
Acting Secretary of State.

Mr. Loomis to Mr. Choate.

No. 1225.]

JULY 2, 1903.

SIR: In accordance with an understanding reached by the Government of the United States and that of Great Britain, I transmit in the pouch with this package containing certified copies of documents in the Russian and French languages of which translations were appended to the case of the United States, together with certified copies of certain diplomatic correspondence in the English language, also appended, all of which documents are in the files and records of the Department of State.

It is desired to have you transmit the package to the foreign office for delivery to the British agent with the inclosed communication addressed to him from Mr. Lansing, the acting agent of the United States before the Alaskan Boundary Tribunal.

I am, sir, your obedient servant,

FRANCIS B. LOOMIS,
Acting Secretary of State.

[Inclosure.]

Mr. Lansing to Mr. Sifton.

WASHINGTON, June 30, 1903.

The Hon. CLIFFORD SIFTON,
Agent for Great Britain before the Alaskan Boundary Tribunal.

SIR: I have the honor, in accordance with the understanding reached between the Governments of the United States and Great Britain, to herewith deliver to you certified copies of documents in the Russian and French languages, of which translations were appended to the case of the United States, together with certified copies of certain diplomatic correspondence in the English language, also appended, all of which documents are in the files and records of the Department of State.

I have the honor to be, sir, your obedient servant,

ROBERT LANSING,
Acting Agent of the United States before the Alaskan Boundary Tribunal.

Mr. Raikes to Mr. Loomis.

BRITISH EMBASSY,
Newport, R. I., July 3, 1903.

SIR: I have the honor to acknowledge receipt of your note of the 1st instant, transmitting the United States counter case in the Alaskan

boundary dispute, together with a communication from the agent of the United States to the agent of Great Britain.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

ARTHUR S. RAIKES.

The Hon. F. B. LOOMIS,
Acting Secretary of State, etc.

Mr. Choate to Mr. Hay.

No. 1151.]

AMERICAN EMBASSY,
London, July 3, 1903.

SIR: With reference to my No. 1113 and to other correspondence, I have the honor to transmit herewith, under separate cover, 17 copies (bound) of the British counter case in connection with the Alaskan boundary, together with 17 copies of the Appendix to the same, Volume I, which have been sent to me by Mr. Sifton, His Britannic Majesty's agent; also 12 additional copies (unbound) of the counter case and of the Appendix, Volume I, and 7 copies (bound) of Volume II of the Appendix.

I inclose also a copy of Mr. Sifton's letter, from which you will perceive that he regrets that he has no extra copies of the Album (Appendix, Vol. II) to deliver, and explains, moreover, that the additional extra 12 copies of the counter case and Volume I of the Appendix are sent unbound for the reason that the notice has been so short.

I have the honor to be, sir, your obedient servant,

JOSEPH H. CHOATE.

[Inclosure 1.]

Mr. Sifton to Mr. Choate.

LONDON, *July 2, 1903.*

YOUR EXCELLENCY: I have the honor, pursuant to the treaty and the arrangement made with the United States agent, to deliver to you 7 copies of the counter case of His Majesty in the matter of the Alaska boundary, together with 7 copies of the Appendix to the same, Volumes I and II.

The additional extra 22 copies of the counter case and Volume I of the Appendix will be delivered to-morrow, but as the notice has been so short, they must necessarily be delivered unbound. I am sorry to say that we have no extra copies of the Album (Appendix, Volume II) to deliver.

I have the honor to be, etc.,

CLIFFORD SIFTON,

His Majesty's Agent before the Alaskan Boundary Tribunal.

HON. JOSEPH H. CHOATE, *etc.*

[Inclosure 2.]

Mr. Sifton to Mr. Choate.

HOTEL CECIL, *July 3, 1903.*

YOUR EXCELLENCY: I have much pleasure in sending you herewith the 22 additional copies of the British counter case and Appendix, 10 bound and 12 unbound.

I had not expected to be able to send any of these copies bound, but have had better fortune than was anticipated.

I have the honor to be, etc.,

CLIFFORD SIFTON,

His Majesty's Agent before the Alaska Boundary Tribunal.

HON. JOSEPH H. CHOATE,

United States Ambassador, 1 Carlton House Terrace S. W.

Mr. Raikes to Mr. Loomis.

[Personal.]

BRITISH EMBASSY,

Newport, R. I., July 5, 1903.

DEAR MR. LOOMIS: I hasten to acknowledge with thanks the receipt of your personal note of the 2d instant informing me that certified copies of the documents in the Russian and French languages, of which translations were appended to the case of the United States, together with certified copies of certain diplomatic correspondence in the English language, also appended, were to be forwarded on July 3 for delivery to Mr. Sifton through the United States embassy in London.

I am, dear Mr. Loomis, yours, very truly,

ARTHUR S. RAIKES.

Mr. Loomis to Mr. Raikes.

[Personal.]

DEPARTMENT OF STATE,

Washington, July 6, 1903.

MY DEAR MR. CHARGÉ: I am in receipt of your personal note of the 1st instant, in which you advance further considerations to support the application heretofore made for an extension of time for the delivery of the counter case before the Alaskan Boundary Tribunal.

In view of the fact that your note discloses an intention to submit these considerations to the attention of the tribunal, I might well be excused from discussing them further at this time but for two assertions in your note which can not be passed by in silence, as they involve the honor and good faith of the Government of the United States.

You state that you are directed by His Majesty's principal secretary for foreign affairs to make it known "that His Majesty's Government contend, and it is apparently not disputed by the United States Government, that, in appending to their case translations of documents on which they rely, the latter failed to comply with Article II of the convention, which provides that documentary evidence should accompany the case."

I beg to dissent in the most positive terms from the foregoing statement so far as it refers to the action of the Government of the United States. On the contrary, it has been most scrupulous in its action to comply with both the letter and the spirit of the treaty; and it has been because of its desire to have the treaty faithfully observed that

it has not been able to accede to the requests of His Majesty's Government, which had no support in the provisions of that instrument.

The further statement that the "evidence upon which the United States rely, "they [the United States] announce will not be open for examination until after the delivery of the counter case," I respectfully submit is not a just statement of the action of this Government. You will recall that on May 29 last application was made on behalf of the British agent for a personal examination of the greater part of the evidence produced in the case of the United States, and that on June 4 your embassy was informed that the British agent or his representative "will be given full opportunity to examine and verify the originals in the exclusive possession of this [the United States] Government of anything contained in the case of the United States," under a proviso which subsequent events demonstrated to be a wise one.

On June 12 your embassy made known the objection of the foreign office to this proviso, and under date of June 16 your embassy was advised that the restriction would be removed, and "that the British agent or his representative would be permitted at his convenience to examine all the documents adduced in the case of the United States to which reference is made," etc. Not until two weeks after that notice was given was your telegram of June 26 received, in which you communicated the inquiry of the British agent, whether the documents were ready to exhibit. The reply sent, June 27, was that they would be ready any time after July 3. This delay of six days was occasioned by the fact that the officials who were familiar with the documents were absorbed in the preparations for the delivery of the counter case of the United States, which under the terms of the treaty had to be made on July 3.

The foregoing recital will show upon what foundation was based the declaration that the documents in question were not open for examination until after the delivery of the counter case.

Having shown the scrupulous good faith of the United States on the points animadverted to by His Majesty's secretary for foreign affairs, the Government of the United States, entertaining no disposition to prejudice the deliberations of the tribunal, will omit further discussion of the considerations advanced in your note of the 1st instant.

I am, my dear Mr. Raikes, very sincerely yours,

FRANCIS B. LOOMIS,
Acting Secretary of State.

Mr. Raikes to Mr. Loomis.

[Personal.]

BRITISH EMBASSY,
Newport, R. I., July 6, 1903.

DEAR MR. LOOMIS; I have the honor to inform you that I have received a telegram from Mr. Sifton stating that Mr. Pope will arrive in Washington on July 7 in order to inspect the documents of which use has been made in the preparation of the United States case to be laid before the Alaskan Boundary Tribunal.

I have the honour to be, dear Mr. Loomis, yours, very truly,

ARTHUR S. RAIKES.

Mr. Raikes to Mr. Loomis.

BRITISH EMBASSY,
Newport, R. I., July 9, 1903.

DEAR MR. ACTING SECRETARY: I have the honor to acknowledge the receipt of your personal note of July 6 in reply to my communication of the 1st instant advancing further considerations in support of the application of His Majesty's Government for an extension of time for the delivery of the counter case before the Alaskan Boundary Tribunal.

I have forwarded a copy of your communication to the Marquis of Lansdowne.

Believe me to be, dear Mr. Loomis, yours, very truly,

ARTHUR S. RAIKES.

Mr. Choate to Mr. Hay.

No. 1157.]

AMERICAN EMBASSY,
London, July 20, 1903.

SIR: With reference to your instruction No. 1125, of the 2d instant, which inclosed certified copies of documents in the Russian and French languages, of which translations are appended, to the case of the United States under the Alaskan Boundary Convention, together with certified copies of documents in the English language, and a communication addressed to the Hon. Clifford Sifton, I have the honor to inclose herewith a copy of a note from the foreign office, dated the 16th instant, acknowledging the receipt of the documents in question.

I have the honor to be, sir, your obedient servant,

JOSEPH H. CHOATE.

[Inclosure.]

Lord Lansdowne to Mr. Choate.

FOREIGN OFFICE, *July 16, 1903.*

YOUR EXCELLENCY: I have the honor to acknowledge the receipt of your excellency's note of the 13th instant, forwarding certified copies of documents in the Russian and French languages, of which translations are appended, to the case of the United States under the Alaskan Boundary Convention, together with certified copies of certain diplomatic correspondence in the English language, and a communication addressed to the Hon. Clifford Sifton.

I have the honor to be, etc.,

F. H. VILLIERS.
For the Marquis of Lansdowne.

Mr. Raikes to Mr. Loomis.

BRITISH EMBASSY,
Newport, R. I., July 28, 1903.

SIR: With reference to Sir Michael Herbert's No. 59 of March 19 last, it is my sad duty to inform you that the Hon. John Douglass Armour, judge of the supreme court of Canada, died in London on the 11th instant. In compliance with instructions which I have received from the Marquis of Lansdowne I have the honor to inform you that Mr. Aylesworth, K. C., of Toronto, has been selected as one of the

three British members of the Alaskan Boundary Tribunal in place of the late judge.

I have the honor to be, sir, with high consideration,
Your most obedient servant,

ARTHUR S. RAIKES.

Mr. Sifton to Mr. Foster.

OTTAWA, July 29, 1903.

DEAR SIR: In view of the fact that the time for the delivery of the written argument in the Alaskan boundary proceedings is approaching, it seems desirable that, if possible, an understanding should be arrived at as to the date when the tribunal will meet for the hearing of oral argument, and I am now addressing you with the purpose of endeavoring to reach such an understanding. Assuming that the arguments will be delivered in the same manner as the cases and the counter cases, the arguments upon the American side will reach London about the 11th or 12th of September. Time will then be required for the consideration of the argument and preparation for oral argument. It would seem, therefore, that about October 15 would be a suitable time for the preliminary meeting of the tribunal to organize, settle questions of procedure, fix the time when oral argument will be proceeded with, and also deal with any other questions that may be presented by either party for consideration. I would be pleased to know, through you, whether the course above suggested meets with the views of the American members of the tribunal.

On account of the fact that the tribunal is not yet organized, and there has therefore been no method settled for bringing such questions before it, I am inclosing under cover to you for the American members of the tribunal copies of this communication.

I have the honor to be, sir, your obedient servant,

CLIFFORD SIFTON,
Agent for His Britannic Majesty.

Mr. Foster to Mr. Sifton.

ALASKAN BOUNDARY TRIBUNAL,
AGENCY OF THE UNITED STATES,
Henderson Harbor, N. Y., August 4, 1903.

DEAR SIR: I have had the honor to receive, forwarded from Washington to this place, your letter of July 29, postmarked Ottawa, July 31, in which you suggest that about October 15 would be a suitable time for the preliminary meeting of the tribunal to organize, settle questions of procedure, fix the time when oral argument will be proceeded with, and deal with any other questions that may be presented. And you desire to know, through me, whether the course suggested meets with the views of the American members of the tribunal; and to this end you inclose under cover to me for the American members of the tribunal copies of your letter of the 29th ultimo.

I must in the first place direct your attention to the fact that your proposition seems to be based in part upon an erroneous assumption.

You say: "Assuming that the [printed] arguments will be delivered in the same manner as the cases and counter cases, the argument upon the American side will reach London about the 11th or 12th of September." The British Government was advised more than two months ago that the printed argument of the United States would be delivered in London in time for a meeting of the tribunal on September 3. Under date of May 20 Ambassador Choate telegraphed the Secretary of State that he had urged upon the British Government the meeting of the tribunal on 3d of September to hear or arrange for an early oral argument. Under date of June 19 Mr. Choate addressed a note to the Hon. Sir Robert Finlay, attorney-general of England and senior British counsel before the tribunal, in which he stated that the printed argument would be delivered on September 3, and he at the same time proposed that the oral argument begin September 10. Your absence from London may have prevented you from becoming fully conversant with the foregoing facts, but the British Government has not been ignorant of the intention of the United States to deliver its printed argument at London on or before September 3.

I will endeavor to comply as promptly as possible with your request to transmit a copy of your letter to me of July 29 to the American members of the tribunal, but I regret to say that it will require some time to reach them. As has been announced in the public press, two of these members have already sailed from New York, and the third member is about to take passage, in order to be in London in due season for the convening of the tribunal on the 3d proximo. Some delay must therefore occur before I can satisfy your desire to be informed of the views of the American members of the tribunal on your proposition.

I may, however, remind you that the communications already passed between the two governments must have indicated to you what views they will entertain upon the subject. Their expectation as to the time for the assembling of the tribunal is shown in the communications of Mr. Choate above cited. In his letter of June 19 to Sir Robert Finlay he urged an early date for the oral argument, as he had explained to him verbally that there was a necessity that the American members of the tribunal should return to the United States at any rate by the end of October.

In March last, when Sir Michael Herbert suggested an extension of time for the delivery of the cases, he was informed by the Secretary of State that such extension was not compatible with the official engagements of the American members of the tribunal. In your communication to me of May 15 last you asked for an extension of time for the delivery of the counter case. You will recall that in my telegraphic reply of May 25, I said the "American members of tribunal say impossible to consent because of special session of Congress as heretofore stated to British ambassador." When the ambassador, under date of June 12, renewed the request for an extension of time for the delivery of the counter cases, the Secretary of State, in his note of June 16, reiterated these reasons, and he added the further statement that when the treaty of January 24, creating the tribunal, was being negotiated the British ambassador was informed that it was the President's wish that the tribunal should conclude its labors within the time indicated, and for this reason the periods for the different stages of the proceedings could not be extended.

I may add that it is the expectation of the United States agency staff and counsel to sail from New York on the 21st instant, and to reach

London in time to deliver the printed argument in that city and to attend the assembling of the tribunal on the 3d day of September.

I am, with great respect, your obedient servant,

JOHN W. FOSTER,

Agent of the United States before the Alaskan Boundary Tribunal.

Mr. Loomis to Mr. Choate.

[Telegram.]

AUGUST 4, 1903.

General Foster has received from Sifton, British agent, a letter dated Ottawa, July 29, in which he suggests that about October 15 would be a suitable time for preliminary meeting of tribunal to organize, settle questions of procedure, fix time when oral argument will begin, and deal with any other questions presented. He incloses copies of the letter to me to be forwarded to American members of tribunal, and asks me to obtain their views on the proposition. General Foster has answered him by letter, stating that more than three months ago Ambassador Choate informed British Government that our printed argument would be delivered in London by September 3, and that it was desired that oral argument should begin as soon after that date as possible, and in a letter June 19 to Attorney-General Finlay he repeated this notice, and stated that the American members of the tribunal must return to the United States not later than last of October; that Sifton's absence from London may have prevented him being conversant with these facts, but British Government was fully informed. General Foster stated that it was difficult for him to communicate promptly with American members, as two had already sailed for London, and third about to sail in order to be in season for the expected session September 3. He, Sifton, must, however, have been informed by the communications of our Government that the American members could not agree to his proposition. General Foster reiterated the various communications, showing their official duties would not admit of any postponement of periods named in treaty, and notified Sifton that our printed argument would be delivered in London on 3d September, and that American agent and counsel expect to sail for London the 21st instant.

You will address to the foreign office a note repeating the notice already given to the British Government that the Government of the United States earnestly desires and expects the tribunal to assemble September 3, and will say, furthermore, that the President will find himself unable to consent to any further postponement.

FRANCIS B. LOOMIS,

Acting Secretary.

Mr. Choate to Mr. Hay.

[Telegram.]

No. 53.]

LONDON, August 7, 1903.

Referring to your telegram of the 5th [4th] August, it is agreed that tribunal shall meet on September 3.

CHOATE.

Mr. Raikes to Mr. Loomis.

BRITISH EMBASSY,
Newport, August 10, 1903.

DEAR MR. ACTING SECRETARY: I have just received a telegram from Lord Lansdowne instructing me to apply on behalf of Mr. Clifford Sifton for permission to inspect, photograph, or make certified copies of the original Russian documents, translations of which are given in the appendix to the counter case of the United States before the Alaska tribunal on pages 1 to 35 and pages 84 and 85.

The British agent also desires permission to make copies of the plans or maps to which reference is made on pages 12, 80, and 85.

Mr. Clifford Sifton supposes that it will be possible to inspect in London, in the course of the hearing before the tribunal, the originals of the numerous depositions of which copies are contained in the appendix to the United States counter case, and I am directed by Lord Lansdowne to inquire whether the British agent is correct in his supposition that these documents will then be made available for inspection.

Believe me, dear Mr. Acting Secretary, yours, very truly,

ARTHUR S. RAIKES.

Mr. Loomis to Mr. Raikes.

DEPARTMENT OF STATE,
Washington, August 14, 1903.

MY DEAR MR. CHARGÉ: I have the honor to acknowledge the receipt of your note of the 10th instant, applying, on behalf of Mr. Clifford Sifton, for permission to inspect, photograph, or make certified copies of the original Russian documents, translations of which are given in the appendix to the counter case of the United States before the Alaskan Boundary Tribunal, and stating that the British agent desires permission to make copies of certain plans or maps mentioned therein. You also inform me that Mr. Sifton supposes that the originals of the numerous depositions printed in the appendix to the counter case will be available for inspection in London during the course of the hearing before the tribunal.

In reply, I have the honor to inform you that all the documents produced in the case and counter case of the United States required to be used in London are now being packed for transportation, and that in view of the early departure of the agent of the United States for London, and of the necessity that all books, documents, maps, etc., be transported at the same time, it is now too late to have the inspection requested take place in Washington, but that ample facilities will be afforded in London for the inspection of all documents the production of which he [the British agent] is entitled to ask.

I am, etc.,

FRANCIS B. LOOMIS,
Acting Secretary of State.

Mr. Choate to Mr. Hay.

[Telegram.]

LONDON, *August 14, 1903.*

Arranged that first meeting of Alaskan Boundary Commission shall be at foreign office at 11 o'clock September 3. Please notify Secretary Root, General Foster, and all the counsel.

CHOATE.

DECISION OF THE ALASKAN BOUNDARY TRIBUNAL UNDER THE TREATY OF JANUARY 24, 1903, BETWEEN THE UNITED STATES AND GREAT BRITAIN.

Whereas by a Convention signed at Washington on the 24th day of January 1903, by Plenipotentiaries of and on behalf of His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, Emperor of India, and of and on behalf of the United States of America, it was agreed that a Tribunal should be appointed to consider and decide the questions hereinafter set forth, such Tribunal to consist of six impartial Jurists of repute, who should consider judicially the questions submitted to them each of whom should first subscribe an oath that he would impartially consider the arguments and evidence presented to the said Tribunal, and would decide thereupon according to his true judgment, and that three members of the said Tribunal should be appointed by His Britannic Majesty and three by the President of the United States:

And whereas it was further agreed by the said Convention that the said Tribunal should consider in the settlement of the said questions submitted to its decision the Treaties respectively concluded between His Britannic Majesty and the Emperor of All the Russias under date of the 28th (16th) February A D 1825 and between the United States of America and the Emperor of All the Russias, concluded under date of the 18th (30th) March A D 1867, and particularly the Articles III, IV and V of the first mentioned Treaty, and should also take into consideration any action of the several Governments or of their respective Representatives, preliminary or subsequent to the conclusion of the said Treaties so far as the same tended to show the original and effective understanding of the parties in respect to the limits of their several territorial jurisdictions under and by virtue of the provisions of the said Treaties

And whereas it was further agreed by the said Convention, referring to Articles III, IV and V of the said Treaty of 1825, that the said Tribunal should answer and decide the following questions:—

1. What is intended as the point of commencement of the line?
2. What channel is the Portland Channel?
3. What course should the line take from the point of commencement to the entrance to Portland Channel?
4. To what point on the 56th parallel is the line to be drawn from the head of the Portland Channel, and what course should it follow between these points?
5. In extending the line of demarcation northward from said point on the parallel of the 56th degree of north latitude, following the crest

of the mountains situated parallel to the coast until its intersection with the 141st degree of longitude west of Greenwich, subject to the conditions that if such line should anywhere exceed the distance of 10 marine leagues from the ocean, then the boundary between the British and the Russian territory should be formed by a line parallel to the sinuosities of the coast and distant therefrom not more than 10 marine leagues, was it the intention and meaning of the said Convention of 1825 that there should remain in the exclusive possession of Russia a continuous fringe, or strip, of coast on the mainland not exceeding 10 marine leagues in width, separating the British possessions from the bays, ports, inlets, havens, and waters of the ocean, and extending from the said point on the 56th degree of latitude north to a point where such line of demarcation should intersect the 141st degree of longitude west of the meridian of Greenwich?

6. If the foregoing question should be answered in the negative and in the event of the summit of such mountains proving to be in places more than 10 marine leagues from the coast should the width of the *lisière*, which was to belong to Russia be measured (1) from the mainland coast of the ocean, strictly so-called along a line perpendicular thereto, or (2) was it the intention and meaning of the said Convention that where the mainland coast is indented by deep inlets forming part of the territorial waters of Russia, the width of the *lisière* was to be measured (a) from the line of the general direction of the mainland coast, or (b) from the line separating the waters of the ocean from the territorial waters of Russia, or (c) from the heads of the aforesaid inlets?

7. What, if any exist, are the mountains referred to as situated parallel to the coast, which mountains, when within 10 marine leagues from the coast, are declared to form the eastern boundary?

And whereas His Britannic Majesty duly appointed Richard Everard, Baron Alverstone, G.C.M.G. Lord Chief Justice of England, Sir Louis Amable Jetté K.C.M.G. Lieutenant-Governor of the Province of Quebec, and Allen Bristol Aylesworth one of His Majesty's Counsel, and the President of the United States of America duly appointed the Honourable Elihu Root Secretary of War of the United States, the Honourable Henry Cabot Lodge, Senator of the United States from the State of Massachusetts and the Honourable George Turner of the State of Washington, to be members of the said Tribunal.

Now therefore we the Undersigned having each of us first subscribed an oath as provided by the said Convention and having taken into consideration the matters directed by the said Convention to be considered by us, and having judicially considered the said questions submitted to us, do hereby make Answer and Award as follows:—

In answer to the *first* question

The Tribunal unanimously agrees that the point of commencement of the line is Cape Muzon.

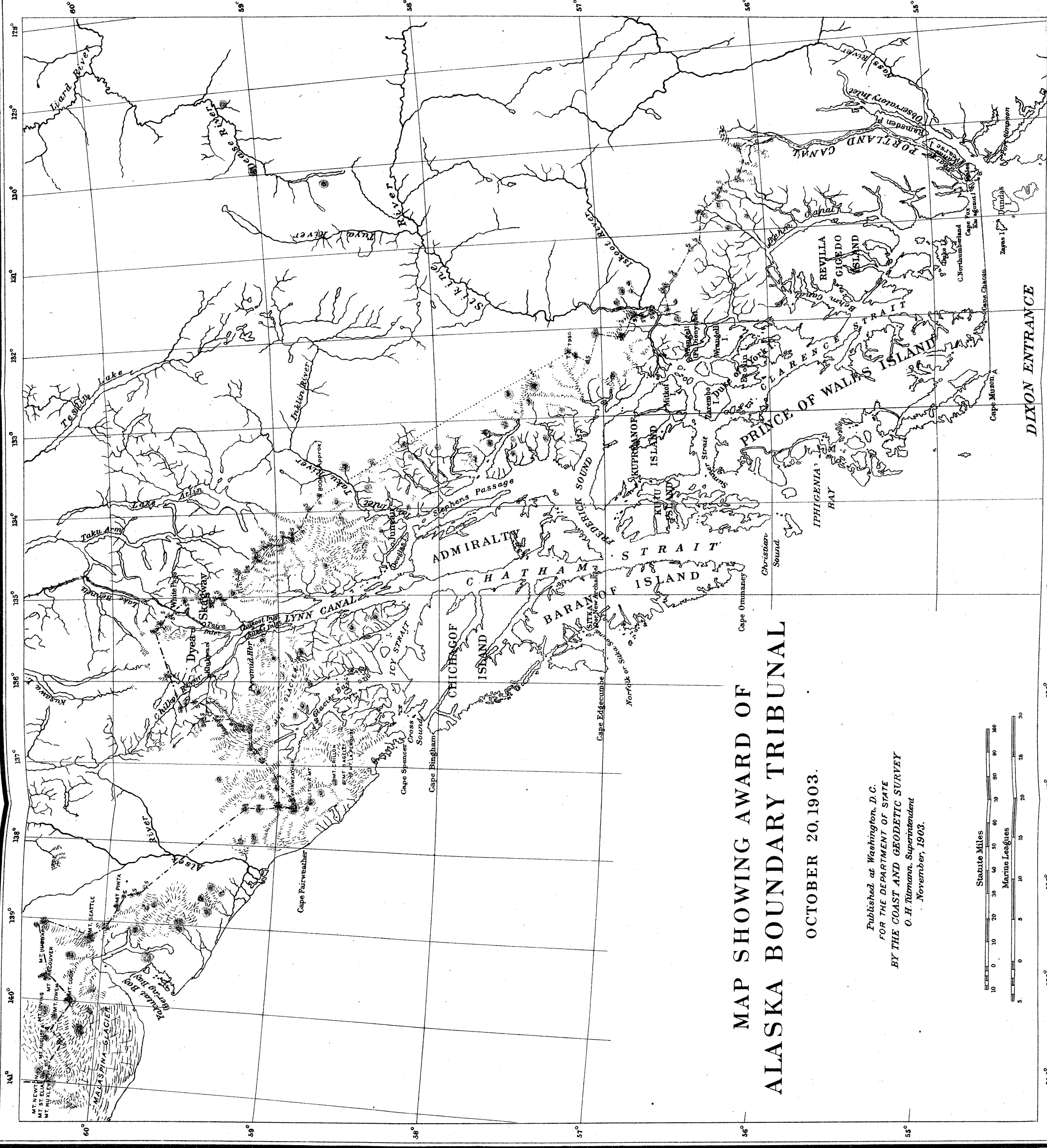
In answer to the *second* question

The Tribunal unanimously agrees that the Portland Channel is the Channel which runs from about 55° 56' N.L. and passes to the north of Pearse and Wales Islands.

A majority of the Tribunal that is to say Lord Alverstone, Mr Root Mr Lodge and Mr Turner decides that the Portland Channel after passing to the north of Wales Island is the channel between Wales Island and Sitklan Island called Tongass Channel. The Portland Channel

TK1101

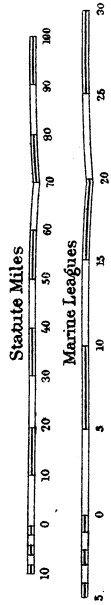
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**MAP SHOWING AWARD OF
ALASKA BOUNDARY TRIBUNAL**

OCTOBER 20, 1903.

Published at Washington, D. C.
FOR THE DEPARTMENT OF STATE
BY THE COAST AND GEODETIC SURVEY
O. H. Rübmann, Superintendent
November, 1903.



140° 139° 138° 137° 136° 135° 134° 133° 132° 131° 130° 129° 128° 127° 126° 125°

60° 59° 58° 57° 56° 55°



above mentioned is marked throughout its length by a dotted red line from the point B to the point marked C on the map signed in duplicate by the members of the Tribunal at the time of signing their decision.

In answer to the *third* question

A majority of the Tribunal that is to say Lord Alverstone Mr Root Mr Lodge and Mr Turner decides that the course of the line from the point of commencement to the entrance to Portland Channel is the line marked A B in red on the aforesaid map.

In answer to the *fourth* question

A majority of the Tribunal that is to say Lord Alverstone Mr Root Mr Lodge and Mr Turner decides that the point to which the line is to be drawn from the head of the Portland Channel is the point on the 56th parallel of latitude marked D on the aforesaid map and the course which the line should follow is drawn from C to D on the aforesaid map.

In answer to the *fifth* question

A majority of the Tribunal, that is to say Lord Alverstone Mr Root Mr Lodge and Mr Turner decides that the answer to the above question is in the affirmative

Question five having been answered in the affirmative question *six* requires no answer.

In answer to the *seventh* question

A majority of the Tribunal that is to say Lord Alverstone, Mr Root, Mr Lodge and Mr Turner decides that the mountains marked S on the aforesaid map are the mountains referred to as situated parallel to the coast on that part of the coast where such mountains marked S are situated and that between the points marked P (mountain marked S 8,000) on the north and the point marked T (mountain marked S 7,950) in the absence of further survey the evidence is not sufficient to enable the Tribunal to say which are the mountains parallel to the coast within the meaning of the Treaty.

In witness whereof we have signed to above written decision upon the questions submitted to us.

Signed in duplicate this twentieth day of October 1903.

Witness

REGINALD TOWER:

Secretary.

ALVERSTONE.

ELIHU ROOT

HENRY CABOT LODGE

GEORGE TURNER

Note: The map above referred to is marked A.

**REGULATIONS GOVERNING ADMISSION OF ALIENS INTO THE
TRANSVAAL AND ORANGE RIVER COLONIES.**

Mr. Hay to Sir Michael Herbert.

DEPARTMENT OF STATE,
Washington, May 27, 1903.

MY DEAR MR. AMBASSADOR: I inclose a copy of advance sheets of Consular Reports No. 1646, May 14 instant, which, on page 6, contains a résumé of the regulations in force in South Africa governing the admission of aliens into the Transvaal and Orange River colonies.

It appears from a dispatch of the 15th ultimo, sent hither by the United States consul-general at Cape Town, that many Americans who wish to go to the colonies named above receive the form of application for a permit at the British consulate in the port of the United States from which they embark. They frequently, however, do not seek and receive the other information which it is necessary for them to know in order not to be greatly inconvenienced themselves, and not to become a burden, to a greater or less extent, to the British authorities in the colonies mentioned. It appears, for instance, that not more than fifty Americans are allowed to enter the colonies in one month; that the permission to enter the colonies often is not granted for a long time, and that certain evidence of citizenship and of the possession of ample means of support, etc., is required. The result of the want of this information is that American citizens are arriving at Cape Town, and, impatient at the delay connected with the issue of their permits, do not wait until the prescribed formalities have been carried out, but enter the colonies without permission, thus violating the law, making themselves liable to punishment, and being a source of annoyance and trouble to the British authorities.

Under the circumstances the Department believes that if you were to have the kindness to instruct His Majesty's consul-general at New York, and perhaps also the consular officers at Philadelphia, New Orleans, Portland, Seattle, and San Francisco, to inform Americans applying at their respective consulates for applications for permission to enter the colonies of the conditions imposed by His Majesty's Government in the matter, and of the delays likely to be caused by neglecting due precautions, the violations of the law and the consequent annoyances to the British officials would be obviated, if not entirely, at least to a very great extent.

I should deem it a great favor if you had the kindness to issue such instructions, should there be no objection, at least to the consul-general at New York City, if not to the consuls at the other ports which I have enumerated.

I am, etc.,

JOHN HAY.

[Inclosure.]

[Extract from Consular Reports No. 1646, May 14, 1903.]

Permits for immigrants into the Transvaal.

Consul J. E. Proffit reports from Pretoria, March 30, 1903, that the permit regulations are still in force in the Transvaal and Orange River Colony. He says:

"The report to the effect that these regulations were abolished with the raising of martial law seems to have gained wide credence among immigrants to South Africa. Especially is this true of immigrants from America who, coming to Cape Town and the other South African ports, are met with the information that permits are required for the above-named colonies. Applications for permits are then made through the consular functionary at the port and forwarded to this consulate for transmission to the chief secretary for permits. Consideration of such applications by the said official is often delayed for weeks, and the consequence is that the applicant remains at the port, where living expenses are excessively high, until such time as the permit is either granted or refused. The temptation to come into the country without awaiting the result of the application is often too strong to be resisted, and such action invariably leads to the arrest and trial of the offender, who is generally given the option of departure from the Transvaal or Orange River Colony within twenty-four hours or imprisonment for six months and a fine of £500 (\$2,433).

"The number of Americans who may enter the above-named colonies in any given month is limited to fifty.

"Form of application for permit, I am advised, may be obtained at any British consulate, and to insure against delay, should be sent to this consulate, together with some evidence of applicant's citizenship at least two weeks in advance of applicant's departure from America.

"The permit secretary has also of late required that all applications be accompanied by an affidavit to the effect that applicant is possessed of sufficient means to support himself and family in the Transvaal or Orange River Colony.

"The applications for permits must set forth:

"The name, nationality, and full address of the applicant; if a naturalized British subject, the date of naturalization. Whether a residential or temporary permit is required; if temporary, a definite period must be stated. Number of persons and number of children under 16 years of age. Occupation of applicant; also whether he has any guaranty of employment on arrival, and by whom. Applicant must state whether he can support himself and family on arrival. Two well-known references in South Africa must be given and the point of destination stated. It will save inconvenience to passengers if the permit form (which must be completely filled out to receive attention) reaches South Africa a week in advance."

Sir Michael Herbert to Mr. Hay.

BRITISH EMBASSY,
Washington, May 30, 1903.

DEAR MR. SECRETARY: On receipt of your personal note of May 27 I requested Sir Percy Sanderson to furnish me with a report regarding the practice at present followed by His Majesty's consulate-general at New York with regard to intending emigrants from the United States to the Transvaal or the Orange River Colony.

I have now received Sir Percy Sanderson's reply, from which I hasten to communicate to you the following extract:

On the 30th of November, 1902, a telegram was received at the consulate-general from His Majesty's secretary of state for foreign affairs, directing that no permits to enter the Transvaal or Orange River Colony should be issued after the 1st of December, and that applicants be informed that permits would only be issued by permit offices in South Africa, and be advised to ascertain before sailing for South Africa, from the permit office at their intended port of landing, whether they can have permits.

On the 11th of December a copy was received of the newspaper notice to which the previous telegram refers, and of which a copy is annexed. This copy was shown, or its contents made known, to all applicants until the arrival of further instructions. It will be observed that the warning is distinct. They are warned that such permits are liable to be refused by the government of the Transvaal and Orange River Colony, and it is suggested that, in order to avoid disappointment and delay, they should ascertain before sailing for South Africa, from the permit office at the port where they propose to land, whether permits will be granted them.

On the 22d of December, 1902, a circular was received from the foreign office, dated December 12, 1902, forwarding copies of a notice issued by the government of the Transvaal to persons intending to visit that colony or the Orange River Colony, of which a copy is also annexed. Copies of this notice are shown to all persons inquiring at this office on the subject; it is true that the advice has been altered so as to read: "Persons about to visit the new colonies are advised, in order to save themselves delay and disappointment, to forward their application for permits at least one week before their departure in order that permits may be ready for them when they land," but it will be observed that at the end of paragraph 20 the following occurs: "In all other cases (other than those prohibited as above) it shall be in the discretion of the governor to grant or refuse any permit."

I also inclose a copy of the press extracts to which Sir Percy Sanderson alludes, and of the regulations which are at present in force.

In order as far as possible to avoid inconvenience to intending emi-

grants I have also forwarded a copy of these documents to His Majesty's consular officers at Philadelphia, New Orleans, Portland, Oreg., Seattle, and San Francisco in compliance with the suggestion in your communication of the 27th instant, and have called their special attention to the fact that the granting of a permit is discretionary with the governor of the colony.

I am, etc.,

MICHAEL H. HERBERT.

[Inclosure 1.]

Notice to press.

After the 1st of December next no permits to proceed to the Transvaal or Orange River Colony will be issued in the United Kingdom or by His Majesty's consular officers abroad or elsewhere than at the South African ports.

Persons wishing to proceed to the Transvaal or Orange River Colony should therefore apply for the necessary permits to enable them to do so to the Transvaal and Orange River Colony permit office at the port at which they propose to land.

They are warned that such permits are liable to be refused by the government of the Transvaal and Orange River Colony, and it is suggested that, in order to avoid disappointment and delay, they should ascertain before sailing for South Africa from the permit office at the port where they propose to land whether permits will be granted to them.

Under the peace preservation ordinances now in force in the Transvaal and Orange River Colony persons who enter those colonies without permits may be ordered to leave, and if such order is not obeyed within a given time they will be liable to fine and imprisonment.

[Inclosure 2.]

Notice to persons intending to visit the Transvaal or Orange River Colony.

It is notified for information that permits to enter the Transvaal or Orange River Colony are still required, except by persons exempted in the terms of the ordinance quoted below. Such permits are issued at all coast ports in British South Africa, at Bulawayo, and at Lourenço Marquez.

Persons about to visit the new colonies are advised, in order to save themselves delay and disappointment, to forward their application for permits at least one week before their departure in order that the permits may be ready for them when they land.

Applications should, in the case of British subjects, be addressed to the permit secretary at the intended port of disembarkation.

Foreigners should make application through their consular representatives.

Persons proceeding via Delagoa Bay should address their applications to His Britannic Majesty's consul-general, Lourenço Marquez.

Application forms are obtainable at the colonial office, London, at the principal South African shipping offices in London and Southampton, at the Bank of Africa, and Standard Bank of South Africa in London, and on board the principal South African-bound steamers.

The following extract from the peace preservation ordinance, Transvaal, is published for information. The terms of the peace preservation ordinance, Orange River Colony, sections 19 to 23, are mutatis mutandis identical:

"19. After the date of this ordinance no person shall enter this colony without a permit granted under the terms of this ordinance, unless—

"(a) He was resident and within this colony or the Orange River Colony on the 31st of May, 1902, and has not since that date been expelled from or ordered to leave this colony or the Orange River Colony.

"(b) He has since the 31st of May, 1902, and before the date of this ordinance, received a permit or other formal authorization to enter this colony from some duly constituted authority.

"(c) He is a person coming within the provisions of article 2 of the terms of surrender, signed at Pretoria on the 31st of May, 1902, and published in the Gazette Extraordinary, dated the 3d of June, 1902.

"(d) He is employed in His Majesty's navy or military service or in the civil service or in any police force of this colony or the Orange River Colony.

"20. Permits to enter the colony under this ordinance shall be granted by such persons as may be authorized to do so by the governor, and shall be in such form as the governor may direct.

"No such permit shall be granted to any person who, having been a burgher of the South African Republic or the Orange Free State, has not taken the oath of allegiance to His Majesty, or made some declaration of equivalent import in form approved by the governor. In all other cases it shall be in the discretion of the governor to grant or refuse any permit.

"21. It shall be lawful for the colonial secretary, if he has reason to believe that any person is residing or sojourning in this colony having entered it without proper authority, to give notice thereof to any resident magistrate, and such magistrate shall thereupon summons such person to appear before him, and if such person fails to satisfy the magistrate that he has obtained a permit under this ordinance, or is exempt under the provisions of section 19 from obtaining such permit, the magistrate shall make a written order directing such person to leave the colony within seven days, unless, before the expiration of that time, he has received permission in writing from the colonial secretary to remain in the colony. Such permission shall have the same effect as a permit granted under this ordinance.

"22. (1) If any person in whose case such order has been made is found within the colony after the expiration of seven days after service of such order without having obtained permission from the colonial secretary aforesaid, he may be arrested and brought before a magistrate, and shall, upon conviction, be imprisoned for a period not less than one month and not more than six months, and with or without a fine not exceeding £500, and in default of payment to a further term not exceeding six months.

"(2) If any person imprisoned under the terms of the preceding subsection shall remain in the colony for a period of more than seven days after the expiration of his term of imprisonment, or any subsequent term of imprisonment inflicted under this section, without obtaining permission in writing from the colonial secretary to remain in the colony he may be arrested and brought before a magistrate, and shall, on conviction, be imprisoned, with or without hard labor, for a period of not less than six months and not more than twelve months, and with or without a fine not exceeding £500, and in default of payment to a further term of imprisonment not exceeding six months.

"23. Any person entering this colony on a permit not issued to him by proper authority or obtained by him by any fraudulent means shall be liable to imprisonment, with or without hard labor, for a period not exceeding two years, or to a fine not exceeding £500, or to both such imprisonment and fine."

Mr. Hay to Sir Michael Herbert.

DEPARTMENT OF STATE,
Washington, June 3, 1903.

MY DEAR MR. AMBASSADOR: I have received your personal note of the 30th ultimo, in which you inform me of the course followed by His Britannic Majesty's consul-general at New York City with reference to persons desiring to go to South Africa, and in which you state that you have instructed His Majesty's consular officers in certain ports of the United States along the lines suggested in my prior note on the subject.

I desire to express my thanks for the promptness with which you were good enough to accede to my requests.

I am, etc.,

JOHN HAY.

GRAVES OF BRITISH SAILORS DISCOVERED ON UNITED STATES
NAVAL RESERVATION AT GUANTANAMO BAY, CUBA.

Mr. Hay to Mr. Choate.

No. 1307.]

DEPARTMENT OF STATE,
Washington, November 9, 1903.

SIR: I inclose a copy of a letter of the 22d ultimo, from the Secretary of the Navy, stating that the grave of a British naval officer and three mounds, supposed to be graves, have been discovered on Hospital Cay, Guantanamo Bay, Cuba, within the limits of the United States naval reservation.

You may bring this to the knowledge of the British Government and inform it that, should the removal of the remains in the graves be desired, the Navy Department will gladly render every assistance, but should that not be the case, the graves will be properly cared for.

I am, etc.,

JOHN HAY.

[Inclosure.]

Mr. Moody to Mr. Hay.

NAVY DEPARTMENT,
Washington, October 22, 1903.

SIR: I beg to call your attention to the fact that there are on Hospital Cay, within the naval reservation at Guantanamo, graves of one or more British naval officers. Rear-Admiral Coghlan, commander of the Caribbean Squadron, under date of June 3 last, reports:

"That an examination of Hospital Cay, Guantanamo Bay, Cuba, discloses one marked grave and three other mounds of stone unmarked in any way, but bearing the appearance of graves.

"2. The marked grave is at the southern end of the cay, the other three supposed graves are farther north, but on the southern highland of the cay. They are all covered with mounds of stones, oblong in shape, resembling the customary grave mounds. The marked one has a wooden cross at its southern end, made of 2 by 4 inch stuff, painted black, with a copper plate at the crossing of the arms, bearing the following inscription cut in and blackened, viz:

M. S.
E. N. Harrison, Esqr.
Paymaster
H. B. M. S. Buzzard
OB
Dec. 1st, 1854.

—o—

Instructions have been given by this Department that these graves shall be properly cared for and protected from injury after the cession of land to the United States Government has been effected.

I have the honor to suggest that these facts be brought to the attention of the British Government. Should the Admiralty desire to remove the bodies, the Navy Department will gladly render every assistance. Should they prefer to let them remain where they have lain so long, they may be sure that the graves will be properly cared for. Considering the change of leasehold of the site, it seems right to inform the Admiralty that these graves are within the limits of the United States naval station.

I have, etc.,

WILLIAM H. MOODY, *Secretary.*

Mr. Choate to Mr. Hay.

No. 1265.]

AMERICAN EMBASSY,
London, December 18, 1903.

SIR: With reference to your instruction No. 1307 of the 9th ultimo, relative to the graves of British sailors which have been discovered on Hospital Cay, Guantanamo Bay, Cuba, within the limits of the United States naval reservation, I have the honor to inclose herewith, for the information of the Secretary of the Navy, a copy of a note from the foreign office, dated the 16th instant, stating that the lords commissioners of His Majesty's Admiralty would prefer that the graves recently discovered should remain undisturbed, and at the same time requesting me to convey their thanks for the courteous offer of our Government to take care of the graves, an offer of which they are most happy to avail themselves.

I have, etc.,

JOSEPH H. CHOATE.

[Inclosure.]

Mr. Villiers to Mr. Choate.

FOREIGN OFFICE,
London, December 16, 1903.

YOUR EXCELLENCY: With reference to my note of the 24th ultimo, I have the honor to inform your excellency that the lords commissioners of His Majesty's Admiralty would prefer that the graves recently discovered on Hospital Cay, Guantanamo Bay, Cuba, should remain undisturbed.

I have at the same time to convey to your excellency the thanks of the lords commissioners for the courteous offer of the American Government to take care of the graves, an offer of which they are most happy to avail themselves.

I have, etc.

(In the absence of the Marquis of Lansdowne),

F. H. VILLIERS.

COMMERCIAL TREATY BETWEEN GREAT BRITAIN AND CHINA.

Mr. Choate to Mr. Hay.

No. 1239.]

AMERICAN EMBASSY,
London, November 14, 1903.

SIR: I have the honor to inclose herewith a Blue Book—Treaty Series No. 17—containing the treaty between the United Kingdom and China respecting commercial relations, signed at Shanghai September 5, 1902, ratifications being exchanged at Peking July 28, 1903, which has just been published here.

I have, etc.,

JOSEPH H. CHOATE.

Treaty between the United Kingdom and China respecting commercial relations, &c.

*Signed at Shanghai, September 5, 1902.
Ratifications exchanged at Peking, July 28, 1903.*

[Signed also in Chinese.]

His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, Emperor of India, and His Majesty the Emperor of China, having resolved to enter into negotiations with a view to carrying

out the provision contained in Article 11 of the Final Protocol signed at Peking on the 7th September, 1901, under which the Chinese Government agreed to negotiate the amendments deemed useful by the foreign Governments to the Treaties of Commerce and Navigation and other subjects concerning commercial relations with the object of facilitating them, have for that purpose named as their Plenipotentiaries, that is to say:

His Majesty the King of Great Britain and Ireland, His Majesty's Special Commissioner, Sir James Lyle Mackay, Knight Commander of the Most Eminent Order of the Indian Empire, a member of the Council of the Secretary of State for India, &c.

And His Majesty the Emperor of China, the Imperial Commissioners Lü Hai-huan, President of the Board of Public Works, &c., and Shêng Hsüan-huai, Junior Guardian of the Heir-Apparent, Senior Vice-President of the Board of Public Works, &c.

Who having communicated to each other their respective full powers, and found them to be in good and due form have agreed upon and concluded the following Articles:—

ARTICLE I.

Delay having occurred in the past in the issue of Drawback Certificates owing to the fact that those documents have to be dealt with by the Superintendent of Customs at a distance from the Customs Office, it is now agreed that Drawback Certificates shall hereafter in all cases be issued by the Imperial Maritime Customs within three weeks of the presentation to the Customs of the papers entitling the applicant to receive such Drawback Certificates.

These Certificates shall be valid tender to the Customs authorities in payment of any duty upon goods imported or exported (transit dues excepted), or shall, in the case of Drawbacks on foreign goods re-exported abroad within three years from the date of importation, be payable in cash without deduction by the Customs Bank at the place where the import duty was paid.

But if, in connection with any application for a Drawback Certificate, the Customs authorities discover an attempt to defraud the revenue, the applicant shall be liable to a fine not exceeding five times the amount of the duty whereof he attempted to defraud the Customs, or to a confiscation of the goods.

ARTICLE II.

China agrees to take the necessary steps to provide for a uniform national coinage which shall be legal tender in payment of all duties, taxes and other obligations throughout the Empire by British as well as Chinese subjects.

ARTICLE III.

China agrees that the duties and *likin* combined levied on goods carried by junks from Hong Kong to the Treaty ports in the Canton Province and *vice versa*, shall together not be less than the duties charged by the Imperial Maritime Customs on similar goods carried by steamer.

ARTICLE IV.

Whereas questions have arisen in the past concerning the right of Chinese subjects to invest money in non-Chinese enterprises and companies, and whereas it is a matter of common knowledge that large sums of Chinese capital are so invested, China hereby agrees to recognise the legality of all such investments past, present and future.

It being, moreover, of the utmost importance that all shareholders in a Joint-Stock Company should stand on a footing of perfect equality as far as mutual obligations are concerned, China further agrees that Chinese subjects who have or may become shareholders in any British Joint-Stock Company shall be held to have accepted, by the very act of becoming shareholders, the Charter of Incorporation or Memorandum and Articles of Association of such Company and regulations framed thereunder as interpreted by British Courts, and that Chinese Courts shall enforce compliance therewith by such Chinese shareholders, if a suit to that effect be entered, provided always that their liability shall not be other or greater than that of British shareholders in the same Company.

Similarly the British Government agree that British subjects investing in Chinese Companies shall be under the same obligations as the Chinese shareholders in such Companies.

The foregoing shall not apply to cases which have already been before the Courts and been dismissed.

ARTICLE V.

The Chinese Government undertake to remove within the next two years the artificial obstructions to navigation in the Canton River. The Chinese Government also agree to improve the accommodation for shipping in the harbour of Canton and to take the necessary steps to maintain that improvement, such work to be carried out by the Imperial Maritime Customs and the cost thereof to be defrayed by a tax on goods landed and shipped by British and Chinese alike according to a scale to be arranged between the merchants and Customs.

The Chinese Government are aware of the desirability of improving the navigability by steamer of the waterway between Ichang and Chungking, but are also fully aware that such improvement might involve heavy expense and would affect the interests of the population of the Provinces of Szechuen, Hunan, and Hupeh. It is, therefore, mutually agreed that until improvements can be carried out steam-ship owners shall be allowed, subject to approval by the Imperial Maritime Customs, to erect, at their own expense, appliances for hauling through the rapids. Such appliances shall be at the disposal of all vessels, both steamers and junks, subject to regulations to be drawn up by the Imperial Maritime Customs. These appliances shall not obstruct the waterway or interfere with the free passage of junks. Signal stations and channel marks where and when necessary shall be erected by the Imperial Maritime Customs. Should any practical scheme be presented for improving the waterway and assisting navigation without injury to the local population or cost to the Chinese Government, it shall be considered by the latter in a friendly spirit.

ARTICLE VI.

The Chinese Government agree to make arrangements to give increased facilities at the open ports for bonding and for repacking merchandise in bond, and, on official representation being made by the British authorities, to grant the privileges of a bonded warehouse to any warehouse which it is established to the satisfaction of the Customs authorities affords the necessary security to the revenue.

Such warehouses will be subject to regulations, including a scale of fees according to commodities, distance from custom-house and hours of working, to be drawn up by the Customs' authorities who will meet the convenience of merchants so far as is compatible with the protection of revenue.

ARTICLE VII.

Inasmuch as the British Government afford protection to Chinese trade-marks against infringement, imitation, or colourable imitation by British subjects, the Chinese Government undertake to afford protection to British trade-marks against infringement, imitation, or colourable imitation by Chinese subjects.

The Chinese Government further undertake that the Superintendents of Northern and of Southern Trade shall establish offices within their respective jurisdictions under control of the Imperial Maritime Customs where foreign trade-marks may be registered on payment of a reasonable fee.

ARTICLE VIII.^a

PREAMBLE.

The Chinese Government, recognizing that the system of levying *likin* and other dues on goods at the place of production, in transit, and at destination, impedes the free circulation of commodities and injures the interests of trade, hereby undertake to discard completely those means of raising revenue with the limitation mentioned in section 8.

The British Government, in return, consent to allow a surtax, in excess of the Tariff rates for the time being in force to be imposed on foreign goods imported by British subjects and a surtax in addition to the export duty on Chinese produce destined for export abroad or coastwise.

It is clearly understood that, after *likin* barriers and other stations for taxing goods in transit have been removed, no attempt shall be made to revive them in any form or under any pretext whatsoever; that in no case shall the surtax on foreign imports

^a Article VIII does not come into force until other Powers have signified their acceptance of the engagements set forth therein with regard to the payment of surtaxes, &c. (see sections 14 and 15).

exceed the equivalent of one and a-half times the import duty leviable in terms of the Final Protocol signed by China and the Powers on the 7th day of September, 1901; that payment of the import duty and surtax shall secure for foreign imports, whether in the hands of Chinese or non-Chinese subjects, in original packages or otherwise, complete immunity from all other taxation, examination or delay; that the total amount of taxation leviable on native produce for export abroad shall, under no circumstances, exceed $7\frac{1}{2}$ per cent. *ad valorem*.

Keeping these fundamental principles steadily in view, the High Contracting Parties have agreed upon the following methods of procedure.

Section 1.—The Chinese Government undertake that all barriers of whatsoever kind, collecting *likin* or such like dues or duties, shall be permanently abolished on all roads, railways, and waterways in the Eighteen Provinces of China and the Three Eastern Provinces. This provision does not apply to the Native Custom-Houses at present in existence on the seaboard or waterways, at open ports, on land routes, and on land frontiers of China.

Sec. 2.—The British Government agree that foreign goods on importation, in addition to the effective 5 % import duty as provided for in the Protocol of 1901, shall pay a special surtax equivalent to one and a-half times the said duty to compensate for the abolition of *likin*, of transit dues in lieu of *likin*, and of all other taxation on foreign goods, and in consideration of the other reforms provided for in this Article; but this provision shall not impair the right of China to tax salt, native opium, and native produce as provided for in sections 3, 5, 6, and 8.

The same amount of surtax shall be levied on goods imported into the Eighteen Provinces of China and the Three Eastern Provinces across the land frontiers as on goods entering China by sea.

Sec. 3.—All Native Custom-Houses now existing, whether at the Open Ports, on the seaboard, on rivers, inland waterways, land routes or land frontiers, as enumerated in the *Hu Pu and Kung Pu Tse Li* (Regulations of the Boards of Revenue and Works) and *Tu Ch'ing Hui Tien* (Dynastic Institutes), may remain; a list of the same, with their location, shall be furnished to the British Government for purposes of record.

Wherever there are Imperial Maritime Custom-Houses, or wherever such may be hereafter placed, Native Custom-Houses may also be established; as well as at any points either on the seaboard or land frontiers.

The location of Native Custom-Houses in the Interior may be changed as the circumstances of trade seem to require, but any change must be communicated to the British Government, so that the list may be corrected; the originally stated number of them shall not, however, be exceeded.

Goods carried by junks or sailing-vessels trading to or from Open Ports shall not pay lower duties than the combined duties and surtax on similar cargo carried by steamers.

Native produce, when transported from one place to another in the Interior, shall, on arrival at the first Native Custom-House after leaving the place of production, pay duty equivalent to the export surtax mentioned in Section 7.

When this duty has been paid, a certificate shall be given which shall describe the nature of the goods, weight, number of packages, &c., amount of duty paid, and intended destination. This certificate, which shall be valid for a fixed period of not less than one year from the date of payment of duty, shall free the goods from all taxation, examination, delay, or stoppage at any other Native Custom-Houses passed *en route*.

If the goods are taken to a place not in the foreign settlements or concessions of an Open Port, for local use, they become there liable to the Consumption Tax described in Section 8.

If the goods are shipped from an Open Port, the certificate is to be accepted by the Custom-House concerned, in lieu of the export surtax mentioned in Section 7.

Junks, boats, or carts shall not be subjected to any taxation beyond a small and reasonable charge, paid periodically at a fixed annual rate. This does not exclude the right to levy, as at present, tonnage (*Chuan Chao*) and port dues (*Chuan Liao*) on junks.

Sec. 4.—Foreign opium duty and present *likin*—which latter will now become a surtax in lieu of *likin*—shall remain as provided for by existing Treaties.

Sec. 5.—The British Government have no intention whatever of interfering with China's right to tax native opium, but it is essential to declare that, in her arrangements for levying such taxation, China will not subject other goods to taxation, delay, or stoppage.

China is free to retain at important points on the borders of each province—either on land or water—offices for collecting duty on native opium, where duties or contributions leviable shall be paid in one lump sum; which payment shall cover taxation of all kinds within that province. Each cake of opium will have a stamp

affixed as evidence of duty payment. Excise officers and police may be employed in connection with these offices; but no barriers or other obstructions are to be erected, and the Excise officers or police of these offices shall not stop or molest any other kinds of goods, or collect taxes thereon.

A list of these offices shall be drawn up and communicated to the British Government for record.

Sec. 6.—*Likin* on salt is hereby abolished and the amount of said *likin* and of other taxes and contributions shall be added to the salt duty, which shall be collected at place of production or at first station after entering the province where it is to be consumed.

The Chinese Government shall be at liberty to establish salt reporting offices at which boats conveying salt which is being moved under salt passes or certificates may be required to stop for purposes of examination and to have their certificates *visé'd*, but at such offices no *likin* or transit taxation shall be levied and no barriers or obstructions of any kind shall be erected.

Sec. 7.—The Chinese Government may recast the Export Tariff with specific duties as far as practicable, on a scale not exceeding 5 per cent. *ad valorem*; but existing export duties shall not be raised until at least six months' notice has been given.

In cases where existing export duties are above 5 per cent. they shall be reduced to not more than that rate.

An additional special surtax of one half the export duty payable for the time being, in lieu of internal taxation and *likin*, may be levied at time of export on goods exported either to foreign countries or coastwise.

In the case of silk, whether hand or filature reeled, the total export duty shall not exceed a specific rate equivalent to not more than 5 per cent. *ad valorem*. Half of this specific duty may be levied at the first Native Custom-House in the interior which the silk may pass and in such case a certificate shall be given as provided for in Section 3, and will be accepted by the Custom-House concerned at place of export in lieu of half the export duty. Cocoons passing Native Custom-Houses shall be liable to no taxation whatever. Silk not exported but consumed in China is liable to the Consumption Tax mentioned and under conditions mentioned in Section 8.

Sec. 8.—The abolition of the *likin* system in China and the abandonment of all other kinds of internal taxation on foreign imports and on exports will diminish the revenue materially. The surtax on foreign imports and exports and on coastwise exports is intended to compensate in a measure for this loss of revenue, but there remains the loss of *likin* revenue on internal trade to be met, and it is therefore agreed that the Chinese Government are at liberty to impose a Consumption Tax on articles of Chinese origin not intended for export.

This tax shall be levied only at places of consumption and not on goods while in transit, and the Chinese Government solemnly undertake that the arrangements which they may make for its collection shall in no way interfere with foreign goods or with native goods for export. The fact of goods being of foreign origin shall of itself free them from all taxation, delay, or stoppage, after having passed the Custom-House.

Foreign goods which bear a similarity to native goods shall be furnished by the Custom-House, if required by the owner, with a protective certificate for each package, on payment of import duty and surtax, to prevent the risk of any dispute in the interior.

Native goods brought by junks to Open Ports, if intended for local consumption—irrespective of the nationality of the owner of the goods—shall be reported at the Native Custom-House only, where the Consumption Tax may be levied.

China is at liberty to fix the amount of this (Consumption) tax, which may vary according to the nature of the merchandise concerned, that is to say, according as the articles are necessaries of life or luxuries; but it shall be levied at a uniform rate on goods of the same description, no matter whether carried by junk, sailing-vessel, or steamer. As mentioned in Section 3, the Consumption Tax is not to be levied within foreign settlements or concessions.

Sec. 9.—An excise equivalent to double the import duty as laid down in the Protocol of 1901 is to be charged on all machine-made yarn and cloth manufactured in China, whether by foreigners at the Open Ports or by Chinese anywhere in China.

A rebate of the import duty and two-thirds of the Import Surtax is to be given on raw cotton imported from foreign countries, and of all duties, including Consumption Tax, paid on Chinese raw cotton used in mills in China.

Chinese machine-made yarn or cloth having paid excise is to be free of Export Duty, Export Surtax, Coast-Trade Duty, and Consumption Tax. This Excise is to be collected through the Imperial Maritime Customs.

The same principle and procedure are to be applied to all other products of foreign type turned out by machinery, whether by foreigners at the Open Ports or by Chinese anywhere in China.

This stipulation is not to apply to the out-turn of the Hanyang and Ta Yeh Iron Works in Hupeh and other similar existing Government works at present exempt from taxation; or to that of Arsenals, Government Dockyards, or establishments of that nature for Government purposes which may hereafter be erected.

Sec. 10.—A member or members of the Imperial Maritime Customs Foreign Staff shall be selected by each of the Governors-General and Governors, and appointed, in consultation with the Inspector-General of Imperial Maritime Customs to each province for duty in connection with Native Customs Affairs, Consumption Tax, Salt and Native Opium Taxes. These officers shall exercise an efficient supervision of the working of these departments, and in the event of their reporting any case of abuse, illegal exaction, obstruction to the movement of goods, or other cause of complaint, the Governor-General or Governor concerned will take immediate steps to put an end to same.

Sec. 11.—Cases where illegal action as described in this Article is complained of shall be promptly investigated by an officer of the Chinese Government of sufficiently high rank, in conjunction with a British officer and an officer of the Imperial Maritime Customs, each of sufficient standing; and in the event of its being found by a majority of the investigating officers that the complaint is well founded and loss has been incurred, due compensation is to be at once paid from the Surtax funds, through the Imperial Maritime Customs at the nearest open port. The High Provincial Officials are to be held responsible that the officer guilty of the illegal action shall be severely punished and removed from his post.

If the complaint turns out to be without foundation complainant shall be held responsible for the expenses of the investigation.

His Britannic Majesty's Minister will have the right to demand investigation where from the evidence before him he is satisfied that illegal exactions or obstructions have occurred.

Sec. 12.—The Chinese Government agree to open to foreign trade, on the same footing as the places opened to foreign trade by the Treaties of Nanking and Tientsin, the following places namely:—

Ch'angsha in Hunan;
Wanhsien in Szechuen;
Nganking in Anhui;
Waichow (Hui-chow) in Kuangtung; and
Kongmoon (Chiang-mên) in Kuangtung.

Foreigners residing in these Open Ports are to observe the Municipal and Police Regulations on the same footing as Chinese residents, and they are not to be entitled to establish Municipalities and Police of their own within the limits of these Treaty ports except with the consent of the Chinese authorities.

If this Article does not come into operation the right to demand under it the opening of these ports, with the exception of Kongmoon, which is provided for in Article X, shall lapse.

Sec. 13.—Subject to the provisions of Section 14, the arrangements provided for in this Article are to come into force on the 1st January, 1904.

By that date all *likin* barriers should be removed and officials employed in the collection of taxes and dues prohibited by this Article shall be removed from their posts.

Sec. 14.—The condition on which the Chinese Government enter into the present engagement is that all Powers entitled to most-favoured-nation treatment in China enter into the same engagements as Great Britain with regard to the payment of surtaxes and other obligations imposed by this Article on His Britannic Majesty's Government and subjects.

The conditions on which His Britannic Majesty's Government enter into the present engagement are:—

(1.) That all Powers who are now or who may hereafter become entitled to most-favoured-nation treatment in China enter in the same engagements;

(2.) And that their assent is neither directly nor indirectly made dependent on the granting by China of any political concession, or of any exclusive commercial concession.

Sec. 15.—Should the Powers entitled to most-favoured-nation treatment by China have failed to agree to enter into the engagements undertaken by Great Britain under this Article by the 1st January, 1904, then the provisions of the Article shall only come into force when all the Powers have signified their acceptance of these engagements.

Sec. 16.—When the abolition of *likin* and other forms of internal taxation on goods as provided for in this Article has been decided upon and sanctioned, an Imperial Edict shall be published in due form on yellow paper and circulated, setting forth

the abolition of all *likin* taxation, *likin* barriers and all descriptions of internal taxation on goods, except as provided for in this Article.

The Edict shall state that the Provincial High Officials are responsible that any official disregarding the letter or spirit of its injunction shall be severely punished and removed from his post.

ARTICLE IX.

The Chinese Government, recognizing that it is advantageous for the country to develop its mineral resources, and that it is desirable to attract foreign as well as Chinese capital to embark in mining enterprises, agree within one year from the signing of this Treaty to initiate and conclude the revision of the existing Mining Regulations. China will, with all expedition and earnestness, go into the whole question of Mining Rules and, selecting from the Rules of Great Britain, India, and other countries, regulations which seem applicable to the condition of China, she will recast her present Mining Rules in such a way as, while promoting the interests of Chinese subjects and not injuring in any way the sovereign rights of China, shall offer no impediment to the attraction of foreign capital or place foreign capitalists at a greater disadvantage that they would be under generally accepted foreign Regulations.

Any mining concession granted after the publication of these new Rules shall be subject to their provisions.

ARTICLE X.

Whereas in the year 1898 the Inland Waters of China were opened to all such steam-vessels, native or foreign, as might be especially registered for that trade at the Treaty ports, and whereas the Regulations dated the 28th July, 1898, and Supplementary Rules dated September, 1898, have been found in some respects inconvenient in working, it is now mutually agreed to amend them and to annex such new Rules to this Treaty. These Rules shall remain in force until altered by mutual consent.

It is further agreed that Kongmoon shall be opened as a Treaty port, and that, in addition to the places named in the special Article of the Burmah Convention of the 4th February, 1897, British steamers shall be allowed to land or ship cargo and passengers, under the same regulations as apply to the "Ports of Call" on the Yang-tze River, at the following "Ports of Call": Pak Tau Hau (Pai-t'u k'ou), Lo Ting Hau (Lo-ting k'ou), and Do Sing (Tou-ch'eng); and to land or discharge passengers at the following ten passenger landing stages on the West River:—Yung Ki (Jung-chi), Mah Ning (Ma-ning), Kau Kong (Chiu-chiang), Kulow (Ku-lao), Wing On (Yung-an), How Lik (Hou-li), Luk Pu (Lu-pu), Yuet Sing (Yüeh-ch'eng), Luk To (Lu-tu), and Fung Chuen (Fêng-ch'uan).

ARTICLE XI.

His Britannic Majesty's Government agree to the prohibition of the general importation of morphia into China, on condition, however, that the Chinese Government will allow of its importation, on payment of the Tariff import duty and under special permit, by duly qualified British medical practitioners and for the use of hospitals, or by British chemists and druggists who shall only be permitted to sell it in small quantities and on receipt of a requisition signed by a duly qualified foreign medical practitioner.

The special permits above referred to will be granted to an intending importer on his signing a bond before a British Consul guaranteeing the fulfilment of these conditions. Should an importer be found guilty before a British Consul of a breach of his bond, he will not be entitled to take out another permit. Any British subject importing morphia without a permit shall be liable to have such morphia confiscated.

This Article will come into operation on all other Treaty Powers agreeing to its conditions, but any morphia actually shipped before that date will not be affected by this prohibition.

The Chinese Government on their side, undertake to adopt measures at once, to prevent the manufacture of morphia in China.

ARTICLE XII.

China having expressed a strong desire to reform her judicial system and to bring it into accord with that of Western nations, Great Britain agrees to give every assistance to such reform, and she will also be prepared to relinquish her extra-territorial rights when she is satisfied that the state of the Chinese laws, the arrangement for their administration, and other considerations warrant her in so doing.

ARTICLE XIII.

The missionary question in China being, in the opinion of the Chinese Government, one requiring careful consideration, so that, if possible, troubles such as have occurred in the past may be averted in the future, Great Britain agrees to join in a Commission to investigate this question, and, if possible, to devise means for securing permanent peace between converts and non-converts, should such a Commission be formed by China and the Treaty Powers interested.

ARTICLE XIV.

Whereas under rule V appended to the Treaty of Tientsen of 1858, British merchants are permitted to export rice and all other grain from one port of China to another under the same conditions in respect of security as copper "cash," it is now agreed that in cases of expected scarcity or famine from whatsoever cause in any district, the Chinese Government shall, on giving twenty-one days' notice, be at liberty to prohibit the shipment of rice and other grain from such district.

Should any vessel specially chartered to load rice or grain previously contracted for, have arrived at her loading port prior to or on the day when a notice of prohibition to export comes into force she shall be allowed an extra week in which to ship her cargo.

If, during the existence of this prohibition, any shipment of rice or grain is allowed by the authorities, the prohibition shall, *ipso facto*, be considered cancelled and shall not be reimposed until six weeks' notice has been given.

When a prohibition is notified, it will be stated whether the Government have any Tribute or Army Rice which they intend to ship during the time of prohibition, and if so, the quantity shall be named.

Such rice shall not be included in the prohibition, and the Customs shall keep a record of any Tribute or Army Rice so shipped or landed.

The Chinese Government undertake that no rice, other than Tribute or Army Rice belonging to the Government, shall be shipped during the period of prohibition.

Notifications of prohibitions, and of the quantities of Army or Tribute Rice for shipment shall be made by the Governors of the provinces concerned.

Similarly, notifications of the removals of prohibitions shall be made by the same authorities.

The export of rice and other grain to foreign countries remains prohibited.

ARTICLE XV.

It is agreed that either of the High Contracting Parties to this Treaty may demand a revision of the Tariff at the end of ten years; but if no demand be made on either side within six months after the end of the first ten years, then the Tariff shall remain in force for ten years more, reckoned from the end of the preceding ten years; and so it shall be at the end of each successive ten years.

Any Tariff concession which China may hereafter accord to articles of the produce or manufacture of any other State shall immediately be extended to similar articles of the produce or manufacture of His Britannic Majesty's Dominions by whomsoever imported.

Treaties already existing between the United Kingdom and China shall continue in force in so far as they are not abrogated or modified by stipulations of the present Treaty.

ARTICLE XVI.

The English and Chinese texts of the present Treaty have been carefully compared, but in the event of there being any difference of meaning between them, the sense as expressed in the English text shall be held to be the correct sense.

The ratifications of this Treaty, under the hand of his Majesty the King of Great Britain and Ireland, and of His Majesty the Emperor of China respectively, shall be exchanged at Peking within a year from this day of signature.

In token whereof the respective Plenipotentiaries have signed and sealed this Treaty, two copies in English and two in Chinese.

Done at Shanghai this 5th day of September in the year of our Lord 1902; corresponding with the Chinese date, the 4th day of the 8th moon of the 28th year of Kwang Hsü.

(L. S.) JAS. L. MACKAY.

(Signature of his Excellency Lü Hai-huan.)

(Signature of his Excellency Shêng Hsüan-huai.)

(Seal of the Chinese Plenipotentiaries.)

ANNEX A (1).

[Translation.]

Lü, President of the Board of Works;
Shéng, Junior Guardian of the Heir-Apparent, Vice-President of the Board of Works;

Imperial Chinese Commissioners, for dealing with questions connected with the Commercial Treaties, to

Sir James Mackay, His Britannic Majesty's Special Commissioner for the discussion of Treaty matters.

Shanghai: K. H. xviii, 7th moon, 11th day.

(Received August 15, 1902).

We have the honour to inform you that we have received the following telegram from his Excellency Liu, Governor-General of the Liang Chiang, on the subject of clause 2, mutually agreed upon by us:

"As regards this clause, it is necessary to insert therein a clear stipulation, to the effect that, no matter what changes may take place in the future, all customs duties must continue to be calculated on the basis of the existing higher rate of the Haikwan Tael over the Treasury Tael, and that the 'touch' and weight of the former must be made good."

As we have already arranged with you that a declaration of this kind should be embodied in an official Note, and form an Annex to the present Treaty, for purposes of record, we hereby do ourselves the honour to make this communication.

(Seal of the Imperial Commissioners for dealing with questions connected with Treaty Revision.)

ANNEX A (2).

Gentlemen,

Shanghai, August 18, 1902.

I have the honour to acknowledge the receipt of your despatch of the 14th instant forwarding copy of a telegram from his Excellency Liu, Governor-General of the Liang Chiang, on the subject of Article II. of the new Treaty, and in reply I have the honour to state that his Excellency's understanding of the Article is perfectly correct.

I presume the Chinese Government will make arrangements for the coinage of a national silver coin of such weight and touch as may be decided upon by them. These coins will be made available to the public in return for a quantity of silver bullion of equivalent weight and fineness plus the usual mintage charge.

The coins which will become the national coinage of China will be declared by the Chinese Government to be legal tender in payment of Customs duty and in discharge of obligations contracted in Haikwan taels, but only at their proportionate value to the Haikwan tael, whatever that may be.

I have, &c.

(Signed) JAS. L. MACKAY.

Their Excellencies

Lü Hai-huan and Shéng Hsüan-huai.

&c. &c. &c.

ANNEX B (1).

[Translation.]

Lü, President of the Board of Works;
Shéng, Junior Guardian of the Heir-Apparent, Vice-President of the Board of Works;

Imperial Chinese Commissioners for dealing with questions connected with the Commercial Treaties, to

Sir James L. Mackay, His Britannic Majesty's Special Commissioner.

Shanghai, September 2, 1902.

We have the honour to inform you that on the 22nd August, we, in conjunction with the Governors-General of the Liang Chiang and the Hu-kuang Provinces, their Excellencies Liu and Chang, addressed the following telegraphic Memorial to the Throne:—

"Of the revenue of the different Provinces derived from *likin* of all kinds, a portion is appropriated for the service of the foreign loans, a portion for the Peking

Government, and the balance is reserved for the local expenditure of the Provinces concerned.

"In the negotiations now being conducted with Great Britain for the amendment of the Commercial Treaties, a mutual arrangement has been come to providing for the imposition of additional taxes, in compensation for the abolition of all kinds of *likin* and other imposts on goods, prohibited by Article VIII. After payment of interest and sinking fund on the existing foreign loan, to the extent to which *likin* is thereto pledged, these additional taxes shall be allocated to the various Provinces to make up deficiencies and replace revenue, in order that no hardships may be entailed on them. With a view to preserving the original intention underlying the proposal to increase the duties in compensation for the loss of revenue derived from *likin* and other imposts on goods, it is further stipulated that the surtaxes shall not be appropriated for other purposes, shall not form part of the Imperial Maritime Customs revenue proper, and shall in no case be pledged as security for any new foreign loan.

"It is therefore necessary to memorialize for the issue of an Edict, giving effect to the above stipulations and directing the Board of Revenue to find out what proportion of the provincial revenues derived from *likin* of all kinds, now about to be abolished, each Province has hitherto had to remit, and what proportion it has been entitled to retain, so that, when the Article comes into operation, due apportionment may be made accordingly, thus providing the Provinces with funds available for local expenditure, and displaying equitable and just treatment towards all."

On the 1st instant an Imperial Decree "Let action, as requested, be taken" was issued, and we now do ourselves the honour reverently to transcribe the same for your information.

(Seal of the Imperial Commissioners for dealing with questions connected with Treaty Revision.)

ANNEX B (2).

Gentlemen,

Shanghai, September 5th, 1902.

I have the honour to acknowledge the receipt of your despatch of the 2nd instant forwarding the text of the Memorial and Decree dealing with the disposal of the surtaxes.

I understand that the surtaxes in addition to not being pledged for any new foreign loan are not to be pledged to, or held to be security for, liabilities already contracted by China except in so far as *likin* revenue has already been pledged to an existing loan.

I also understand from the Memorial that the whole of the surtaxes provided by Article VIII of the New Treaty goes to the Provinces in proportions to be agreed upon between them and the Board of Revenue, but that out of these surtaxes each Province is obliged to remit to Peking the same contribution as that which it has hitherto remitted out of its *likin* collections, and that the Provinces also provide as hitherto out of these surtax funds whatever may be necessary for the service of the foreign loan to which *likin* is partly pledged.

I hope your Excellencies will send me a reply to this despatch and that you will agree to this correspondence forming part of the Treaty as an Annex.

I have, &c.

(Signed) JAS. L. MACKAY.

Their Excellencies

Lü Hai-huan and Shêng Hsüan-huai,
&c. &c. &c.

ANNEX B (3).

[Translation.]

Lü, President of the Board of Works;

Shêng, Junior Guardian of the Heir-Apparent, Vice-President of the Board of Works;

Imperial Chinese Commissioners for dealing with questions connected with the Commercial Treaties, to

Sir James L. Mackay, His Britannic Majesty's Special Commissioner.

Shanghai, September 5th, 1902.

We have the honour to acknowledge the receipt of your communication of to-day's date with regard to the allocation of the surtax funds allotted to the Provinces, and to inform you that the views therein expressed are the same as our own.

We would, however, wish to point out that, were the whole amount of the allocation due paid over to the Provinces, unnecessary expense would be incurred in the retransmission by them of such portions thereof as would have to be remitted to Peking in place of the contributions hitherto payable out of *likin* revenue. The amount, therefore, of the allocation due to the Provinces, arranged between them and the Board of Revenue, will be retained in the hands of the Maritime Customs, who will await the instructions of the Provinces in regard to the remittance of such portion thereof as may be necessary to fulfil their obligations, and (on receipt of these instructions) will send forward the amount direct. The balance will be held to the order of the Provinces.

In so far as *likin* is pledged to the service of the 1898 Loan, a similar method of procedure will be adopted.

As you request that this correspondence be annexed to the Treaty, we have the honour to state that we see no objection to this being done.

(Seal of the Imperial Commissioners for dealing with questions connected with Treaty Revision.)

ANNEX C.

INLAND WATERS STEAM NAVIGATION.

Additional rules.

1.—British steam ship owners are at liberty to lease warehouses and jetties on the banks of waterways from Chinese subjects for a term not exceeding twenty-five years, with option of removal on terms to be mutually arranged. In cases where British merchants are unable to secure warehouses and jetties from Chinese subjects on satisfactory terms, the local officials, after consultation with the Minister of Commerce, shall arrange to provide these on renewable lease as above mentioned at current equitable rates.

2.—Jetties shall only be erected in such positions that they will not obstruct the inland waterway or interfere with navigation, and with the sanction of the nearest Commissioner of Customs; such sanction, however, shall not be arbitrarily withheld.

3.—British merchants shall pay taxes and contributions on these warehouses and jetties on the same footing as Chinese proprietors of similar properties in the neighbourhood. British merchants may only employ Chinese agents and staff to reside in warehouses so leased at places touched at by steamers engaged in inland traffic to carry on their business; but British merchants may visit these places from time to time to look after their affairs. The existing rights of Chinese jurisdiction over Chinese subjects shall not by reason of this clause be diminished or interfered with in any way.

4.—Steam vessels navigating the inland waterways of China shall be responsible for loss caused to riparian proprietors by damage which they may do to the banks or works on them and for the loss which may be caused by such damage. In the event of China desiring to prohibit the use of some particular shallow waterway by launches, because there is reason to fear that the use of it by them would be likely to injure the banks and cause damage to the adjoining country, the British authorities, when appealed to, shall, if satisfied of the validity of the objection, prohibit the use of that waterway by British launches, provided that Chinese launches are also prohibited from using it.

Both Foreign and Chinese launches are prohibited from crossing dams and weirs at present in existence on inland waterways where they are likely to cause injury to such works, which would be detrimental to the water service of the local people.

5.—The main object of the British Government in desiring to see the inland waterways of China opened to steam navigation being to afford facilities for the rapid transport of both foreign and native merchandise, they undertake to offer no impediment to the transfer to a Chinese Company and the Chinese flag of any British Steamer which may now or hereafter be employed on the inland waters of China, should the owner be willing to make the transfer.

In event of a Chinese company registered under Chinese law being formed to run steamers on the inland waters of China the fact of British subjects holding shares in such a company shall not entitle the steamers to fly the British flag.

6.—Registered steamers and their tows are forbidden, just as junks have always been forbidden, to carry contraband goods. Infraction of this rule will entail the penalties prescribed in the Treaties for such an offense, and cancellation of the Inland Waters Navigation Certificate carried by the vessels, which will be prohibited from thereafter plying on inland waters.

7.—As it is desirable that the people living inland should be disturbed as little as possible by the advent of steam vessels to which they are not accustomed, inland waters not hitherto frequented by steamers shall be opened as gradually as may be convenient to merchants and only as the owners of steamers may see prospect of remunerative trade.

In cases where it is intended to run steam vessels on waterways on which such vessels have not hitherto run, intimation shall be made to the Commissioner of Customs at the nearest open port who shall report the matter to the Ministers of Commerce. The latter in conjunction with the Governor-General or Governor of the Province, after careful consideration of all the circumstances of the case, shall at once give their approval.

8.—A registered steamer may ply within the waters of a port, or from one open port or ports to another open port or ports, or from one open port or ports to places inland, and thence back to such port or ports. She may, on making due report to the Customs, land or ship passengers or cargo at any recognized places of trade passed in the course of the voyage; but may not ply between inland places exclusively except with the consent of the Chinese Government.

9.—Any cargo and passenger boats may be towed by steamers. The helmsman and crew of any boat towed shall be Chinese. All boats, irrespective of ownership, must be registered before they can proceed inland.

10.—These Rules are supplementary to the Inland Steam Navigation Regulations of July and September, 1898. The latter, where untouched by the present Rules, remain in full force and effect; but the present Rules hold in the case of such of the former Regulations as the present Rules affect. The present Rules and the Regulations of July and September, 1898, to which they are supplementary, are provisional, and may be modified, as circumstances require, by mutual consent.

Done at Shanghai this 5th day of September in the year of our Lord, 1902; corresponding with the Chinese date, the 4th day of the 8th moon of the 28th year of Kwang Hsü.

(L. S.)

JAS. L. MACKAY.

(Signature of his Excellency Lü Hai-huan.)

(Signature of his Excellency Shêng Hsüan-huai.)

(Seal of the Chinese Plenipotentiaries.)

LIGHT AND HARBOR DUES IN ZANZIBAR.

TREATY BETWEEN THE UNITED STATES AND GREAT BRITAIN, ACTING IN THE NAME OF THE SULTAN OF ZANZIBAR, AMENDING THE TREATY OF AMITY AND COMMERCE CONCLUDED SEPTEMBER 21, 1833, BETWEEN THE UNITED STATES AND THE SULTAN OF MUSCAT, SO AS TO PERMIT THE IMPOSITION OF LIGHT AND HARBOR DUES ON VESSELS OF THE UNITED STATES ENTERING THE PORTS OF ZANZIBAR AND PEMBA.

Signed at Washington, June 5, 1903.

Ratification advised by the Senate, November 25, 1903.

Ratified by the President, December 8, 1903.

Ratified by Great Britain, June 30, 1903.

Ratifications exchanged at Washington, December 24, 1903

Proclaimed, December 24, 1903.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Whereas a Treaty between the United States of America, and Great Britain acting in the name of His Highness the Sultan of Zanzibar, providing for the imposition of light and harbor dues on vessels of the United States entering the ports of Zanzibar and Pemba, was concluded and signed by their respective Plenipotentiaries at Washington,

on the fifth day of June, one thousand nine hundred and three, the original of which Treaty, being in the English language is word for word as follows:

Whereas it is provided by Article III of the Treaty of Amity and Commerce concluded September 21st 1833, between the United States of America and His Highness the Sultan of Muscat, which treaty was accepted by His Highness the Sultan of Zanzibar after the separation of that state from the jurisdiction of Muscat, that vessels of the United States entering any ports of the Sultan's dominions shall pay no more than five per centum duties on the cargo landed; and this shall be in full consideration of all import and export duties, tonnage, license to trade, pilotage, anchorage, or any other charge whatever;

And whereas no provision is made in the above mentioned treaty nor in any subsequent agreement for the payment of light and harbor dues in the dominions of His Highness the Sultan;

And whereas the United States of America and His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, Emperor of India, acting in the name of His Highness the Sultan of Zanzibar are desirous, in the interest of commerce, of so amending the said Article III of the said Treaty of Amity and Commerce of September 21st 1833, as to permit the imposition of light dues at the rate of one anna upon every registered ton, with an added harbor due of one anna upon every registered ton, on vessels of the United States entering the ports in the islands of Zanzibar and Pemba;

Now, therefore, the High Contracting Parties have to that end resolved to conclude a convention, and have for this purpose appointed their plenipotentiaries, to wit:

The President of the United States of America, John Hay, Secretary of State of the United States; and

His Britannic Majesty The Right Honorable Sir Michael H. Herbert, G.C.M.G., C.B., His Majesty's Ambassador Extraordinary and Plenipotentiary;

Who, having exhibited each to the other their respective full powers which were found to be in due and proper form, have agreed upon the following articles:

ARTICLE I.

It is understood and agreed between the High Contracting Parties that nothing contained in said Article III of the said Convention of September 21st 1833, shall be construed as preventing the imposition on and collection from vessels of the United States entering any port in the islands of Zanzibar and Pemba of a light due of one anna per registered ton and an added harbor due of one anna per registered ton, His Britannic Majesty, acting in the name of His Highness the Sultan of Zanzibar, engaging that the light and harbor dues so imposed and collected shall be applied to the construction and maintenance of lighthouses and buoys for the proper lighting of the coasts of the said islands.

ARTICLE II.

It is further understood and agreed between the High Contracting Parties that the consent of the United States to the imposition and

collection of the light and harbor dues aforesaid is given on the conditions:—

1. That really adequate lighthouses are provided and maintained; also that lights shall be placed upon the buoys when required by American vessels entering or leaving the harbor of Zanzibar at night.

2. That accounts of the receipts and expenditure of the dues are carefully kept and published.

3. That provision be made for the reduction of the dues if they should hereafter become disproportionate to the expenditure.

4. That the consent of all the other Powers having treaties with Zanzibar be given to the imposition of the said light and harbor dues on their vessels, and that vessels of the United States be subject to no differential treatment.

ARTICLE III.

The present convention shall be ratified by the President of the United States of America, by and with the advice and consent of the Senate thereof, and by his Britannic Majesty, and the ratifications shall be exchanged in the City of Washington as soon as practicable.

In witness whereof the respective plenipotentiaries have signed the same, and have affixed thereto their respective seals.

Done at the City of Washington, this fifth day of June, in the year one thousand nine hundred and three.

JOHN HAY [SEAL.]
MICHAEL H. HERBERT [SEAL.]

And whereas the said Treaty has been duly ratified on both parts, and the ratifications of the two governments were exchanged in the City of Washington, on the 24th day of December, one thousand nine hundred and three;

Now, therefore, be it known that I, Theodore Roosevelt, President of the United States of America, have caused the said Treaty to be made public, to the end that the same and every article and clause thereof, may be observed and fulfilled with good faith by the United States and the citizens thereof.

In testimony whereof, I have hereunto set my hand and caused the seal of the United States of America to be affixed.

Done at the City of Washington, this twenty-fourth day of [SEAL.] December, in the year of our Lord one thousand nine hundred and three, and of the Independence of the United States the one hundred and twenty-eighth.

THEODORE ROOSEVELT

By the President:
FRANCIS B. LOOMIS,
Acting Secretary of State.

GREECE.

CONVENTION BETWEEN THE UNITED STATES AND GREECE DEFINING THE RIGHTS, PRIVILEGES, AND IMMUNITIES OF CONSULAR OFFICERS IN THE TWO COUNTRIES.

Signed at Athens, November 19, 1902.

December 2, 1902.

Ratification with amendment advised by the Senate, February 16, 1903.

Ratified by the President, May 20, 1903.

June 25, 1903.

Ratified by Greece, July 8, 1903.

Ratifications exchanged at Athens, July 9, 1903.

Proclaimed, July 11, 1903.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Whereas a Convention between the United States of America and His Majesty the King of the Hellenes, defining the rights, privileges, and immunities of consular officers in the two countries, was concluded and signed by their respective Plenipotentiaries at Athens, on the 19th day of November, one thousand nine hundred and two, the original of which Convention, being in the English and Greek languages is, as amended by the Senate of the United States, word for word as follows:

CONVENTION CONCERNING THE RIGHTS AND PRIVILEGES OF CONSULS.

The President of the United States of America and His Majesty the King of the Hellenes, being mutually desirous of defining the rights, privileges and immunities of consular offices in the two Countries, deem it expedient to conclude a consular convention for that purpose, and have accordingly named as their Plenipotentiaries:

The President of the United States of America, Charles S. Francis, Envoy Extraordinary and Minister Plenipotentiary to His Majesty the King of the Hellenes.

His Majesty the King of the Hellenes, Alexander Th. Zaïmis, Commander of the Royal Order of the Saviour, etc., President of His Council, His Minister for Foreign Affairs,

Who, after having communicated to each other their respective full powers, found to be in good and due form, have agreed upon the following articles:

ARTICLE I.

Each of the high contracting parties agrees to receive from the other, consuls-general, consuls, vice-consuls and consular agents in all

its ports, cities and places, except those where it may not be convenient to recognize such officers. This reservation, however, shall not apply to one of the high contracting parties without also applying to every other power.

ARTICLE II.

The consuls-general, consuls, vice-consuls and consular agents of the two high contracting parties shall enjoy reciprocally, in the states of the other, all the privileges, exemptions and immunities that are enjoyed by officers of the same rank and quality of the most favored nation. The said officers, before being admitted to the exercise of their functions and the enjoyment of the immunities thereto pertaining, shall present their commissions in the forms established in their respective countries. The government of each of the two high contracting powers shall furnish them the necessary exequatur free of charge, and, on the exhibition of this instrument, they shall be permitted to enjoy the rights, privileges and immunities granted by this convention.

ARTICLE III.

Consuls-General, consuls, vice-consuls and consular agents, citizens of the State by which they are appointed, shall be exempt from preliminary arrest, except in the case of offences which the local legislation qualifies as crimes and punishes as such; they shall be exempt from military billetings, from service in the regular army or navy, in the militia, or in the national guard; they shall likewise be exempt from all direct taxes, national, state or municipal, unless such taxes become due on account of the possession of real estate, or for interest on capital invested in the country where the said officers exercise their functions. This exemption shall not, however, apply to consuls-general, consuls, vice-consuls or consular agents engaged in any profession, business or trade; but said officers shall in such case be subject to the payment of the same taxes as would be paid by any other foreigner under the like circumstances.

ARTICLE IV.

When a court of one of the two countries shall desire to receive the judicial declaration or deposition of a consul-general, consul, vice-consul or consular agent, who is a citizen of the State which appointed him and who is engaged in no commercial business, it shall request him, in writing, to appear before it; and in case of his inability to do so, it shall request him to give his testimony in writing, or shall visit his residence or office to obtain it orally.

It shall be the duty of such officer to comply with this request with as little delay as possible.

In all criminal cases the appearance in court of said consular officer shall be demanded, with all possible regard to the consular dignity and to the duties of his office.

It shall be the duty of said consular officer to comply with this request, without any delay which can be avoided. Nothing in the foregoing part of this article, however, shall be construed to conflict with the provisions of the sixth article of the amendments to the Constitution of the United States, or with like provisions in the constitu-

tions of the several States, whereby the right is secured to persons charged with crime, to obtain witnesses in their favor, and to be confronted with the witnesses against them.

ARTICLE V.

Consuls-general, consuls, vice-consuls and consular agents may place over the outer door of their offices the arms of their nation, with this inscription: Consulate-General, or Consulate, or Vice-Consulate, or Consular Agency of the United States or of Greece.

They may also raise the flag of their country on their offices. They may in like manner, raise the flag of their country over the boat employed by them in the port for the exercise of their functions.

ARTICLE VI.

The consular offices shall at all times be inviolable. The local authorities shall not, under any pretext, invade them. In no case shall they examine or seize the papers there deposited. In no case shall those offices be used as places of asylum. When a consular officer is engaged in other business the papers relating to the consulate shall be kept separate.

ARTICLE VII.

In the event of the death, incapacity or absence of consuls-general, consuls, vice-consuls and consular agents, their chancellors or secretaries, whose official character may have previously been made known to the Department of State at Washington or to the Ministry of Foreign Affairs in Greece, may temporarily exercise their functions, and while thus acting they shall enjoy all the rights, prerogatives and immunities granted to the incumbents.

ARTICLE VIII.

Consuls-general and consuls may, so far as the laws of their country allow, with the approbation of their respective governments, appoint vice-consuls and consular agents in the cities, ports and places within their consular jurisdiction.

These agents may be selected from among citizens of the United States or of Greece, or those of other countries. They shall be furnished with a regular commission, and shall enjoy the privileges stipulated for consular officers in this convention, subject to the exceptions specified in articles 3 and 4.

ARTICLE IX.

Consuls-general, consuls, vice-consuls and consular agents shall have the right to address the administrative and judicial authorities, whether in the United States of the Union, the States or the municipalities, or in Greece, of the State, throughout the whole extent of their consular jurisdiction, in order to complain of any infraction of the treaties and conventions between the United States and Greece, and for the purpose of protecting the rights and interests of their countrymen. If the complaint should not be satisfactorily redressed, the consular

officers aforesaid, in the absence of a diplomatic agent of their country, may apply directly to the government of the country where they exercise their functions.

ARTICLE X.

Consuls-general, consuls, vice-consuls and consular agents may take at their offices, at their private residence, at the residence of the parties, or on board ship the depositions of the captains and crews of vessels of their own country, of passengers on board of them, and of any other citizen of their nation. They may also receive at their offices, conformably to the laws and regulations of their country, all contracts between the citizens of their country and the citizens or other inhabitants of the country where they reside, and even all contracts between the latter, provided they relate to property situated, or to business to be transacted, in the territory of the nation to which the said consular officer may belong.

Such papers and official documents, whether in the original, in copies or in translation, duly authenticated and legalized by the consuls-general, consuls, vice-consuls and consular agents, and sealed with their official seal, shall be received as legal documents in courts of justice throughout the United States and Greece.

ARTICLE XI.

In the case of the death of any citizen of the United States in Greece, or of a Greek subject in the United States, without having any known heirs or testamentary executors by him appointed, the competent local authorities shall give information of the circumstance to the consular officers of the nation to which the deceased belongs, in order that the necessary information may be immediately forwarded to the parties interested.

In all that relates to the administration and settlement of estates, the consular officers of the high contracting parties shall have the same rights and privileges as those accorded in the United States of America and Greece, respectively, to the consular officers of the most favored nation.

ARTICLE XII.

Consuls-general, consuls, vice-consuls and consular agents shall have exclusive charge of the internal order of the merchant vessels of their nation and shall alone take cognizance of differences which may arise either at sea or in port between the captains, officers and crews, without exception, particularly in reference to the adjustment of wages and the execution of contracts.

In case any discord should happen on board of vessels of either party, in the territory or waters of the other, neither the Federal, State or Municipal Authorities or Courts in the United States, nor any Court or Authority in Greece, shall on any pretext interfere except when the said disorders are of such a nature as to cause or to be likely to cause a breach of the peace or serious trouble in the port or on shore; or when, in such trouble or breach of the peace, a person or persons shall be implicated, not forming a part of the crew.

In any other case, said Federal, State or Municipal Authorities or Courts in the United States, or Courts or Authorities in Greece, shall

not interfere but shall render forcible aid to consular officers, when they may ask it, to search, arrest and imprison all persons composing the crew, whom they may deem it necessary to confine. Those persons shall be arrested at the sole request of the consuls addressed in writing to either the Federal, State or Municipal Courts or Authorities in the United States, or to any Court or Authority in Greece, and supported by an official extract from the register of the ship or the list of the crew, and the prisoners shall be held, during the whole time of their stay in the port, at the disposal of the consular officers. Their release shall be granted at the mere request of such officers made in writing. The expenses of the arrest and detention of those persons, shall be paid by the consular officers.

ARTICLE XIII

The said consuls-general, consuls, vice-consuls and consular agents are authorized to require the assistance of the local authorities for the arrest, detention and imprisonment of the deserters from the ships of war and merchant vessels of their country; and for this purpose they shall apply to the competent tribunals, judges and officers and shall, in writing, demand said deserters, proving by the exhibition of the registers of the vessels, the rolls of the crews, or by other official documents, that such individuals formed part of the crews, and on this reclamation being thus substantiated the surrender shall not be refused. Such deserters, when arrested, shall be placed at the disposal of the said consuls-general, consuls, vice-consuls and consular agents, and may be confined in the public prisons at the request and cost of those who claim them, in order to be sent to the vessels to which they belonged, or to others of the same country. But if not sent back within the space of two months, reckoning from the day of their arrest, they shall be set at liberty, and shall not again be arrested for the same cause.

It is understood, however, that if the deserter should be found to have committed any crime or offence, his surrender may be delayed until the tribunal before which the case shall be depending shall have pronounced its sentence, and such sentence shall have been carried into effect.

ARTICLE XIV

In the absence of an agreement to the contrary, between the owners, freighters and insurers, all damages suffered at sea, by the vessels of the two countries, whether they enter the respective ports voluntarily or are forced by stress of weather or other cause, over which the officers have no control, shall be settled by the consuls-general, consuls, vice-consuls and consular agents of the country in which they respectively reside; in case, however, any citizen of the country in which the said officers reside, or subjects of a third power, should be interested in these damages, and the parties cannot come to an amicable agreement, the competent local authorities shall decide.

ARTICLE XV

All operations relative to salvage of United States vessels wrecked upon the coasts of Greece, and of Greek vessels upon the coasts of

the United States, shall be directed by the respective consuls-general, consuls, and vice-consuls of the two countries, and until their arrival, by the respective consular agents, where consular agencies exist.

In places and ports where there is no such agency, the local authorities shall give immediate notice of the shipwreck to the consul of the district in which the disaster has taken place, and until the arrival of the said consul, they shall take all necessary measures for the protection of persons and the preservation of property.

The local authorities shall intervene only to preserve order, and to protect the interests of the salvors, if they do not belong to the crew of the wrecked vessel, and to secure the execution of the arrangements made for the entry and exportation of the merchandise saved. It is understood that such merchandise is not to be subjected to any custom-house charges unless it be intended for consumption in the country in which the wreck took place.

ARTICLE XVI

Consuls-general, consuls, vice-consuls and consular agents shall be at liberty to go, either in person or by proxy, on board vessels of their nation admitted to entry and to examine the officers and crews, to examine the ship's papers, to receive declarations concerning their voyage, their destination and the incidents of the voyage; also to draw up manifests and lists of freight, to facilitate the entry and clearance of their vessels, and finally to accompany the said officers or crews before the judicial or administrative authorities of the country, to assist them as their interpreters or agents.

The judicial authorities and custom-house officials shall in no case proceed to the examination or search of merchant vessels without having given previous notice to the consular officers of the nation to which the said vessels belong, in order to enable the said consular officers to be present.

They shall also give due notice to the said consular officers, in order to enable them to be present at any depositions or statements to be made in courts of law or before local magistrates, by officers or persons belonging to the crew, thus to prevent errors or false interpretations which might impede the correct administration of justice. The notice to consuls, vice-consuls or consular agents shall name the hour fixed for such proceedings. Upon the non-appearance of the said officers or their representatives, the case may be proceeded with in their absence.

ARTICLE XVII

The present convention shall remain in force for the space of ten years, counting from the day of the exchange of the ratifications, which shall be made in conformity with the respective constitutions of the two countries and exchanged at Athens as soon as possible.

In case neither party gives notice, twelve months before the expiration of the said period of ten years, of its intention not to renew this convention, it shall remain in force one year longer, and so on from year to year, until the expiration of a year from the day on which one of the parties shall have given such notice.

This convention abrogates articles 12, 13 and 14 of the treaty of Commerce and Navigation concluded between the United States of

America and Greece at London, December 10th/22d, 1837, the remaining articles of such treaty continuing in force.

In faith whereof, the respective plenipotentiaries have signed this convention in duplicate and have hereunto affixed their seals.

Done at Athens the 19th/2d day of November 1902
December

CHARLES S. FRANCIS. (SEAL)
ALEXANDER TH. ZAIMIS. (SEAL)

And whereas the said Convention, as amended by the Senate of the United States, has been duly ratified on both parts, and the ratifications of the two governments were exchanged in the City of Athens, on the ninth day of July, one thousand nine hundred and three;

Now, therefore, be it known that I, Theodore Roosevelt, President of the United States of America, have caused the said Convention to be made public, to the end that the same and every article and clause thereof, as amended, may be observed and fulfilled with good faith by the United States and the citizens thereof.

In testimony whereof, I have hereunto set my hand and caused the seal of the United States of America to be affixed.

Done at the City of Washington, this eleventh day of July, in the year of our Lord one thousand nine hundred and three
[SEAL] and of the Independence of the United States the one hundred and twenty-eighth.

THEODORE ROOSEVELT

By the President:

JOHN HAY
Secretary of State.

GUATEMALA AND HONDURAS.

PROTECTION OF CHINESE IN GUATEMALA BY UNITED STATES MINISTER.

Mr. Combs to Mr. Hay.

No. 22.]

LEGATION OF THE UNITED STATES,
GUATEMALA AND HONDURAS,
Guatemala, February 26, 1903.

SIR: I have the honor to request information as to the relations of this legation to Chinese citizens residing in Guatemala and how far I am permitted to go in making representations in their behalf.

The concrete case which suggests this inquiry is as follows:

On February 19 Ton San Lon, a Chinese merchant, reported to me that upon Sunday, the 16th instant, a boy, Low Hip, in charge of his branch store at Jutiapa, had been arrested for refusing to give an officer small bills for \$10,000 in bills of the denomination of \$100 each, the officer offering him 10 per cent premium for the exchange, which is about the current rate in Guatemala. Ton San Lon declared he did not have that much in small bills and to give up such small bills as he had would destroy his ability to make change for his customers and therefore paralyze his business.

I went to the minister of foreign affairs and requested that he investigate the case and, if he found it to be as represented, to direct the immediate release of the Chinese from prison.

The minister of foreign affairs called upon me the next day and informed me the man had been released, but defended instead of apologized for the act. He declared the Chinese merchants would gather all the small bills up and send them to Guatemala for sale, and suggested that I advise them to cease doing this and to furnish the officials with change when called upon. I replied that I had advised not only the Chinese but Americans to be considerate in doing all they could to accommodate the Government officials during these difficult times, but I hoped the Government would not fail to recognize that if the Chinese merchants were in honest possession of money, of any denomination, they could not legally or rightfully be imprisoned for not giving it up for an equivalent unsatisfactory to themselves.

Ton San Lon reports the officer has warned his boy that he must furnish \$3,000, change, per week or be arrested.

The trouble grows out of the fact that one of the banks, The Occidental, in issuing currency did not go to the expense of issuing it in convenient denominations, but put out the entire block, through the Government, in bills of \$100 each, consequently one has to pay about 8 or 10 per cent to get these bills broken. One can not draw one's

own money out of the bank except in even hundreds and then it is paid over in these bills.

Am I to understand that I should afford an aggrieved Chinese citizen the same protection I would to an American citizen?

I have, etc.,

LESLIE COMBS.

Mr. Loomis to Mr. Combs.

No. 16.]

DEPARTMENT OF STATE,
Washington, March 16, 1903.

SIR: I have to acknowledge the receipt of your No. 22 of February 26, 1903, requesting instructions in regard to the legation's relations toward Chinese subjects in the Republic of Guatemala, and reporting in that connection the case of Ton San Low, a Chinese merchant, whose boy, Low Hip, in charge of Low's branch store at Jutiapa, had been unrightfully and illegally arrested and imprisoned for refusing or being unable to comply with the demands of an officer in a matter of the exchange of small bills for those of a larger denomination.

Your action in requesting the minister of foreign affairs to investigate this case and in securing the release of Low Hip from prison is approved.

In making representations in behalf of any aggrieved Chinese subjects who may seek the legation's interposition you should, by way of good offices, endeavor to secure for them the same degree of protection from tort as you could demand of right for an American citizen similarly circumstanced. Your discretion does not extend to the presentation of claims. If any such are preferred by Chinese subjects you will report them to the Department, which will bring them to the knowledge of the Chinese Government.

I am, etc.,

FRANCIS B. LOOMIS,
Acting Secretary of State.

Mr. Combs to Mr. Hay.

No. 52.]

LEGATION OF THE UNITED STATES,
GUATEMALA AND HONDURAS,
Guatemala, April 24, 1903.

SIR: I have the honor to submit the following cases in which I have reason to believe outrages have been perpetrated upon Chinese:

The first instance was reported as follows: On Friday evening, the 17th instant, as Feliz Sing, a reputable Chinese, left his boarding house, in one of the poorer districts of the city, he was accosted by two policemen with the request for some money to buy liquor and replied that he had no money on him, at the same time endeavoring to return to the house which he had left, whereupon the policemen grabbed hold of him and searched him, finding a pocketbook containing \$300 currency, which they took while abusing the Chinese with their clubs. Sing raised an outcry which brought many of his countrymen as well as natives to the street, and the policemen, seeing themselves watched, took Sing to the station and had him locked up

on charge of disturbing the peace, the sergeant in charge of the station refusing to search the policemen when they arrived with Sing, thus giving them a chance to dispose of the money taken. The Chinese was released the next day, when he came to complain at this legation.

I reported this case in person to the minister of foreign affairs of Guatemala, who promised to investigate.

The second case I reported by letter to Señor Barrios, copy of which is inclosed.

I have, etc.,

LESLIE COMBS.

[Inclosure.]

Mr. Combs to Mr. Barrios.

LEGATION OF THE UNITED STATES, GUATEMALA AND HONDURAS,
Guatemala, April 20, 1903.

SIR: I regret to be obliged to call the attention of your excellency to another alleged robbery of a Chinese, Salvador Chong Woeung, by a policeman named Federico Pineda Barrios.

Last night a Chinese, a cigar maker residing at No. 8, 15 Calle Oriente, declares he was paid a bill amounting to \$490 by Quong of No. 1, 16 Calle Oriente, the payment being made about 10 o'clock at night.

As said Salvador Chong Woeung was going to his house but a short distance away he was stopped by Policeman Federico Pineda Barrios under pretext to search for concealed weapons, the policeman taking the \$490 and then releasing him. He, Salvador Chong Woeung, went immediately and reported the theft to the sergeant in charge of station No. 1, Federico Marroquin, who took no steps to investigate immediately when the policeman might be found with the money still on him, but giving him every chance to dispose of the plunder, told the Chinese to call at 9 o'clock this morning, and then told him to come back at 12 o'clock, when he was confronted by the policeman who denied the charge.

I submit this matter to your excellency's consideration and investigation without comment.

Embracing this opportunity to renew, etc.,

LESLIE COMBS.

Mr. Hay to Mr. Combs.

No. 38.]

DEPARTMENT OF STATE,
Washington, May 20, 1903.

SIR: Referring to your No. 52, of the 24th ultimo, relating to the outrages committed against the Chinese by the local police of Guatemala City, I inclose herewith, for your compliance, a copy of a note from the Chinese minister expressing his appreciation of this action taken by you in behalf of the said Chinese subjects and requesting that you press the matter to a satisfactory conclusion.

I am, etc.,

JOHN HAY.

[Inclosure.]

Sir Chentung Liang Cheng to Mr. Hay.

CHINESE LEGATION,
Washington, May 16, 1903.

SIR: I have the honor to acknowledge the receipt of your note No. 8, of date the 15th instant, with which you inclose copy of a dispatch, and of its accompanying

inclosure from the United States minister at Guatemala, concerning outrages committed against Chinese by the local police of Guatemala City.

It is to be deplored that any occasion should arise for making a complaint of false arrest and robbery against an officer of the law, whose duty it should be to protect peaceable and law-abiding residents instead of committing outrages against them. Officers who commit such acts as have been reported should be made an example of and severely punished. I venture to express the confident hope that the action taken by your minister in Guatemala will have a salutary effect upon the future conduct of members of the police force of that city, and that the two Chinese subjects referred to will be indemnified in some appropriate manner.

May I ask you kindly to convey to the honorable Mr. Combs my grateful appreciation of what he has done in behalf of the said Chinese subjects and my request that he will kindly press the matter to a satisfactory conclusion?

Be pleased, etc.,

CHENTUNG LIANG CHENG.

Mr. Combs to Mr. Hay.

No. 74.]

LEGATION OF THE UNITED STATES,
GUATEMALA AND HONDURAS,
Guatemala, June 19, 1903.

SIR: I have the honor to inclose the correspondence in the case of Juan Ton, a Chinese arrested at Amatitlan and illegally imprisoned and fined.

I wrote the proper authority forwarding the complaint of the Chinese (inclosure No. 1), and two days afterwards I secured his release from imprisonment by a personal interview with the foreign minister.

On the 30th ultimo I received the opinion of the superior judge that the fine imposed was illegal and directing it to be returned (inclosure No. 2). A copy of this opinion was sent to Juan Ton's employer directing him to apply for the return of the fine illegally imposed (inclosure No. 3), and to-day I am in receipt of a letter (inclosure No. 4) from the Chinese thanking me for my successful efforts in his behalf and acknowledging the return of the fine.

I have investigated rigidly all alleged cases of outrage upon the Chinese here and have pressed all meritorious cases vigorously to a proper settlement—punishment of the guilty parties—and will try to secure reimbursement of losses where they occur. This is, however, very difficult.

I hope future imposition upon these people by the subordinate authority will be less frequent.

I have, etc.,

LESLIE COMBS.

[Inclosure 1.]

Mr. Combs to Mr. Barrios.

LEGATION OF THE UNITED STATES,
GUATEMALA AND HONDURAS,
Guatemala, May 6, 1903.

SIR: I have the honor to inclose to your excellency herewith a copy of a complaint by one Juan Ton, which explains itself.

I trust your excellency will take immediate steps to ascertain the truth of the charges and afford the proper relief.

I embrace, etc.,

LESLIE COMBS.

[Subinclosure.—Translation.]

*Mr. Lon to Mr. Combs.*AMATITLAN, *May 4, 1903.*

With the greatest respect, permit me to bring to your knowledge the following: On Monday, the 4th instant, at 9 o'clock a. m., I was found complying with my obligations and fulfilling my duty as clerk in the store of my employers, known as Win Chow, in Amatitlan, situated on the principal street.

About this time a lady came, whom I did not then know, and desired to buy a silk shawl, for which she offered \$12 or \$13, but I could not and would not let her have it for that price, for which reason the lady became furious and left without anything else particularly happening.

A short time afterwards a soldier came, accompanied by the aforementioned lady, and I was taken before the municipal judge, arrested, and left in jail, where I am still, only on the word of the lady and contrary to the law that provides other procedure for such cases.

The judge demands \$300, but the law does not permit him to impose any such fine for slander, of which the lady complains, neither is he competent authority to fine me \$300 or thirty days in jail without any proof whatever.

I am still under arrest, and as your excellency is recommended to look after the interest of the Chinese here, I pray you kindly investigate this case and protest against the acts complained of for the purpose of having the proceedings rectified and the reparation made that you may deem convenient.

I am, etc.,

For Juan Ton, who does not know how to sign his name,

CATLOS LON.

[Inclosure 2.—Translation.]

*Mr. Barrios to Mr. Combs.*DEPARTMENT OF STATE, REPUBLIC OF GUATEMALA,
Guatemala, May 30, 1903.

MR. MINISTER: From the department of justice I have received, on the 29th instant, the following note:

"MR. MINISTER: I have the honor to transcribe to you, for your information and guidance, a note received from the president of the supreme court of justice, which says:

"GUATEMALA, May 25, 1903.

"SIR: In the investigation instituted in pursuance of your esteemed note of the 11th instant, relative to the complaint of the Chinese, Juan Ton, against the municipal judge of Amatitlan, will be found the following opinion of the attorney-general, which says, literally: 'Supreme court of justice: According to article 456 of the penal code punishment can only be imposed economically for slander, when owing to its trifling character it does not merit more than three days' confinement. When the slander is of so grave a character as to constitute a crime, it should be followed up according to the provisions especially laid down by Division IV, Book V, of the Code of Penal Procedure. If this slander be classified as being comprehended in articles 338 and 339 of the penal code, it should be tried by a judge of the first instance, but if it be comprehended in article 340 of the said code, it may be tried verbally by a justice of the peace or municipal judge. It is not my province to qualify the slander attributed to the Chinese Juan Ton against Mrs. Ysabel Paloma de Ortiz and determine if it is grave, slight, or trifling; but it is my duty to call attention to the fact that the punishment imposed by the justice of the peace of Amatitlan does not correspond, according to the above, with the procedure employed. It is, therefore, my opinion that we should proceed: First, to return to the Chinese, Juan Ton, the amount paid for commutation of punishment; and, second, having been under arrest more than three days and the judge having qualified the slander as trifling and to be punished economically, no other punishment can be imposed for said slander, unless the offended person makes the corresponding accusation before competent authority. Notwithstanding the foregoing, I ask that you transmit to the tribunal of the first instance of Amatitlan the foregoing opinion, and that in view of this and other circumstances that exist the law that should be observed may be applied in the present case, making known, without delay, this opinion to the Chinese, Juan Ton.

"Guatemala, May 21, 1903. CALDERON. *Supreme Court of Justice, Guatemala, May 22, 1903.* As asked by the attorney-general. Article 26, book of rules and reg-

ulation for the judicial power. Pinto. Felipe Martinez. I am, etc., J. Pinto. I am of the minister with all consideration, etc., Juan J. Argueta.”

On placing the foregoing report before your excellency, I have the pleasure of renewing, etc.,

JUAN BARRIOS M.

[Inclosure 3.]

Mr. Combs to Mr. Ton.

LEGATION OF THE UNITED STATES,
Guatemala, June 2, 1903.

DEAR SIR: Referring to your complaint dated the 11th ultimo, relating to the sentence of the alcalde of Amatitlan being excessive and requesting my intervention, I beg to report the receipt of a note from the minister of foreign affairs of Guatemala, in which, in quoting the opinion of the attorney-general, it is recognized that the fine or penalty imposed by the alcalde was excessive, three days' imprisonment being the most he was authorized under the law and the circumstances to impose; and that, as you had already undergone the extent of punishment that said alcalde was authorized to impose, he is ordered to return the sum paid by you in commutation of your sentence and inform you of this fact without delay, in addition to being reprimanded.

In case the fine paid by you has not been returned you may apply for it, advising me of the result.

Sincerely, yours,

LESLIE COMBS.

[Inclosure 4.—Translation.]

Mr. Ton to Mr. Combs.

GUATEMALA, *June 17, 1903.*

HONORED SIR: Referring to the note I had the honor to address to your excellency on the 15th instant, I now have the pleasure of making known to you that the fine illegally imposed upon me by the judge of Amatitlan and of which I complained on the 11th ultimo has been returned to me.

I have the pleasure of once more repeating to you my most heartfelt thanks for the happy termination of the affair, and repeat, etc.

At the request of Juan Ton,

CARLOS LON.

Mr. Loomis to Mr. Combs.

No. 54.]

DEPARTMENT OF STATE,
Washington, July 3, 1903.

SIR: I have to acknowledge the receipt of your No. 74, of the 19th ultimo, transmitting the correspondence in the case of Juan Ton, a Chinese, arrested at Amatitlan and illegally imprisoned and fined.

The Department approves your course in pressing all meritorious cases of outrage upon the Chinese to a proper settlement.

Copies of your dispatch and of its inclosures have been sent to the Chinese minister for his information.

I am, etc.,

FRANCIS B. LOOMIS,
Acting Secretary of State.

Mr. Hay to Mr. Combs.

No. 57.]

DEPARTMENT OF STATE,
Washington, July 14, 1903.

SIR: I inclose herewith copy of a note from the Chinese minister at this capital, expressing his sincere appreciation of the good offices

exerted by you on behalf of certain Chinese subjects in Guatemala, and expressing also the hope that the continuance of those good offices will prevent further imposition upon Chinese subjects.

I am, etc.,

JOHN HAY.

[Inclosure.]

Sir Chentung Liang Cheng to Mr. Loomis.

CHINESE LEGATION,
Washington, July 6, 1903.

SIR: I have the honor to acknowledge the receipt of your note, No. 18, of the 3d instant, with which you transmit for my information copies of a dispatch and its inclosures from the United States minister at Guatemala City, relating to the case of Juan Ton, a Chinese subject, arrested at Amatitlan and illegally imprisoned and fined, but subsequently released at the minister's request and the fine refunded.

In reply I wish to thank you for your kind courtesy in communicating the information to me, and to ask that you will kindly convey to Minister Combs my sincere appreciation of the good offices exerted by him in the case above mentioned and the other cases referred to in his dispatch. I am sure that the friendly protection extended by him to the Chinese residing in Guatemala can not fail to be appreciated by them with feelings of deep and sincere gratitude. I will take occasion to report to my Government for its information the kind efforts exerted by Minister Combs in behalf of the said Chinese subjects. I trust that the continued exercise of his good offices will prevent further impositions upon the Chinese.

Accept, etc.,

CHENTUNG LIANG CHENG.

REVOLUTION IN HONDURAS, AND RECOGNITION OF NEW GOVERNMENT.

Mr. Combs to Mr. Hay.

No. 36.]

LEGATION OF THE UNITED STATES,
GUATEMALA AND HONDURAS,
Guatemala, March 18, 1903.

SIR: I have the honor to attach copy of a report received from W. Heyden, United States consular agent at Amapala, for the information of the Department.

President Estrada informed me a few days since his information was that Bonilla was making a successful struggle; that Bonilla's forces were drawing closer and closer to Tegucigalpa both from the east and from the west.

I have, etc.,

LESLIE COMBS.

[Inclosure.]

Mr. Heyden to Mr. Combs.

UNITED STATES CONSULAR AGENCY,
Amapala, Honduras, March 7, 1903.

SIR: The communication between this port and Tegucigalpa is still interrupted and I therefore have the honor to inform you about the political situation of this country.

A great part of the members of the Congress that was in session in Tegucigalpa, amongst them the President of the Congress, fled from the capital to the frontier of Salvador the 30th of January, so that Congress was de facto dissolved on that date. It seems that the council of ministers formed a new Congress out of the remaining deputies and the substitutes of the fugitives. The new Congress proclaimed Dr. Juan Angel Arias president, and Gen. Maximo B. Rosales vice-president of the Republic. The new Government was recognized by Nicaragua, but I do not know if it was recognized by the other Central American Republics.

In the meantime General Bonilla has gone ahead with his military operations against the new government. His forces have taken the fortified towns of Ocotepeque, Santa Rosa, and Gracias, near the frontier of Nicaragua.

On the 22d of February General Bonilla was attacked in El Aceituno by General Sierra, the ex-president, who was completely defeated and escaped with several hundred men, the remainder of his troops, to the fortified town of Nacaome, where he still is. General Bonilla has now an army of about 4,500 men. * * *

I have, etc.,

W. HEYDEN,
United States Consular Agent.

Mr. Combs to Mr. Hay.

[Telegram.—Paraphrase.]

LEGATION OF THE UNITED STATES,
Guatemala, April 15, 1903.

(Mr. Combs reports that General Bonilla announces the surrender to his forces of Tegucigalpa, and claims that normal conditions are restored in Honduras.)

Mr. Combs to Mr. Hay.

[Telegram.—Paraphrase.]

LEGATION OF THE UNITED STATES,
Guatemala, April 24, 1903.

(Mr. Combs reports that Mr. Ordoñez, minister for foreign affairs of Honduras, requests him to inform the Government of the United States that peace has been thoroughly reestablished and that ex-President Arias is a prisoner.

Mr. Combs thinks it advisable to recognize General Bonilla as President of Honduras and to present his letter of credence.

Requests instructions.)

Mr. Loomis to Mr. Combs.

[Telegram.—Paraphrase.]

DEPARTMENT OF STATE,
Washington, April 24, 1903.

(Mr. Loomis authorizes Mr. Combs to recognize General Bonilla as the President of Honduras without precipitation if he is effectively administering the Government and is in position to fulfill international obligations.)

Mr. Combs to Mr. Hay.

No. 82.]

LEGATION OF THE UNITED STATES,
GUATEMALA AND HONDURAS,
Guatemala, July 10, 1903.

SIR: I have the honor to transmit herewith inclosed two sealed envelopes from the President of Honduras addressed to the President of the United States of America in acknowledgment of the receipt of the recall of my distinguished predecessor and my appointment to the charge of envoy extraordinary and minister plenipotentiary near his Government.

Copies of the notes of the minister of foreign affairs of Honduras transmitting the above inclosures are hereto attached.

I have, etc.,

LESLIE COMBS.

[Inclosure 1.—Translation.]

Mr. Vasquez to Mr. Combs.

DEPARTMENT OF FOREIGN AFFAIRS,
REPUBLIC OF HONDURAS,
Tegucigalpa, June 18, 1903.

MR. MINISTER: I have the honor to transmit to your excellency the original, accompanied by the style copy, of an autograph letter, in which the President of the Republic of Honduras acknowledges to the President of the United States of America the receipt of an autograph letter, through which the latter communicates the retirement of the Hon. W. Godfrey Hunter from his charge as envoy extraordinary and minister plenipotentiary of the United States of America near this Government.

I request your excellency to transmit the inclosed communication to its high destination, and have the honor, etc.,

MARIANO VASQUEZ.

[Inclosure 2.—Translation.]

Mr. Vasquez to Mr. Combs.

DEPARTMENT OF FOREIGN AFFAIRS,
REPUBLIC OF HONDURAS,
Tegucigalpa, June 18, 1903.

MR. MINISTER: I have the honor to refer to your excellency's esteemed communication, dated the 21st ultimo, in which you were pleased to inclose two autograph letters, by which the most excellent President of the United States of America made known to the President of this Republic that, owing to the resignation of the Hon. W. Godfrey Hunter, he had been relieved of the high charge he occupied as envoy extraordinary and minister plenipotentiary of the United States of America, and that you had been appointed to fill said charge near the Government of Honduras.

Upon informing your excellency that the documents referred to have been transmitted to their high destination, I beg you in like manner to treat the reply, accompanied by the usual style copy, which the President of this Republic addresses to his excellency, the President of the United States of America.

In the same communication to which I have the honor of replying, your excellency disclosed your intention of visiting this capital, and concerning this the President of the Republic instructs me to say to your excellency that it will be highly gratifying to him to receive you and express to you the sentiments of esteem which the Government of this Republic entertains for the people and Government of the United States.

Congratulating your excellency on the merited confidence you have received from your Government, I subscribe, etc.,

MARIANO VASQUEZ.

ARREST FOR REFUSAL TO PAY A "FORCED WAR LOAN," AND
SUBSEQUENT RELEASE OF ALBERTO POSADAS, A NATURAL-
IZED CITIZEN OF THE UNITED STATES.

Mr. Combs to Mr. Hay.

[Telegram.—Paraphrase.]

LEGATION OF THE UNITED STATES,
Guatemala, March 23, 1903.

(Mr. Combs reports that the Government of Guatemala, in maintaining its constitution, refuses to recognize the American citizenship of Alberto Posadas, a native-born Guatemalan returning bearing a United States passport, and that the naturalized citizen referred to is under detention for refusal to pay a forced loan.

Mr. Combs requests instructions.)

Mr. Loomis to Mr. Combs.

[Telegram.—Paraphrase.]

DEPARTMENT OF STATE,
Washington, March 24, 1903.

(Mr. Loomis instructs Mr. Combs to protest against the unfriendly action of the Guatemalan Government in refusing to recognize the American citizenship of Posadas, who was duly naturalized in the United States after a residence of twelve years, and to ask for Posadas' release.)

Mr. Combs to Mr. Hay.

No. 40.]

LEGATION OF THE UNITED STATES,
GUATEMALA AND HONDURAS,
Guatemala, March 25, 1903.

SIR: I have the honor to report the receipt of a letter March 21 from Mr. Alberto Posadas complaining of an effort to enforce a war loan from him and of the restrictions placed upon his movements by the jefe politico of his district. (Copy of letter hereto attached, marked No. 1.)

I called upon the minister of foreign affairs the same afternoon and had a discussion of an hour's duration with him. He took the ground that many Guatemalans went to the United States for a few years to obtain naturalization papers to avoid the duties and obligations of citizens, then returned to Guatemala where all their property interests lie; that the constitution of the country declared all persons born in Guatemala subjects and citizens of Guatemala whenever they were in this country, no difference in what or how many other countries they had obtained citizenship. I stated we did not bestow citizenship in the United States lightly and only when it was thought it was sought in good faith; that if anyone in Guatemala was bearing a passport not

justified by the facts, upon complaint I would report it to my Government and if the charge could be sustained I had no doubt the passport would be canceled, but I could not draw any distinctions between persons bearing proper proof of American citizenship, and unless the jefe politico was wired immediately to withdraw all restraint attached to Mr. Posadas I would cable my Government for instructions for my guidance. He asked for time until Monday to consult with the President, requesting that I refrain until then from applying to Washington. I consented to this on condition that Mr. Posadas should not be further molested, in the meantime, in his person or property.

The minister of foreign affairs called Sunday afternoon, the 22d instant, at the legation and stated the President was so busy the Posadas matter could not be reached before Tuesday or Wednesday. I therefore on Monday morning sent you a cable respecting the matter; I also sent a telegram to Mr. Posadas, a copy of which is attached, marked No. 2.

It seems to me that there is a principle of the greatest importance involved in this case which should be settled at once.

We naturally do not like the attitude of forcing an unwilling compliance with our views of the matter in each individual case that may arise, when the constitution of Guatemala makes a plain declaration of a different principle.

Yet we must insist peremptorily upon the recognition of the property and personal rights of every American citizen.

It is particularly embarrassing to make demands from a nation, the compliance with which is contrary to their own laws or constitution. I beg to suggest, therefore, that such representation be made the Government of Guatemala as will lead in some way to the removal of the important conflict now existing between the constitution of that country and the principle we maintain.

Tuesday I called personally upon the President and pointed out to him how utterly impossible it was for our Government to concede the contention that a returned Guatemalan who had taken out citizenship in the United States had thereby lost his rights to our protection; that not only must I insist upon all privileges being accorded Posadas that were granted any other American citizen, but I begged leave to urge that the principle involved should be taken up and disposed of in such a way as would avoid this question being revived in the future. We had a full discussion which resulted in his agreement to have the order of detention imposed upon Posadas canceled, to not ask a forced loan from him, and to refer the principle here involved to Mr. Lazo Arriago at Washington for discussion and settlement.

Tuesday night, the 24th instant, your cable with instructions was received.

I have, etc.,

LESLIE COMBS.

[Inclosure 1.]

Mr. Posadas to Mr. Combs.

MAZATENANGO, March 19, 1903.

DEAR SIR: Herewith I beg to call your attention to the following incident:

The 18th of this month I was told by Mr. Juan Alvarez, jefe politico of this department, to contribute with \$60,000 in the expenses of the Guatemalan Government in the present war. I told him that I was the commercial representative in this country of my father, J. Zerion Posadas, resident of San Francisco, Cal., and a naturalized

citizen of the United States of America. I told further that my father, being an American, was not obliged to contribute in the expenses of the Guatemalan war.

I decided going to the capital with the intention of informing you of this matter but the jefe politico did not allow me to leave Mazatenango. I am, like my father, an American citizen. My letters of naturalization and passport No. 64214 are here at your disposition.

As it is very likely I will be put in jail if I do not give the money asked, I entreat you to settle this as quickly as possible with the Guatemalan Government.

I am, etc.,

ALBERTO POSADAS.

[Inclosure 2.]

Mr. Combs to Mr. Posadas.

[Telegram.]

GUATEMALA, *March 23, 1903.*

Pay no attention to illegal notice of detention. If arrested, inform me. Acknowledge receipt of this telegram.

LESLIE COMBS, *United States Minister.*

[Inclosure 3.]

Mr. Posadas to Mr. Combs.

[Telegram.]

MAZATENANGO, *March 23, 1903.*

I thank you kindly for the telegram you had the goodness to send me.

ALBERTO POSADAS.

[Inclosure 4.]

Mr. Combs to Mr. Posadas.

[Telegram.]

GUATEMALA, *March 25, 1903.*

President Estrada kindly assured me he would direct order for your detention withdrawn immediately and no forced loan demand made.

LESLIE COMBS.

[Inclosure 5.]

Mr. Combs to Mr. Posadas.

[Telegram.]

GUATEMALA, *March 26, 1903.*

My telegram informing you order of detention and demand for loan would be withdrawn has not been acknowledged.

LESLIE COMBS.

[Inclosure 6.]

Mr. Posadas to Mr. Combs.

[Telegram.]

MAZATENANGO, *March 26, 1903.*

I sent you this morning, at 6 o'clock, the following telegram acknowledging receipt of your telegram of yesterday's date, the contents of which I duly note: "I am extremely grateful for the care you have taken of my interests."

ALBERTO POSADAS.

Mr. Hay to Mr. Combs.

No. 30.]

DEPARTMENT OF STATE,
Washington, April 18, 1903.

SIR: I have to acknowledge the receipt of your No. 40, of the 25th ultimo, concerning the refusal of Guatemala to recognize the United States passport of Alberto Posadas, a native Guatemalan naturalized in this country.

You report an interview on the subject which you had with the minister of foreign affairs on March 21, when "he took the ground that many Guatemalans went to the United States for a few years to obtain naturalization papers to avoid the duties and obligations of citizens, and then returned to Guatemala, where all their property interests lie," and "that the constitution of the country declared all persons born in Guatemala subjects and citizens of Guatemala whenever they were in the country, no difference in what or how many other countries they had obtained citizenship."

From an examination of the copy of the Guatemalan constitution which we have here it would appear that it contains nothing more than a provision similar to that in our own Constitution that all persons born in the country are citizens thereof. Your dispatch would seem to indicate that the Guatemalan constitution contains a provision denying the right of expatriation. If such be the case, then the same question of dual allegiance which we have with Russia and Turkey would arise, and a satisfactory solution of the question could be afforded by the conclusion of a treaty of naturalization with Guatemala, if that Government will agree to it. The Department will be pleased to have you send to it a copy of the present constitution of Guatemala for its use in considering the matter.

Meanwhile you are to be governed by the Department's instruction by telegram of March 24, 1903.

I am, etc.,

JOHN HAY.

Mr. Combs to Mr. Hay.

No. 69.]

LEGATION OF THE UNITED STATES,
GUATEMALA AND HONDURAS,
Guatemala, June 5, 1903.

SIR: Referring to your instruction No. 30, dated April 18 last, I have the honor to report I took the matter of a naturalization treaty up with Mr. Barrios by letter, a copy of which is inclosed, marked No. 1.

In due course I received his letter of May 28 last, copy and translation of which is attached, marked No. 2, in which, as you will see, he maintains the position that "Guatemalans naturalized in another country are upon their return to Guatemala again subject to the obligations of their primitive nationality, from which there is no exemption."

I rejoined with a note, a copy of which is hereto attached, marked No. 3, in which I stated "When once a foreign-born citizen of another country has legally become a naturalized citizen of the United States no other power on earth can take his rights and privileges from him."

I also thanked him for his promise to study the question and warned him of the difficulties likely to arise should the matter be unarranged.

I inclose the copy of a note from Mr. Posadas, marked No. 4, showing his appreciation of the course taken by the Department of State in the affair of his son.

I have, etc.,

LESLIE COMBS.

[Inclosure 1.]

Mr. Combs to Mr. Barrios.

LEGATION OF THE UNITED STATES,
GUATEMALA AND HONDURAS,
Guatemala, May 9, 1903.

SIR: I have the honor to copy, for transmission to your excellency, the following paragraphs from a recent instruction received from my Government at Washington:

The interview of March 21 referred to was that in which I had the honor to discuss the Posadas case with your excellency. A portion of the instruction reads literally: "You report an interview on the subject which you had with the minister of foreign affairs on March 21, when he took the ground that many Guatemalans went to the United States for a few years to obtain naturalization papers to avoid the duties and obligations of citizens, and then returned to Guatemala, where all their property interests lie," and, "that the constitution of the country declared all persons born in Guatemala subjects and citizens of Guatemala whenever they were in the country, no difference in what or how many other countries they had obtained citizenship.

"From an examination of the copy of the Guatemalan constitution which we have here, it would appear that it contains nothing more than a provision similar to that in our own Constitution that all persons born in the country are citizens thereof. Your dispatch would seem to indicate that the Guatemalan constitution contains a provision denying the right of expatriation. If such be the case, then the same question of dual allegiance which we have with Russia and Turkey would arise, and a satisfactory solution of the question could be afforded by the conclusion of a treaty of naturalization with Guatemala, if that country will agree to it. The Department will be pleased to have you send to it a copy of the present constitution of Guatemala for its use in considering the matter."

I reported, at the same time, an interview with President Estrada, a part of which was as follows: "We had a full discussion, which resulted in his agreement to have the order of detention imposed upon Posadas canceled; to not ask a forced loan from him; and to refer the principle here involved to Mr. Lazo Arriaga, at Washington, for discussion and settlement."

Submitting the above statements, I request your excellency to give me the necessary data that I may inform the Department of State:

First. If the Guatemalan constitution or laws deny the right of expatriation, and, in the event there is such prohibition by the laws or constitution, request that you supply me with a copy of same for transmission.

Second. I would also be pleased to know if it would be agreeable to your excellency's Government to carry out the suggestion made by the Secretary of State of the United States that a treaty of naturalization be formulated between our Governments.

With sentiments, etc.

LESLIE COMBS.

[Inclosure 2.—Translation.]

Mr. Barrios to Mr. Combs.

DEPARTMENT OF STATE, REPUBLIC OF GUATEMALA,
Guatemala, May 28, 1903.

MR. MINISTER: On the 9th instant your excellency was pleased to address me a note in which, after transcribing to me the instructions which you had received from the Department of State at Washington, concerning the Posadas case, you ask me if our constitution or laws deny the right of Guatemalans to expatriation; and if my Government is disposed to enter into a treaty with the United States of America concerning naturalization.

Acceding, with pleasure, to the wishes of your excellency, I have the honor to make known the following:

Although it is a fact, as indicated by the Department of State at Washington, that the constitution of Guatemala makes no allusion to the case of a Guatemalan naturalized in a foreign country, it was not necessary that it should, especially since such cases are comprehended in the provision of Article V, paragraph 1, of the fundamental law of Guatemala, which considers as native Guatemalans all those persons born or that may be born in the territory of the Republic, the exception established by said article applying only to children of diplomatic personages.

But if it is desired to find a provision perfectly applicable to the case of Posadas, naturalized in the United States, we have Article VIII of our law concerning foreigners, which says that the Guatemalan naturalized in another country is, upon his return to Guatemala, again subject to the obligations of his primitive nationality from which there is no exemption. This law, which considers the nationality of a Guatemalan merely suspended while he remains absent from the Republic, is in conformity with our constitution; a logical consequence thereof applicable to concrete cases such as that of Posadas.

I remit to your excellency a copy of our constitution and also one of our law relating to foreigners, in accordance with the request contained in the note to which I am replying. Concerning the naturalization treaty to which your excellency alludes, I shall study the question with pleasure, that we may later on endeavor to carry it to a conclusion.

In the meantime, kindly accept, etc.,

JUAN BARRIOS M.

[Inclosure 3.]

Mr. Combs to Mr. Barrios.

LEGATION OF THE UNITED STATES,
GUATEMALA AND HONDURAS,
Guatemala, June 1, 1903.

SIR: I have the honor to acknowledge the receipt of your excellency's note of the 28th of May last, expressing the view of the Government of Guatemala concerning the status of American citizens born in Guatemala and note the laws quoted, which are deemed by you to warrant that position. Your constitution does not prohibit expatriation, and when once a foreign-born citizen of another country has legally become naturalized as a citizen of the United States no other power on earth can take his rights and privileges from him.

I note, therefore, with pleasure your promise to study the question of a naturalization treaty, that we may later endeavor to carry it to a conclusion, that we may have no conflict between our laws.

I fear future complications and irritation should these differences be unarranged.

With assurances, etc.,

LESLIE COMBS.

[Inclosure 4.]

Mr. Posadas to Mr. Combs.

SAN FRANCISCO, *April 17, 1903.*

SIR: On the 10th instant I had the honor of communicating to you by telegram my obligation to you for the protection extended by you to my son Alberto against the oppressive measures sought to be used by the local authorities against him. I beg now more fully to repeat the expression of my thanks and to explain to you the lack of foundation for the pretense that he is a citizen of Guatemala. I left that country with my family in 1890. Since that date our home has been in this city. Albert was at that time not 10 years of age. When he reached his majority he chose this country as that of his citizenship and obtained the right under its laws. At the very moment at which he reached his manhood he took the oath of fidelity to the United States and received from it the invaluable evidence of his adoption as one of its citizens.

I beg you will excuse the following recital in view of what may happen hereafter. I have been a resident of this city since 1890. My home was built by myself here. It has been constantly occupied by my family. My two younger sons were born in it. Their evidence of their nativity is recorded in this country. I am a naturalized American citizen. I have property of some value at Mazatenango, Guatemala, in charge of my agents, whose instructions require them to fulfill faithfully and who do actually perform all the duties imposed by the laws with regard to such property. The President, Mr. Cabrera, since his ascension to office has constantly sought to injure me. In 1898 my brother, then a member of the national assembly, was my representative in that country. This unfortunate brother was murdered, shot in the back, at the very doors of the political prefecture of Mazatenango. I instructed my new agent that he should constitute himself the accuser of the murderer and his accomplices. When judicial sentence had been pronounced against the chief of these, Cabrera ordered the gates of the prison to be opened for his benefit in violation of the law which forbids the President to use the pardoning power when there is an accuser. I was compelled to be silent, because I knew what the will of the President is to all the citizens of Guatemala, as it was to my brother, the only law. In November, 1902, the political chief of Mazatenango made up his mind to take 80 fat steers from my haciendas. He did not carry out his intention, because my agent at that time, Don Juan Maria de Leon, informed him that the property belonged to an American. Lastly, as you know, the same authority undertook to make my present representative, my son Albert, pay \$60,000 as war expenses, for which I am not bound as a naturalized American citizen. We shall see what further attacks follow, but I trust that you, sir, will be able to protect my property, not only because of my American naturalization, but also because of the citizenship of my minor children, who were born here and of right are children of this country.

Accept, sir, my lasting gratitude for the important service which in such good season you were able to render to my house, and if in anyway I can be of service to you in this city, command, etc.,

J. ZENÓN POSADAS.

Mr. Loomis to Mr. Combs.

No. 52.]

DEPARTMENT OF STATE,
Washington, July 1, 1903.

SIR: I inclose herewith for your information a copy of a letter from Mr. J. Zenón Posadas, of San Francisco, Cal., expressing his gratitude for your prompt and efficient services rendered to his son, in securing his release from arrest by the officers of the Guatemalan Government.

I am, etc.,

FRANCIS B. LOOMIS,
Acting Secretary.

[Inclosure.]

Mr. Posadas to Mr. Hay.

SAN FRANCISCO, June 25, 1903.

SIR: I desire to record with the Department over which you have the honor to preside my recognition of and gratitude for the prompt and efficient services rendered to my son, Alberto Posadas, in the month of March last, by the Hon. Leslie Combs, minister plenipotentiary to the Republic of Guatemala, in securing his release from arrest by the officers of that Government, because of his refusal to yield to their demands for money. My son is a citizen of the United States and joins with me in expressing his appreciation of the action of his country's representative.

I have, etc.,

J. ZENÓN POSADAS.

**ADDRESS BY UNITED STATES MINISTER AT BANQUET GIVEN
BY PRESIDENT OF GUATEMALA.**

Mr. Combs to Mr. Hay.

LEGATION OF THE UNITED STATES,
GUATEMALA AND HONDURAS,
Guatemala, April 17, 1903.

SIR: On the evening of the 14th instant the President of Guatemala gave a dinner of about sixty covers in honor of the diplomatic corps.

In the absence of the Spanish minister it became my duty to respond to the remarks of the President.

I have the honor to attach hereto a copy of the few words spoken on the occasion.

The President afterwards expressed gratification at their tone.

I have, etc.,

LESLIE COMBS.

[Inclosure.]

Mr. Combs's remarks to the President.

MR. PRESIDENT AND GENTLEMEN: Upon such an auspicious occasion as this, when, as representatives of our countries, we gather to enjoy the hospitality of your excellency, I am going to take the liberty of disclosing a little family history.

When the trying times recently experienced by all of us were safely over, I confess I congratulated myself that the interest, in person and property, of American citizens had not suffered. I rather thought in this, my first experience in my first mission, we had come out uncommonly well—no great damage to any one and every request for consideration in individual cases promptly granted; but when I was called by my amiable colleague, unfortunately absent to-night, to discuss the situation with the diplomatic corps, I found there was but one opinion—all had been well treated. So the consideration shown Americans was not a display of the cordial friendship which has happily always existed between my country and this, was not due, as I modestly thought was possible, to my peculiarly skillful management, but was simply an expression on the part of your excellency of a wise and conservative policy of absolutely fair treatment and protection to all foreign interests.

In conclusion, I desire to express the warmest personal consideration for your excellency on the part of the diplomatic corps. It is surely a matter for congratulation that we should meet in the spirit of good feeling everywhere exhibited to-night.

**TREATY BETWEEN THE UNITED STATES AND THE REPUBLIC OF
GUATEMALA FOR THE MUTUAL EXTRADITION OF FUGITIVES
FROM JUSTICE.**

Signed at Washington, February 27, 1903.

Ratification advised by the Senate, March 11, 1903.

Ratified by the President, July 8, 1903.

Ratified by Guatemala, June 12, 1903.

Ratifications exchanged at Washington, July 16, 1903.

Proclaimed, July 17, 1903.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Whereas a Convention between the United States of America and Guatemala providing for the mutual extradition of fugitives from justice was concluded and signed by their respective Plenipotentiaries at Washington, on the twenty-seventh day of February, one thousand

nine hundred and three, the original of which Convention, being in the English and Spanish languages, is word for word as follows:

The United States of America and the Republic of Guatemala, being desirous to confirm their friendly relations and to promote the cause of justice, have resolved to conclude a treaty for the extradition of fugitives from justice between the United States of America and the Republic of Guatemala, and have appointed for that purpose the following Plenipotentiaries:

The President of the United States of America, John Hay, Secretary of State of the United States, and

The President of Guatemala, Señor Don Antonio Lazo Arriaga, Envoy Extraordinary and Minister Plenipotentiary of Guatemala to the United States:

WHO, after having communicated to each other their respective full powers, found in good and due form, have agreed upon and concluded the following articles:

ARTICLE I.

The Government of the United States and the Government of Guatemala mutually agree to deliver up persons who, having been charged, as principals or accessories, with or convicted of any of the crimes and offenses specified in the following article committed within the jurisdiction of one of the contracting parties, shall seek an asylum or be found within the territories of the other: Provided, that this shall only be done upon such evidence of criminality as, according to the laws of the place where the fugitive or persons so charged shall be found, would justify his or her apprehension and commitment for trial if the crime had been there committed.

ARTICLE II.

Persons shall be delivered up, according to the provisions of this convention, who shall have been charged with, or convicted of, any of the following crimes or offences:

1. Murder, comprehending the crimes known as parricide, assassination, poisoning, and infanticide; assault with intent to commit murder; manslaughter, when voluntary.

2. Mayhem and any other wilful mutilation causing disability or death.

3. The malicious and unlawful destruction or attempted destruction of railways, trains, bridges, vehicles, vessels, and other means of travel, or of public edifices and private dwellings, when the act committed shall endanger human life.

4. Rape.

5. Bigamy.

6. Arson.

7. Crimes committed at sea:

(a) Piracy, by statute or by the law of nations.

(b) Wrongfully sinking or destroying a vessel at sea, or attempting to do so.

(c) Revolt, or conspiracy to revolt, by two or more persons on board a ship on the high seas against the authority of the master.

(d) Assaults on board a ship on the high seas with intent to do grievous bodily harm.

8. Burglary, defined to be the act of breaking and entering into the house of another in the nighttime, with intent to commit a felony therein.

9. The act of breaking into and entering public offices, or the offices of banks, banking houses, savings banks, trust companies, or insurance companies, with intent to commit theft therein, and also the thefts resulting from such acts.

10. Robbery, defined to be the felonious and forcible taking from the person of another of goods or money, by violence or by putting the person in fear.

11. Forgery, or the utterance of forged papers.

12. The forgery, or falsification of the official acts of the Government or public authority, including courts of justice, or the utterance or fraudulent use of any of the same.

13. The fabrication of counterfeit money, whether coin or paper, counterfeit titles or coupons of public debt, bank notes, or other instruments of public credit; of counterfeit seals, stamps, dies, and marks of State or public administration, and the utterance, circulation, or fraudulent use of any of the above mentioned objects.

14. The introduction of instruments for the fabrication of counterfeit coin or bank notes or other paper current as money.

15. Embezzlement or criminal malversation of public funds committed within the jurisdiction of either party by public officers or depositaries, where the amount of money embezzled is not less than two hundred dollars.

16. Embezzlement of funds of a bank of deposit or savings bank, or trust company chartered under Federal or State laws, where the amount of money embezzled is not less than two hundred dollars.

17. Embezzlement by any person or persons hired or salaried to the detriment of their employers, when the crime is subject to punishment by the laws of the place where it was committed, and where the amount of money or the value of the property embezzled is not less than two hundred dollars.

18. Kidnapping of minors or adults, defined to be the abduction or detention of a person or persons in order to exact money from them or their families, or for any unlawful end.

19. Obtaining by threats of injury, or by false devices, money, valuables or other personal property, and the receiving of the same with the knowledge that they have been so obtained, when such crimes or offenses are punishable by imprisonment or other corporal punishment by the laws of both countries, and the amount of money or the value of the property so obtained is not less than \$200.00.

20. Larceny, defined to the theft of effects, personal property, horses, cattle, or live stock, or money, of the value of twenty-five dollars or more, or receiving stolen property, of that value, knowing it to be stolen.

21. Fraud or breach of trust by a bailee, banker, agent, factor, trustee, or other person acting in a fiduciary capacity, or director or member or officer of any company, when such act is made criminal by the laws of both countries and the amount of money or the value of the property misappropriated is not less than two hundred dollars.

22. Perjury; violation of an affirmation or a promise to state the truth, when required by law; subornation to commit said crimes.

23. Extradition shall also be granted for the attempt to commit

any of the crimes and offenses above enumerated, when such attempt is punishable as a felony by the laws of both contracting parties.

ARTICLE III.

A person surrendered under this convention shall not be tried or punished in the country to which his extradition has been granted, nor given up to a third power for a crime or offense, not provided for by the present convention and committed previously to his extradition, until he shall have been allowed one month to leave the country after having been discharged; and, if he shall have been tried and condemned to punishment, he shall be allowed one month after having suffered his penalty or having been pardoned. He shall moreover not be tried or punished for any crime or offense provided for by this convention committed previous to his extradition, other than that which gave rise to the extradition, without the consent of the Government which surrendered him, which may, if it think proper, require the production of one of the documents mentioned in Article XI of this convention.

The consent of that Government shall likewise be required for the extradition of the accused to a third country; nevertheless, such consent shall not be necessary when the accused shall have asked of his own accord to be tried or to undergo his punishment, or when he shall not have left within the space of time above specified the territory of the country to which he has been surrendered.

ARTICLE IV.

The provisions of this convention shall not be applicable to persons guilty of any political crime or offense or of one connected with such a crime or offense. A person who has been surrendered on account of one of the common crimes or offenses mentioned in Article II shall consequently in no case be prosecuted and punished in the State to which his extradition has been granted on account of a political crime or offense committed by him previously to his extradition, or on account of an act connected with such a political crime or offense, unless he has been at liberty to leave the country for one month after having been tried and, in case of condemnation, for one month after having suffered his punishment or having been pardoned.

An attempt against the life of the head of a foreign government or against that of any member of his family, when such attempt comprises the act either of murder or assassination, or of poisoning, shall not be considered a political offense or an act connected with such an offense.

ARTICLE V.

Neither of the contracting parties shall be bound to deliver up its own citizens under the stipulations of this convention, but the executive authority of each shall have the power to deliver them up, if, in its discretion, it be deemed proper to do so.

ARTICLE VI.

If the person whose surrender may be claimed, pursuant to the stipulations of the present convention, shall have been accused or arrested

for the commission of any offense in the country where he or she has sought asylum, or shall have been convicted thereof, his or her extradition may be deferred until he or she is entitled to be liberated on account of the offense charged, for any of the following reasons: acquittal; expiration of term of imprisonment; expiration of the period to which the sentence may have been commuted, or pardon.

ARTICLE VII.

If a fugitive criminal claimed by one of the parties hereto shall be also claimed by one or more powers, pursuant to treaty provisions on account of crimes or offenses committed within their jurisdiction, such criminal shall be delivered up in preference in accordance with that demand which is the earliest in date, unless the State from which extradition is sought is bound to give preference otherwise.

ARTICLE VIII.

Extradition shall not be granted, in pursuance of the provisions of this convention, if legal proceedings or the enforcement of the penalty for the act committed by the person claimed has become barred by limitation, according to the laws of the country to which the requisition is addressed.

ARTICLE IX.

On being informed by telegraph or otherwise, through the diplomatic channel, that a warrant has been issued by competent authority for the arrest of a fugitive criminal charged with any of the crimes enumerated in the foregoing articles of this treaty, and on being assured from the same source that a requisition for the surrender of such criminal is about to be made, accompanied by such warrant and duly authenticated depositions or copies thereof in support of the charge, each government shall endeavor to procure the provisional arrest of such criminal and to keep him in safe custody for such time as may be practicable, not exceeding forty days, to await the production of the documents upon which the claim for extradition is founded.

ARTICLE X.

Requisitions for the surrender of fugitives from justice shall be made by the respective diplomatic agents of the contracting parties, or, in the event of the absence of these from the country or its seat of government, they may be made by superior consular officers.

If the person whose extradition may be asked for shall have been convicted of a crime or offense, a copy of the sentence of the court in which he has been convicted, authenticated under its seal, with attestation of the official character of the judge, by the proper executive authority, and of the latter by the minister or consul of the United States or of Guatemala, respectively, shall accompany the requisition. When, however, the fugitive shall have been merely charged with crime, a duly authenticated copy of the warrant of arrest in the country where the crime has been committed, and of the depositions upon which such warrant has been issued, must accompany the requisition as aforesaid.

ARTICLE XI.

The expenses of the arrest, detention, examination and delivery of fugitives under this convention shall be borne by the State in whose name the extradition is sought; Provided, that the demanding government shall not be compelled to bear any expenses for the services of such officers of the government from which extradition is sought as receive a fixed salary; and provided that the charge for the services of such public officials as receive only fees shall not exceed the fees to which such officials are entitled under the laws of the country for services rendered in ordinary criminal proceedings.

ARTICLE XII.

All articles found in the possession of the accused party and obtained through the commission of the act with which he is charged, and that may be used as evidence of the crime for which his extradition is demanded, shall be seized if the competent authority shall so order and shall be surrendered with his person.

The rights of third parties to the articles so found shall nevertheless be respected.

ARTICLE XIII.

Each of the contracting parties shall exercise due diligence in procuring the extradition and prosecution of its citizens who may be charged with the commission of any of the crimes or offenses mentioned in Article II, exclusively committed in its territory against the government or any of the citizens of the other contracting party, when the person accused may have taken refuge or be found within the territory of the latter, provided the said crime or offense is one that is punishable, as such, in the territory of the demanding country.

ARTICLE XIV.

The present convention shall take effect thirty days after the exchange of ratifications, when the convention of October 11, 1870, and the additional article of October 22, 1887, shall cease to be in force and shall be superseded by the present convention which shall continue to have binding force for six months after a desire for its termination shall have been expressed in due form by one of the two governments to the other.

It shall be ratified and its ratifications shall be exchanged at Washington as soon as possible.

In witness whereof, the respective plenipotentiaries have signed the above articles both in the English and Spanish languages, and have hereunto affixed their seals.

Done, in duplicate, at the City of Washington, this 27th day of February one thousand nine hundred and three.

JOHN HAY [SEAL.]
ANT. LAZO ARRIAGA [SEAL.]

And whereas the said Convention has been duly ratified on both parts, and the ratifications of the two Governments were exchanged

in the City of Washington, on the sixteenth day of July, one thousand nine hundred and three;

Now, therefore, be it known that I, Theodore Roosevelt, President of the United States of America, have caused the said Convention to be made public, to the end that the same and every article and clause thereof may be observed and fulfilled with good faith by the United States and the citizens thereof.

In testimony whereof, I have hereunto set my hand and caused the seal of the United States of America to be affixed.

Done at the City of Washington, this seventeenth day of July, in the year of our Lord one thousand nine hundred and three, and of the Independence of the United States the one hundred and twenty-eighth.

[SEAL]

THEODORE ROOSEVELT

By the President:

FRANCIS B. LOOMIS,
Acting Secretary of State.

**PASSPORT APPLICATION OF LAZARUS MARKS AND HIS SON
DAVID.**

Mr. Combs to Mr. Hay.

No. 96.]

LEGATION OF THE UNITED STATES,
GUATEMALA AND HONDURAS,
Guatemala, August 18, 1903.

SIR: Mr. Lazarus Marks has applied to me for a passport of the United States under the following statement of fact: He was born in Prussia in 1835; emigrated to the United States in 1854; resided in that country uninterruptedly until 1870; has naturalization papers.

Since 1870 he has lived in Guatemala; married in Guatemala and has his home and family here.

Passport refused.

Said Marks also asked me as to the status of his sons.

David Marks, born in Guatemala in 1877; married in the country; has never been to the United States. Passport refused on the ground the son being 26 years of age, born, married, and domiciled here and never having claimed American citizenship, the inference was natural and proper that he accepts his status under the laws of this country.

Also Abelardo Marks, aged 20, and other minor sons. I informed Mr. Lazarus Marks passports would be issued to them as they became 21 years of age if they desired it and were prepared to make the proper declarations.

I informed Mr. Marks I would refer these facts and my decision to the Department of State that I might be sure I was not withholding any protection to which they were entitled.

I have, etc.,

LESLIE COMBS.

Mr. Adee to Mr. Combs.

No. 71.]

DEPARTMENT OF STATE,
Washington, September 15, 1903.

SIR: The Department has received your No. 96, of the 18th ultimo, stating that one Lazarus Marks applied to you for a passport, inquiring at the same time what was the status of his sons, and that you refused to issue a passport to him or to his son, 26 years of age, informing him, however, that his minor sons might obtain passports upon reaching the age of 21 years and making the proper declarations. You state that Lazarus Marks was born in Prussia, that he emigrated to this country in his youth, where he was naturalized as a citizen of the United States, and that in 1870 he went to Guatemala, where he has since resided continuously and without intention of returning to the United States. All of his children were born in Guatemala.

The Department is of opinion that Lazarus Marks has lost his right to the protection of a passport. The case is covered by the Department's circular of instruction of March 27, 1899, wherein it is stated:

When an applicant has completely severed his relations with the United States; has neither kindred nor property here; has married and established a home in a foreign land; has engaged in business or professional pursuits wholly in foreign countries; has so shaped his plans as to make it impossible or improbable that they will ever include a domicile in this country—these and similar circumstances should exercise an adverse influence in determining the question whether or not a passport should issue.

It would also appear that the son, David Marks, 26 years of age, is not entitled to a passport, because he has, by his permanent residence in Guatemala, the land of his birth, where he intends to remain, inferentially elected other nationality than that of the United States.

But Abelardo Marks, aged 20, and the other minor sons of Lazarus Marks are in a different category. In denying to the father the protection of a passport the Department does not say when he lost his American citizenship, or even that he has positively lost it, there being no statutory authorization upon which the executive can base a definition of expatriation or state when it has been accomplished. The children of Lazarus Marks are therefore entitled to the benefits of section 1993 of the Revised Statutes of the United States, which declares that children born outside of the United States whose fathers were at the time of their birth citizens thereof, are themselves citizens of the United States, and until they reach their majority they are not competent to elect another nationality. The status of Marks's minor children is, as it would appear, identical with that of Rafael Franklin Hine, who applied for a passport in Costa Rica in 1901, and is covered by the Department's instruction to Mr. Merry in that case to issue the passport. (Mr. Hill to Mr. Merry, May 7, 1901, Foreign Relations, 1901, p. 421.)

I am, etc.,

ALVEY A. ADEE,
Acting Secretary.

HAITI.

DISPLAY OF FOREIGN FLAGS OVER PRIVATE ESTABLISHMENTS.

Mr. Terres to Mr. Hay.

No. 1210, Haitian series.] LEGATION OF THE UNITED STATES,
Port au Prince, February 6, 1903.

SIR: I have the honor to transmit herewith copy of a communication received from the Haitian Government relative to the custom prevailing here among foreigners residing in the country of displaying their national flag over their dwellings or places of business during times of political disturbances and my reply thereto. Hoping same will meet with the approval of the Department,

I am, etc.,

JOHN B. TERRES.

[Inclosure 1.—Translation.]

Mr. Jérémie to Mr. Terres.

REPUBLIC OF HAITI,
Port au Prince, January 24, 1903.

MR. VICE-CONSUL-GENERAL: I had the honor, in taking the direction of foreign affairs, to give you the assurance of the sentiments that animate the Government of the Republic toward foreigners, and particularly your citizens and protégés. In return you manifested to me a very high confidence by your answer to my dispatch of December 24 last. That precious mark of esteem permits me to hope that you will aid me to cause to cease all the abuse that may occasion difficulties to the Government and render my task painful.

A great many foreigners usurp the privileges reserved to the diplomatic corps. Each one thinks he has the right to display and leave float permanently his national flag. Under favor of this demonstration, each house thinks it has the power to enjoy unduly the rights of asylum and inviolability. It happens that it is difficult to distinguish the residence of an official agent from the dwelling of a private person. They confound the character; they take from the representatives of friendly powers the immunities that are exclusively recognized as theirs by international usage.

Such an usurpation, already regrettable from the point of view of international law, conceals, moreover, a real danger for the interior security of the State. Meetings of dissenters are held behind counters, in back yards, and often the flag covers a depot of arms. That which should be a gage of harmony and order becomes the adjunct of disorder and civil war.

The persons who thus violate the law and who abuse the hospitality never fail in bringing a complaint against the police, and add that their flag has been insulted.

I know, Mr. Vice-Consul-General, what spirit, what tact, you bring to the protection and aid of your citizens. I am convinced that it will be sufficient for me to bring to your notice a fact so regrettable that you will recommend them not to follow the bad example that is set to them. The Government, on its part, will not fail to prescribe to its agents the observance of moderation in the exercise of their functions. It understands that foreigners should enjoy all kinds of guaranties, and that they should feel in Haiti as well protected as in their own country.

Please accept, etc.,

JÉRÉMIE.

[Inclosure 2.]

Mr. Terres to Mr. Jérémie.

LEGATION OF THE UNITED STATES.

Port au Prince, February 6, 1903.

SIR: I beg to acknowledge the receipt of your dispatch of January 24 last, in which you call the attention of this legation to the abuse in the displaying of flags by foreigners residing in Haiti.

In reply thereto I would say that it has been the usage in this country, as you are well aware, probably for the past forty or fifty years, for foreigners during the time of political disturbances to display their national flag over or before their residence or place of business as a protection of themselves and their property, which custom, no doubt, has been equally the means of saving the Haitian Government from many diplomatic complications, as well as the payment of numerous claims, for without some such means of distinguishing the dwellings of foreigners during the frequent political troubles that take place there would doubtless be many depredations and outrages committed on such dwellings and their inhabitants.

These lawless acts, while not sanctioned by the Government itself or done by any force under its direct control, but by the rabble which for the moment perhaps it is unable to check, the Government would be held nevertheless responsible for these lawless acts, and thus give rise to claims the settlement of which jeopardize the harmony and good feeling existing between the Haitian Government and that of the victim.

There is one thing which must be admitted: That is that all those engaged in these riotous proceedings always have a great respect for such emblems displayed over the residence of foreigners; and in no instance have I known, during the twenty-two years that I have been in the consular service, a violation of any dwellings or places of business covered by a foreign flag by any mob, however excited and violent.

Relative to the making use of the flag for the purpose of shielding conspirators or covering a depot of arms, as you state in your dispatch, my Government would not for an instant sanction any such act on the part of any of its citizens residing in Haiti, all of whom are expected to obey and respect the laws and in no case to use their flag for any unlawful act or purpose calculated to disturb the peace and order of the country that has so generously respected and protected them; and any case of the kind brought to the notice of this legation would be justly dealt with.

In conclusion, Mr. Minister, I have every reason to believe that your Government will never have cause to complain of the use made of our flag by any American citizen residing in Haiti, excepting for the protection of life and property.

Please accept, etc.,

JOHN B. TERRES.

Mr. Adee to Mr. Powell.

No. 554.]

DEPARTMENT OF STATE,

Washington, March 6, 1903.

SIR: I have to acknowledge the receipt of No. 1210, of the 6th ultimo, from your legation, inclosing copy of the note of the Haitian minister of foreign relations complaining of the practice of foreigners in displaying their national flags over their houses and places of business during times of political disturbance.

Mr. Terres's note in reply is approved.

The flag is displayed as a protection against lawlessness; not in defiance of orderly proceedings of law.

It is presumed Mr. Jérémie's note was a circular addressed to the ministers of foreign countries resident in Haiti, and if he still continues the argument, it is supposed that it will be considered by the diplomatic corps.

I am, etc.,

ALVEY A. ADEE,
Acting Secretary of State.

PROTECTION OF NATURALIZED AMERICAN CITIZENS OF SYRIAN ORIGIN.

Mr. Powell to Mr. Hay.

No. 1298.]

LEGATION OF THE UNITED STATES,
Port au Prince, June 10, 1903.

SIR: I have the honor to state to the Department that a petition has been sent to the Corps Legislative requesting that a law be enacted to restrict Syrian emigration to the Republic. At the present time it is estimated there are in the Republic nearly fifteen thousand of these people. They have become so numerous that they have crowded out the retail merchants, who, by the laws of the Republic, are confined exclusively to Haitians. They have also entered the field of the traveling or country merchant, or those who travel through the country taking their wares and goods with them, and which class they have almost driven from the field by being able to undersell them. In a word, they are fast controlling this entire line of business.

The houses in which these people live are small, not more than one or two stories, consisting of five or six rooms, yet, one may find in such houses from five to six families, averaging five or six persons to each family. Their habits and the places in which they dwell are not noted for their cleanly condition.

Their way of living and the manner in which they are controlling the retail business of the country has excited the ire of all classes of Haitians. It is proposed in the enactment of this law to eventually compel them to leave the country and to prevent more from entering.

A provision of Haitian law prohibits any foreigner from entering the retail business of any character whatever, or to travel through the country to sell goods to the country people, or to establish stores in the interior or at the closed ports of the Republic, or to buy the products of the country outside the seaport towns or cities.

Up to a few years ago one could see on the country roads hundreds of country merchants or peddlers with their donkeys loaded with all classes of merchandise leaving the cities by the several roads, going into the interior to trade with the country people and with those who live in the interior towns or villages. To-day their places are supplied by these people, who, instead of the donkey to carry their merchandise, employ one of the natives to be guide and porter for them through the country. He continues his journey from place to place until his goods are sold, when he returns for a fresh supply. There is no road anywhere in the Republic where one of these people can not be found. To evade this provision of the law these people become naturalized. In so doing they obtain the right to travel when and where they please.

By the draft of the proposed law presented to the Senate and the Chambers of Deputies, it is provided that this class of people shall not be naturalized; that licenses to conduct business shall be issued to them but once, and not renewable, and it also provides that the immigration of this class is to be restricted in the future.

I call this matter to the attention of the Department because if the present Chambers enact such a law it is apt to lead to grave international complications. Most of these people come from Syria, and on their arrival place themselves under the protection of the French

legation; next to those who claim French protection are those who claim to be naturalized American citizens. This number is large, though but few of them can speak the English language, yet they possess American passports and naturalization papers. A few claim English protection. The rest, as I have stated, become Haitian citizens by taking the oath of allegiance and such other requisites required under the Haitian law to become citizens.

If such a law should be passed, and the Government should enforce it, these people will appeal to the French and this legation to interfere in their behalf. I may also add in this connection that all the money they make, above their immediate wants, is sent to Syria, to which place they eventually return when they secure sufficient wealth.

I have, etc.,

W. F. POWELL.

Mr. Powell to Mr. Hay.

No. 1310.]

LEGATION OF THE UNITED STATES,
Port au Prince, June 25, 1903.

SIR: I have the honor to state to the Department that the American part of the Syrian colony has sent to me one of their number, stating the great personal danger to all of them; that an effort was being made to excite the lower class against them, to pillage their stores and to injure them personally, and requesting me to take measures to protect them. They also informed me that those claiming the protection of the French minister had been to see him and that he had had an audience with the President regarding this matter, and that if the danger appeared imminent he would request his Government to dispatch a naval vessel for their protection.

I informed this representative that I would see what steps the Government had taken for their protection, but I thought they were needlessly alarmed; if there were signs of danger, to close their stores, and those that had American flags to raise them; and if their personal injury to come to our legation and we would protect them, and I did not feel willing to request that a naval vessel be sent unless there was absolute danger.

In this connection I can state that there is a very bitter feeling engendered toward this class of people, though I do not think it is as great as they state. Recently placards or posters have been placed by unknown parties in several parts of the city calling upon the Government to compel these people to leave. The wording of these papers shows that an effort is being made to inflame the lower class toward them.

Neither House has acted upon the petition to which I referred in my No. 1298, dated June 10, 1903.

I inclose a copy of one of these circulars.

I have, etc.,

W. F. POWELL.

[Inclosure.—Translation.]

[Circular.]

Death to the invasion.

Such is the heartrending cry that comes from the bosoms of all Haitians; the foreigners friends of Haiti bewail the unfortunate fate of the national commerce on account of the invasion of the Syrians.

The people, fatigued with a rivalry as disloyal as monstrous, seeing the ruin of all the hard-working families of the country, come to ask of the paternal government of General Nord to disentangle them from the claws of these birds of prey that are named Syrians.

The cry of women, of widows, of unfortunate young girls, of orphans, of old men, finally, of all those who suffer.

We beg the chief of state, in the name of the glorious martyrs of the independence, of those who have spilled their precious blood to league to us this little corner of land, to lend an attentive ear to these complaints, to all these cries and groans, coming from all parts to claim a sacred right.

It is the voice of a whole nation that makes itself heard, asking the expulsion of the Syrians from the territory of Haiti, as the Venezuelans asked a year ago. President Castro, taking in serious consideration the solicitations of the people, decided to dismiss all the orientals residing on the territory of Venezuela.

The president of the great starry Republic has not spared the Chinese to satisfy the desire of his people reclaiming their rights.

The honorable old man who directs the destinies of Haiti will reply, we are sure, to the complaint of the population whose sufferings reach up to the presidential palace.

The expulsion of the Syrians, after the formation of the administrative inquiry commission, will be one of the most beautiful acts that the chief of state could accomplish.

VOX POPULI VOX DEI.

Mr. Loomis to Mr. Terres.

No. 575.]

DEPARTMENT OF STATE,
Washington, July 20, 1903.

SIR: I have to acknowledge the receipt of Mr. Powell's No. 1310, of the 25th ultimo, reporting that certain naturalized American citizens of Syrian origin had asked his protection from apprehended danger on the part of the Haitian populace, and that he had advised them as to the proper steps to be taken in case of danger.

Mr. Powell's action is approved.

I am, etc.,

FRANCIS B. LOOMIS,
Acting Secretary.

ITALY.

DIFFICULTY WITH VENEZUELA GROWING OUT OF NONPAYMENT OF CLAIMS AGAINST THE GOVERNMENT OF THAT COUNTRY OF NATIONALS OF ITALY AND OTHER COUNTRIES.^a

Mr. Hay to Mr. Meyer.

[Telegram.—Paraphrase.]

DEPARTMENT OF STATE,
Washington, December 16, 1902.

(Mr. Hay directs Mr. Meyer to represent, should occasion offer, the desirability of Venezuelan arrangement by way of arbitration.)

Mr. Meyer to Mr. Hay.

No. 214.]

AMERICAN EMBASSY,
Rome, December 17, 1902.

SIR: I have the honor to inform you that yesterday, in the Chamber of Deputies, an interrogation was put to the minister for foreign affairs by the deputies Signori De Marinis and Santini, who desired to know what steps Italy was taking at present to protect Italian interests in Venezuela. The reply of the minister for foreign affairs, Signor Prinetti, will be found inclosed.

The direct reply having been finished, one of the interrogating deputies then inquired further of the minister what the attitude of the United States had been toward Italy in relation to the Venezuelan question. Signor Prinetti replied that in an exchange of views on this matter between Italy and the United States the Government of Washington had shown itself both just and courteous.

I am, etc.,

G. V. L. MEYER.

[Inclosure.—Translation.]

Speech of Signor Prinetti, minister for foreign affairs, about the Venezuelan matter.

Offenses to citizens, violation of trading vessels, nonpayment for years of loans made in behalf of Venezuela, nonfulfillment of Government contracts, serious damages caused to the private property of their subjects during several years past, caused the Governments of England and Germany, after exhausting diplomatic

^a For other correspondence on this subject, see under Germany, page 417; Great Britain, page 452, and Venezuela, page 788.

Protocols submitting question of preferential treatment of claims of blockading powers to arbitration at The Hague, printed page 611.

action, which was industrious and patient, to resort, in order to obtain just compensation, to an action against Venezuela of which the first part is now taking place.

Italy has also considerable claims to make against Venezuela for damages to the property of Italian citizens during the insurrections which have now been going on for years in that Republic. As early as April last the royal minister at Caracas, having exhausted all efforts for a friendly settlement, had presented to the Government of Venezuela a list of the claims examined by him, and which had been reduced to the smallest amount possible, to be duly paid, and amounting to 2,810,255.95 bolivars; and he asked formally for payment thereof. At that time there were still other claims to be examined, when the recent revolution broke out, during which new and serious damages have been caused to our fellow-citizens; the extent of the damages has not been ascertained. As the Chamber sees, a total of joint and considerable interests to be protected, calls for the attention of the Government of the King; and not only for to-day.

Therefore, as soon as I was informed of the action of Germany and England I communicated with the cabinets of Berlin and London, proposing to join in the action and agreements which they were about to adopt to support the similar claims of their subjects. Italy's proposal was willingly accepted. Therefore, while I am pleased to notice the friendly attitude of the two Governments toward us, I believe that this, my statement, will reassure our fellow-citizens that they will not lack efficient protection, similar to that enjoyed by English and German subjects.

Mr. Meyer to Mr. Hay.

[Telegram.—Paraphrase.]

EMBASSY OF THE UNITED STATES,
Rome, December 18, 1902.

(Mr. Meyer reports that Italy, while well disposed to arbitration, will be governed in her action by the attitude of Germany and Great Britain.)

Mr. Hay to Mr. Meyer.

[Telegram.—Paraphrase.]

DEPARTMENT OF STATE,
Washington, December 18, 1902.

(Mr. Hay states that the United States minister to Venezuela telegraphs that the Government of Venezuela confers upon him full powers to enter into negotiations on the part of Venezuela to settle the present difficulties with Italy, Germany, and Great Britain.)

Mr. Meyer will communicate the Venezuelan proposition to the Government of Italy and ascertain if it is disposed to assent thereto.)

Mr. Meyer to Mr. Hay.

No. 216.]

AMERICAN EMBASSY,
Rome, December 20, 1902.

SIR: I have the honor to acknowledge the receipt, on December 19, of your telegram of December 18.

I immediately called to see the minister for foreign affairs, who expressed himself as appreciative of the offices of the American Government in this matter and promised a response as soon as possible. A note from his excellency, dated December 19, was received this

morning, and I inclose herewith a copy of it and a translation. It indicates, as you will observe, that Italy will probably follow the course of England and Germany.

I have, etc.,

G. V. L. MEYER.

[Inclosure.—Translation.]

Mr. Prinetti to Mr. Meyer.

ROME, December 19, 1902.

MR. AMBASSADOR: In a note of to-day, in pursuance of instructions received from the Department of State at Washington, your excellency informed me that the Government of Venezuela has conferred upon Mr. Bowen, United States minister at Caracas, full power to undertake negotiations in behalf of Venezuela for the settlement of its present difficulties with the Government of the King and with the Governments of England and Germany. Your excellency adds that should the Government of His Majesty be disposed to assent to the Venezuelan proposal you will be glad to communicate such assent to the Department of State.

While I thank your excellency for your communication, and beg you to convey to the Government of the United States the appreciation of the Government of the King for the courteous offer, I hasten to inform your excellency that I immediately placed myself in communication on this subject with the cabinets of London and Berlin, with which Italy has associated itself in the present action toward Venezuela.

Pray accept, etc.,

PRINETTI.

Mr. Meyer to Mr. Hay.

[Telegram.—Paraphrase.]

EMBASSY OF THE UNITED STATES,
Rome, December 21, 1902.

(Mr. Meyer reports the receipt on this date from the Italian minister for foreign affairs of an official note, dated December 20, announcing that Italy had decided to participate with her naval forces in the blockade of Venezuelan ports declared by the Governments of Great Britain and Germany.)

Mr. Meyer to Mr. Hay.

No. 217.]

AMERICAN EMBASSY,
Rome, December 23, 1902.

SIR: I have the honor to confirm herewith the telegram sent to you day before yesterday, December 21.

A copy of the official note itself, on which the telegram was based, is inclosed herewith with a translation.

I have, etc.

G. V. L. MEYER.

[Inclosure.—Translation.]

Mr. Prinetti to Mr. Meyer.

ROME, December 20, 1902.

MR. AMBASSADOR: The Republic of Venezuela not having satisfied the Italian claims, His Majesty's Government has decided to participate with its naval forces in the blockade of Venezuelan ports declared by the British and German Governments.

I have the honor to bring to your excellency's knowledge all that is mentioned above, and ask you to inform your Government of same. Copy of the notification of the blockade is inclosed herein.

Pray accept, etc.,

PRINETTI.

[Subinclosure.—Translation.]

MINISTRY FOR FOREIGN AFFAIRS,
Rome, December 19, 1902.

Notification of participation of Italy in the Anglo-German blockade of Venezuelan ports.

The United States of Venezuela not having satisfied Italian complaints, His Majesty's Government, with its naval forces, has resolved to participate in the blockade of Venezuelan ports declared by the British and German Governments.

This blockade will take effect on and after December 20, under the following conditions of delay:

First. Ten days for steamers and twenty days for vessels starting before December 20 from the ports of the West Indies and ports of the eastern coast of the American continent.

Second. Twenty days for steamers and forty days for sailing vessels starting from all other ports.

Third. Fifteen days for ships which are in the blockaded ports.

Ships which try to run the blockade render themselves liable for all the measures authorized by the law of nations and by the various treaties between His Majesty the King of Italy and the other neutral powers.

Mr. Meyer to Mr. Hay.

[Telegram.—Paraphrase.]

EMBASSY OF THE UNITED STATES,
Rome, December 24, 1902.

(Mr. Meyer reports that he has just received an official note from the minister for foreign affairs expressing appreciation at the prospect of settling Venezuela difficulties by arbitration of President Roosevelt. The note continues, however, to state that if the President is unwilling to act Italy has no objection to the submission of the claims to the permanent court at The Hague. Italy proposes only two conditions as to arbitration: First, that the arbitration shall include all her claims against Venezuela so as to leave nothing for further dispute; second, that her claim shall receive precisely the same treatment and guaranties as the claims of other countries receive.)

Mr. Meyer to Mr. Hay.

No. 218.]

AMERICAN EMBASSY,
Rome, December 25, 1902.

SIR: I have the honor to confirm the telegram sent to you on December 24 instant.

A copy of the official note upon which this telegram was based is inclosed herewith with a translation.

I have, etc.,

G. V. L. MEYER.

[Inclosure.—Translation.]

Mr. Prinetti to Mr. Meyer.

ROME, December 24, 1902.

MR. AMBASSADOR: Your excellency has, within the last few days, informed me, first verbally and afterwards in your note of the 19th instant, concerning the pro-

posal of the Venezuelan Government to settle, through arbitration, the controversies which have resulted in the present action of the Governments of Italy, Germany, and England. As I said to your excellency at our first interview, His Majesty's Government always prefers a peaceful solution of every controversy which may arise, and accepts, therefore, very willingly, the suggestion that the present conflict be submitted to arbitration.

Having the most unbounded confidence in the great wisdom and rigid impartiality of the President of the United States, we should be very glad if the office of arbitrator of the claims which the Governments of Italy, Germany, and England have against Venezuela might be assumed by Mr. Roosevelt. However, if President Roosevelt is unwilling to act, we for our part should have no objection to submit the claims of the three governments to the permanent court of The Hague.

As regards the matter of the arbitration, we have for our part two conditions of a general kind to announce, which are as follows, viz:

First. That the arbitration procedure shall be extended to all our claims against Venezuela, so as to leave nothing for further dispute.

Second. That our claims shall receive precisely the same treatment and guaranties as the claims of the other powers receive.

I pray your excellency to bring kindly and speedily the above statements to the knowledge of your Government, and I avail, etc.

PRINETTI.

Mr. Hay to Mr. Meyer.

[Telegram.—Paraphrase.]

DEPARTMENT OF STATE,
Washington, December 26, 1902.

(Mr. Hay states that the President appreciates profoundly the courtesy with which the powers in interest have suggested his name as arbitrator in the matters now pending with Venezuela. If no other or better means of settling the subjects in dispute presented themselves the President would willingly comply with the wishes of the powers and give his best efforts to an end so laudable. But he has thought from the beginning that it was most desirable that the entire controversy should be submitted to the judgment of that high tribunal at The Hague which has been created by the principal powers of the world for the consideration of precisely such cases, involving, as the present controversy does, no question of national honor or the cession of territory. After a thorough consultation with all the powers, in which he has found an honorable spirit of candor and mutual consideration animating every one of them, the President has been greatly gratified to learn that in the event of his not undertaking the important duty to which the powers have invited him, they would all be willing to accept a reference to The Hague. He has therefore the greatest pleasure in announcing to the Governments of Great Britain, Germany, Italy, and Venezuela that all of them have accepted in principle the proposition of a reference of pending questions to the tribunal of The Hague.)

If the President can be of any further service in arranging the preliminaries of such an understanding, he will gladly hold himself at the disposition of the powers concerned, and if their representatives should find it desirable to meet in Washington he would be happy to welcome them there and to facilitate their labors in every possible way.)

Mr. Hay to Mr. Meyer.

[Telegram.—Paraphrase.]

DEPARTMENT OF STATE,
Washington, December 31, 1902.

(Mr. Meyer is instructed to communicate to the Italian Government the following telegram which Mr. Hay has just received from the United States minister to Venezuela:

I have received the following answer from the President of Venezuela:
"I recognize in principle the claims which the allied powers have presented to Venezuela. They would already have been settled if it had not been that the civil war required all the attention and resources of the Government. To-day the Government bows to superior force and desires to send Mr. Bowen to Washington at once to confer there with the representatives of the powers that have claims against Venezuela in order to arrange either an immediate settlement of all the claims or the preliminaries for reference to the tribunal of The Hague, or to an American republic to be selected by the allied powers and by the Government of Venezuela. Mr. Bowen would be duly authorized to settle the whole question as the representative of Venezuela.

"CIPRIANO CASTRO."

Mr. Meyer is authorized to say to the Italian Government that the suggestion of the President of Venezuela that an American power be chosen to arbitrate is not supported by the Government of the United States.)

Mr. Meyer to Mr. Hay.

[Telegram.—Paraphrase.]

EMBASSY OF THE UNITED STATES,
Rome, January 2, 1903.

(Mr. Meyer reports that the Italian Government desire him to convey their sentiments of gratitude to the President for his good offices, and to say that Italy has no objection, as heretofore stated, to refer her claims to arbitration at The Hague. The Italian Government are communicating with the cabinets at London and Berlin concerning the other points at issue.)

Mr. Meyer to Mr. Hay.

No. 221.]

AMERICAN EMBASSY,
Rome, January 2, 1903.

SIR: I have the honor to confirm herein your cable of date December 31, 1902.

Immediately upon receipt I communicated the contents of this cable to the minister for foreign affairs in a note dated January 1, and I have to-day received a reply thereto, copy of which I inclose with translation, dated also January 1, and in which the minister for foreign affairs, Signor Prinetti, requests me to transmit to the President the thanks of the Government of Italy for his good offices, and declares that in principle the Government of the King has no objection, as heretofore stated, to referring their claims to the arbitration of The Hague. The minister says further that on other points the Italian Government is communicating with the cabinets of Berlin and London.

The contents of this note were duly transmitted to you in my telegram of this morning.

A matter which may be of interest to the Department, bearing on this subject, is the attitude taken by Italian socialists in reference to the Venezuela affair. It is rumored here that they are exchanging views with the socialists of other countries in order to reach a common understanding as regards the attitude to be taken by them in connection with the Venezuela affair. For this reason, it is said, Signor Bissolati, a member of Parliament and editor of the socialist paper *Avanti*, has not yet arranged the text of his announced interrogation in the Chamber of Deputies, wishing first to communicate with his colleagues abroad. The socialist programme seems to be to draw the attention of the governments to the fact that although the European powers adhered to and approved The Hague conference and pledged themselves by article 27 to have recourse to that arbitration tribunal, in the Venezuela affair three of them resorted to force and only consented to arbitration after the United States interfered.

I am, etc.,

G. V. L. MEYER.

[Inclosure.—Translation.]

Mr. Prinetti to Mr. Meyer.

ROME, *January 1, 1903.*

MR. AMBASSADOR: I hasten to thank your excellency for the notes of December 29 and 1st instant, and I beg you to convey to his excellency, the President of the United States, the sentiments of gratitude of the Government of the King, for his good offices which were inspired by extreme courtesy.

As I already had the honor of communicating to your excellency, the Government of the King has no difficulty, in principle, to refer its claims to the arbitration of The Hague.

To reply to the other points indicated in the notes above mentioned, the Government of the King has already hastened to place itself in communication with the cabinets of London and Berlin.

Pray accept, etc.,

PRINETTI.

Mr. Meyer to Mr. Hay.

[Telegram.—Paraphrase.]

EMBASSY OF THE UNITED STATES,
Rome, January 7, 1903.

(Mr. Meyer reports that he has been notified by the minister for foreign affairs that the Italian Government is gratified that Venezuela should have recognized the justness of the claims presented by the three powers, and has no objection to the controversy being made the object of direct negotiations at Washington between the three ambassadors and Mr. Bowen, the latter to be given sufficient power to that end by the Government of Venezuela, and in case a prompt understanding can not be reached to limit the work of the meeting to a settlement of the preliminaries for referring the controversy to the permanent court of The Hague.)

Referring to their previous declarations, the Government of Italy submit their consent on the condition that the claims of Italian subjects receive the same treatment as analogous claims of the other powers in interest.)

Mr. Hay to Mr. Meyer.

[Telegram.—Paraphrase.]

DEPARTMENT OF STATE,
Washington, January 8, 1903.

(Mr. Hay states that the following telegram has just been received from Minister Bowen:

I have just received the following from President Castro:

“MR. MINISTER: The Venezuelan Government accepts the conditions of Great Britain and Germany; requests you to go immediately to Washington for the purpose of conferring there with the diplomatic representatives of Great Britain and Germany and with the diplomatic representatives of the other nations that have claims against Venezuela, and to arrange either an immediate settlement of said claims or the preliminaries for submitting them to arbitration.

“CIPRIANO CASTRO,
“Constitutional President.”

If, as I understand, Great Britain and Germany want to know what guarantee they will have, please inform them it will be the custom-houses. Consequently, I beg that the blockade be raised at once.

Mr. Meyer is directed to at once communicate the above to the Italian foreign office, saying that Mr. Bowen will come to Washington immediately.)

Mr. Hay to Mr. Meyer.

[Telegram.—Paraphrase.]

DEPARTMENT OF STATE,
Washington, January 10, 1903.

(Mr. Hay states that Mr. Bowen will leave Caracas for Washington on January 11; that he is anxious for the raising of the blockade at the earliest moment possible, on account of the fact that the scarcity of provisions in Venezuela threatens general distress. Mr. Hay has answered Mr. Bowen that no preliminaries can be adjusted before his arrival, and that the raising of the blockade may depend upon the sufficiency of Venezuela's guarantee. Mr. Meyer is directed to suggest to the Italian minister for foreign affairs that the matter might be taken into consideration with a view to early determination.)

Mr. Meyer to Mr. Hay.

No. 223.]

AMERICAN EMBASSY,
Rome, January 10, 1903.

SIR: Referring to my dispatch No. 221, of January 2, 1903, I beg to confirm my cable dispatch sent to you on January 7, also to inclose a copy, with translation, of the note from the minister for foreign affairs, dated January 6, the substance of which was given in the cable above referred to.

I have, etc.,

G. V. L. MEYER.

[Inclosure.—Translation.]

Mr. Prinetti to Mr. Meyer.

ROME, January 6, 1903.

MR. AMBASSADOR: In pursuance of the note which I had the honor of addressing to your excellency on the 1st of this month concerning affairs in Venezuela:

As appears from the telegram of the Secretary of State, which your excellency communicated in your note of the 1st instant, the President of Venezuela, General Castro, replying to the recent communication addressed by the Government of the United States to the four contending governments, suggested that Mr. Bowen, minister of the United States at Caracas, be authorized to assume the representation of Venezuela, and in such capacity should treat with the ambassadors of Italy, Germany, and England at Washington for a direct settlement of the controversy, or to regulate the reference of the same to the arbitration of the permanent tribunal at The Hague, or of an American republic to be chosen by common agreement.

Of the latter point, viz, of the possible arbitration by an American republic, it is of no use to busy ourselves now, since the Government of the United States in transmitting the news warned us also that it did not support this point. As regards the other points, the Government of the King is gratified that Venezuela should have recognized the justness of the claims presented by the three powers, and has no objection, as far as it is concerned, that the controversy be the object of direct negotiations at Washington between the three ambassadors and Mr. Bowen; the latter to be given sufficient power to this end by the Government of Venezuela; and in case a prompt understanding can not be reached, to limit the work of the meeting to a settlement of preliminaries for referring the controversy to the permanent court of The Hague.

Referring to its preceding declarations, the Government of the King must, both in view of the direct negotiations as well as in view of an arbitral procedure, expressly subordinate its consent to the fact that the claims of our fellow citizens be granted the same proceeding and the same treatment as the analogous claims of any other power.

I shall be grateful to your excellency if you will convey the above to the knowledge of your Government, and meanwhile I avail, etc.,

PRINETTI.

Mr. Meyer to Mr. Hay.

No. 225.]

AMERICAN EMBASSY,

Rome, January 14, 1903.

SIR: I have the honor to acknowledge the receipt, on January 11, of your cable dispatch dated January 10.

I immediately communicated the contents of this cablegram to the minister for foreign affairs and on the same day was informed by him that he was consulting the Governments of Germany and Great Britain before replying. A copy of the minister's note with translation is inclosed herein.

I am, etc.,

G. V. L. MEYER.

[Inclosure.—Translation.]

Mr. Prinetti to Mr. Meyer.

ROME, January 11, 1903.

MR. AMBASSADOR: In the letter which your excellency addressed to me to-day you did me the honor of informing me, as per telegram from your Government, dated yesterday, that Mr. Bowen will leave Cape St. Lucas to-morrow for Washington and that Mr. Bowen has intimated that the blockade is causing great scarcity of provisions and threatening general distress. Your excellency mentions this to me with the hope that the propriety of raising the blockade at the earliest possible moment may be considered.

In reply to this communication I hasten to inform you, Mr. Ambassador, that concerning the matter to which it refers I immediately placed myself in communication with the Governments of Germany and England with the object of coordinating my reply with that which those Governments are about to make to the analogous communication which doubtless they too have received.

Pray accept, etc.,

PRINETTI.

Mr. Meyer to Mr. Hay.

[Telegram.—Paraphrase.]

EMBASSY OF THE UNITED STATES,

Rome, January 19, 1903.

(Mr. Meyer reports that the minister for foreign affairs has informed him, in a note dated January 17, that the Italian ambassador at Washington has been instructed to place himself in communication with Mr. Bowen as soon as the latter arrives, in order to settle the Venezuelan claims directly or to arrange preliminaries for reference to the court at The Hague, having previously consulted with the British and German ambassadors and the Secretary of State.

The Italian minister for foreign affairs adds that these instructions assume that President Castro has accepted the conditions transmitted in Mr. Meyer's telegram of January 7.)

Mr. Meyer to Mr. Hay.

No. 227.]

AMERICAN EMBASSY,

Rome, January 20, 1903.

SIR: I have the honor to confirm my cablegram sent to you yesterday, January 19.

Inclosed also please find copy with translation of the note from the minister for foreign affairs upon which the telegram was based.

I am, etc.,

G. V. L. MEYER.

[Inclosure.—Translation.]

Mr. Prinetti to Mr. Meyer.

ROME, January 17, 1903.

MR. AMBASSADOR: Referring to the note, which I had the honor to send to your excellency on the 11th instant, about Venezuelan matters, I beg leave to say that, in pursuance of an exchange of ideas with the cabinets of Berlin and London, I have wired to the ambassador of His Majesty the King in Washington, giving him the necessary instructions in order that, as soon as Mr. Bowen arrives there as plenipotentiary of the Government of Venezuela, he might, having previously made the necessary agreements with his colleagues of Germany and England and with the Secretary of State, put himself in communication with Mr. Bowen, with the view either of settling the difficulties directly, or of arranging to refer the same eventually to the permanent court at The Hague.

These instructions rest naturally on the assumption which we do not for a moment doubt, after the explanations furnished to us by Mr. Hay through our ambassador in Washington, that President Castro has fully accepted the conditions of the note which I had the honor to address to your excellency on the 6th instant.

Accept, etc.

PRINETTI.

**PROTOCOL OF AGREEMENT BETWEEN VENEZUELA AND ITALY,
TO WHICH THE UNITED STATES AND OTHER POWERS ARE
PARTIES, RESPECTING THE REFERENCE OF THE QUESTION OF
THE PREFERENTIAL TREATMENT OF CLAIMS TO THE TRIBU-
NAL AT THE HAGUE.**

Signed at Washington, May 7, 1903.

Whereas Protocols have been signed between Venezuela, on the one hand, and Italy, Great Britain, Germany, United States of America, France, Spain, Belgium, The Netherlands, Sweden and Norway and Mexico, on the other hand, containing certain conditions agreed upon for the settlement of claims against the Venezuelan Government;

And whereas certain further questions arising out of the action taken by the Governments of Italy, Germany and Great Britain in connection with the settlement of their claims, have not proved to be susceptible of settlement by ordinary diplomatic methods;

And whereas the Powers interested are resolved to determine these questions by reference to arbitration in accordance with the provision of The Convention for the Pacific Settlement of International Disputes signed at The Hague on the 29th July, 1899;

The Governments of Venezuela and Italy, with a view to carry out that resolution, authorized their Representatives, that is to say:

For Venezuela Mr. Herbert W. Bowen duly authorized thereto by the Government of Venezuela;

For Italy, His Excellency Nobile Edmondo Mayor des Planches, His Majesty The King of Italy's Ambassador Extraordinary and Plenipotentiary to the United States of America;

to conclude the following Agreement:

ARTICLE I

The question as to whether or not Italy, Germany and Great Britain are entitled to preferential or separate treatment in the payment of their claims against Venezuela shall be submitted for final decision to the Tribunal at The Hague.

Venezuela having agreed to set aside thirty per cent of the Customs Revenues of La Guayra and Puerto Cabello for the payment of the claims of all nations against Venezuela, the Tribunal at The Hague shall decide how the said revenues shall be divided between the Blockading Powers, on the one hand, and the other Creditor Powers, on the other hand, and its decision shall be final.

If preferential or separate treatment is not given to the Blockading Powers, the Tribunal shall decide how the said revenues shall be distributed among all the Creditor Powers, and the Parties hereto agree that the Tribunal, in that case, shall consider, in connection with the payment of the claims out of 30% any preference or pledges of revenues enjoyed by any of the Creditor Powers and shall accordingly decide the question of distribution so that no Power shall obtain preferential treatment, and its decision shall be final.

ARTICLE II

The facts on which shall depend the decision of the questions stated in Article I shall be ascertained in such manner as the Tribunal may determine.

ARTICLE III

The Emperor of Russia shall be invited to name and appoint from the Members of the Permanent Court of The Hague three Arbitrators to constitute the Tribunal which is to determine and settle the questions submitted to it under and by virtue of this agreement.

None of the Arbitrators so appointed shall be a citizen or a subject of any of the Signatory or Creditor Powers.

This Tribunal shall meet on the first day of September, 1903 and shall render its decision within six months thereafter.

ARTICLE IV

The proceedings shall be carried on in the English language, but arguments may, with the permission of the Tribunal, be made in any other language also.

Except as herein otherwise stipulated, the procedure shall be regulated by the Convention of The Hague of July 29th 1899.

ARTICLE V

The Tribunal shall, subject to the general provision laid down in Article 57 of the International Convention of July 29th 1899, also decide how, when and by whom the costs of this Arbitration shall be paid.

ARTICLE VI

Any nation having claims against Venezuela may join as a party in the Arbitration provided for by this Agreement.

WASHINGTON D. C. *May 7, 1903*

HERBERT W. BOWEN. [SEAL.]
E. MAYOR DES PLANCHES [SEAL.]

The undersigned nations having claims against Venezuela hereby join with her as parties in the arbitration provided for in the foregoing protocol.

For the United States of America

JOHN HAY

For the Republic of Mexico

M. DE AZPIROZ

[SEAL.]

For Sweden and Norway,

A. GRIP.

[SEAL.]

MAY 27, 1903.

L'Ambassadeur de France, dûment autorisé et agissant au nom de son Gouvernement, adhère au Protocole ci-dessus, sous réserve qu'il est bien entendu que l'article IV dudit protocole ne fera pas obstacle à l'application de la disposition d l'article 38 de l'acte de La Haye, aux

termes de laquelle c'est le tribunal arbitral qui décide du choix des langues dont il fera usage et dont l'emploi sera autorisé devant lui.

1^{er} JUIN 1903

[SEAL.]

JUSSERAND

Le Ministre de Belgique, dûment autorisé et agissant au nom de son Gouvernement adhère au protocole ci-dessus.

12 JUIN 1903

[SEAL.]

BN. MONCHEUR.

Le Ministre des Pays-Bas, dûment autorisé et agissant au nom de son Gouvernement adhère au protocole ci-dessus.

WASHINGTON, le 13 Juin, 1903.—

[SEAL.]

GEVERS.

DEATH OF POPE LEO XIII AND ELECTION OF POPE PIUS X.

Mr. Iddings to Mr. Hay.

[Telegram.]

EMBASSY OF THE UNITED STATES,
Rome, July 20, 1903.

Pope died at 4.10 p. m.

IDDINGS.

Mr. Hay to Cardinal Rampolla.

[Telegram.]

DEPARTMENT OF STATE,
Washington, July 20, 1903.

The President desires me to express his profound sense of loss which the Christian world has sustained in the death of His Holiness Leo XIII. By his lofty character, his great learning, and his comprehensive charity, he adorned his exalted station and made his reign one of the most illustrious as it has been one of the longest in the history of the Catholic Church.

JOHN HAY.

Cardinal Rampolla to Mr. Hay.

[Telegram.]

ROME, *July 23, 1903.*

I have not failed to convey to the Sacred College the heartfelt sympathy expressed by you in the President's name on the sad occasion of His Holiness's death.

The Sacred College desires me to express to the President its deep and sincere gratitude for such a noble manifestation.

RAMPOLLA.

FOREIGN RELATIONS.

Mr. Iddings to Mr. Hay.

[Telegram.]

EMBASSY OF THE UNITED STATES,
Rome, August 4, 1903.

Cardinal Sarto elected Pope. Age, 68.

IDDINGS.

Mr. Iddings to Mr. Hay.

[Telegram.]

EMBASSY OF THE UNITED STATES,
Rome, August 4, 1903.

Pope takes title Pius X.

IDDINGS.

JAPAN.

NEGOTIATIONS BETWEEN JAPAN AND RUSSIA CONCERNING MANCHURIA AND KOREA.

Mr. Griscom to Mr. Hay.

[Telegram.—Paraphrase.]

LEGATION OF THE UNITED STATES,
Tokyo, July 14, 1903.

(Mr. Griscom reports that he is credibly informed that the Japanese Government proposes soon to address the Russian Government directly at St. Petersburg regarding Manchuria; * * *

Mr. Griscom to Mr. Hay.

No. 6.]

UNITED STATES LEGATION,
Tokyo, July 14, 1903.

SIR: I have the honor to confirm my telegram of this date.

The Government of Japan appears to have been for some time past gradually working up to the point of seeking a solution of the situation in Manchuria by direct negotiations with the Russian Government at St. Petersburg. The Japanese minister at Peking has been endeavoring to the best of his ability to strengthen the Chinese Government in its attitude toward the Russian demands concerning Manchuria. About the 18th of June the Chinese Government went so far as to send a memorandum to the Russian minister, Mr. Lessar, wherein it was set forth that the Russian demands could not be conceded. Mr. Lessar returned this memorandum to the Chinese Government with the statement that it could not possibly be made the basis for future negotiations. Although this result is in a measure satisfactory, yet the Japanese Government apparently considers that there is little prospect of arriving at a definite settlement of the Manchurian question by any negotiations at Peking. It would seem evident that a practical solution can be reached only by taking the matter up with the Russian Government at St. Petersburg, or at least it is to this conclusion that the Japanese Government has now arrived. * * *

The present Japanese ministry is inclined, apparently, to approach Russia in a friendly spirit, but with firm intention of bringing about a full discussion of the Manchurian question. I am given to understand that the steps to be taken have not yet been precisely determined. The ministry for foreign affairs is carefully considering the various methods of approaching Russia and the nature of the proposals to be made. This cabinet, if allowed a free hand, will undoubtedly make some move. The only element of doubt lies in the present condition of Japanese

domestic politics. In order to understand the situation it is necessary to bear in mind that the prime minister and his cabinet are not absolute in their power. The consent of the Emperor must be obtained before any important measure or policy can be definitely determined upon. The Emperor never makes an important decision without first consulting the men who are called the "Elder Statesmen" of the Empire. There are four or five of these "Elder Statesmen," but Marquis Ito and Marquis Yamagata are the two whose words carry the greatest weight. * * * The "Elder Statesmen" are not an organized official body created by the constitution, but the Emperor gives their advice such great consideration that they are quite as effective and quite as much to be considered as if duly and legally constituted a part of the Government. * * *

We have no knowledge here as to how a proposition by Japan to discuss the Manchuria question would be received by the Russian Government. * * *

LLOYD C. GRISCOM.

Mr. Griscom to Mr. Hay.

[Telegram.—Paraphrase.]

LEGATION OF THE UNITED STATES,
Tokyo, July 20, 1903.

(Mr. Griscom reports, in continuation of his telegram of July 14, that he is credibly informed Japan will propose to Russia:

First. Integrity of China, and Chinese sovereignty in Manchuria to be maintained.

Second. Russia not to administer Manchuria nor keep troops therein except necessary guards near railroads.

Third. Japan to recognize all Russian rights in Manchuria based on treaties and conventions now published.

Fourth. Russia to recognize that Japan is interested in a peculiar degree politically as well as commercially and industrially in Korea, as already stated in Anglo-Japanese treaty alliance.)

Mr. Griscom to Mr. Hay.

No. 9.]

UNITED STATES LEGATION,
Tokyo, July 22, 1903.

SIR: I have the honor to confirm my telegram of the 20th instant.

The above message supplements my telegram of the 14th instant, wherein I stated that I had been credibly informed that Japan would shortly make overtures to the Russian Government at St. Petersburg with a view to opening up a discussion of the situation in Manchuria. Since the 14th instant I have been placed in possession of a little more detailed information concerning the nature of the proposals which Japan will make, and I therefore deemed it advisable to telegraph you further. The information reached me from the same source referred to in my dispatch of the 14th instant, and, is unofficial, but in my opinion worthy of full credence.

It appears that the Japanese Government will approach Russia in a friendly spirit and will begin by asking if Russia is willing to open a discussion of the Manchurian question. If Russia gives a favorable reply Japan will then propose a discussion on the basis of the propositions set forth in my telegram. It will be seen that Japan will suggest an exchange whereby it will recognize the rights already possessed by Russia in Manchuria, based on treaties or conventions now published, and in return that Russia recognize that in Korea Japan is "interested in a peculiar degree, politically as well as commercially and industrially." I quote article 1 of the Anglo-Japanese treaty of alliance, as my information is that Japan will demand a very general recognition of her special interest in Korea, on the same lines as explained in article 1 of the treaty of alliance. I am not informed as to whether Japan's proposals include the remainder of article 1, in which it is stated that "it will be admissible for either of them to take such measures as may be indispensable in order to safeguard those interests, etc."

The Japanese Government is anxious to have the discussion proceed on very broad and general lines, and to avoid details, such as open ports in Manchuria, quarantine commission, the right to appoint consuls, etc. * * *

In the event of Russia refusing to admit of a discussion of the question it is impossible to predict the course which the Japanese Government will pursue. I am inclined to think that if the present Government continues in power it would take some decided action. Public opinion in Japan, without being bellicose, is strong for some settlement of the disturbed situation in the Far East. The Japanese press is practically unanimous on the subject.

I have, etc.,

LLOYD C. GRISCOM.

JAPANESE LEGATION,
Washington, September 12, 1903.

(Handed to Mr. Adee, Second Assistant Secretary of State, by the Japanese minister, September 12, 1903, who said that the Japanese Government, appreciating the interest the United States Government have shown in the Manchurian question, would be pleased to know what the latter Government think of the Russian proposal.)

Substance of the new demands made by the Russian Government on or about September 6, 1903:

1. Assurance to be given by China that she shall never cede to any foreign power the three provinces of Manchuria, and that no land therein, large or small, shall be leased for years, pledged, or disposed of in any manner whatever.

2. The river routes of the Sungari and the main roads of Tsitsihar, Mergen, and Blagovestchensk are especially important to facilitate access of merchandise from different parts of Manchuria to Chinese eastern railways, in whose revenues Chinese Government are also greatly interested. Russia therefore to construct wharves at different points along the river Sungari, and to post there necessary troops for the protection of vessels plying on the river and the telegraph lines along the river, thus insuring the safety of loading and unloading cargoes. Russia also to establish stations at different points on the roads between Tsitsihar, Mergen, and Blagovestchensk.

3. No special heavy duties to be imposed on goods brought into Manchuria by railway. The duties on them, when being transported

from one station to another, not to be heavier than those levied on goods carried overland or by river.

4. The branch offices of the Russo-Chinese Bank in Manchuria to be protected by the troops of the Chinese military governor upon the withdrawal of Russian troops, and the expenses for the former to be defrayed by the Russo-Chinese Bank.

5. For the prevention of importing plague from Niuchwang, China to adopt necessary measures, after the plan adopted in Shanghai and Tientsin. Russia also to adopt necessary measures in all territories appertaining to the Chinese Eastern Railway. In order that these measures may be in accord with each other a Russian physician to be employed in a place under charge of a Chinese taotai.

CONDITIONS CORRELATIVE.

Russia agrees to restore Manchuria to China and to withdraw her troops in the following order:

1. Military forces in the province of Shing-king, namely, at Nin chwang, Feng-huang-Cheng, Sha-ho-tzŭn and Liao-yang will be withdrawn immediately.

2. Military forces in the province of Kirin, namely, in Kirin-Cheng, Yi-tung-Chow, Fun-Ching-Tsz, Mu-Sha-tzŭ, and To-lai-chiu, will be withdrawn within four months.

3. Military forces in the same province, namely, in Ninguta and Sha-ho, and those in the province of Hei-lung-Kiang, namely, in Tsitsihar and Kailar, will be withdrawn within one year.

(The spelling of the above Chinese names is subject to correction.)

Mr. Griscom to Mr. Hay.

[Confidential.]

No. 13.]

UNITED STATES LEGATION,
Tokyo, September 21, 1903.

SIR: * * * In my telegrams of July 14 and 20 I informed the Department that Japan was about to open up negotiations with Russia at St. Petersburg for the amicable settlement of the Manchurian question. The negotiations were begun a few days after my second telegram, and in my recent interview with the minister for foreign affairs he officially confirmed the fact. I asked him what progress the negotiations with Russia were making, and he replied, "They are making no progress at all. The only desire of the Russian Government seems to be to delay matters." I asked him if he considered the situation critical. He replied, "Yes; it is very serious. The Japanese people are getting into a very excited condition." I said, "But the Government is able to control them," and he replied, "Yes; we can control them, but the fact remains that something must be done—some action must be taken."

I report this interview somewhat in detail because of its serious nature. Baron Komura evidently wished to give me the impression that his Government is determined on a firm line of action, and that its patience is nearly exhausted.

* * * * *

I have, etc.,

LLOYD GRISCOM.

Mr. Griscom to Mr. Hay.

[Telegram.—Paraphrase.]

LEGATION OF THE UNITED STATES,
Tokyo, December 18, 1903.

(Mr. Griscom, referring to his dispatch of September 21, reports that the Japanese minister for foreign affairs has informed him that the Russian reply has been received, and that it is most unsatisfactory, that it treats solely of Korea and ignores Manchuria, and that the Japanese Government will request Russia to reconsider.)

JAPANESE LEGATION,
Washington, December 21, 1903.

(Copy of a telegram received from the minister for foreign affairs December 21, 1903, left with the Secretary of State.)

You are hereby instructed to communicate the following information to the United States Government:

The development of affairs in Manchuria threatening the principle of equal opportunity and endangering the territorial integrity of China has seriously disappointed all the powers having commercial and political interests in the Far East, who had been led to entertain, with regard to the future of Manchuria, more or less hopeful views by the repeated and unequivocal declarations of the Russian Government. But what is of still more serious concern to Japan is that the indefinite occupation of Manchuria by Russia would be continual menace to Korea, whose independence Japan considers absolutely essential to her own repose and safety.

It was with the object of removing this just and natural anxiety, caused by the unsettled conditions in Manchuria as well as in Korea, and of adjusting in an amicable manner the mutual interests of Japan and of Russia in the region where those interests meet, that the Government of Japan approached the Russian Government last August in a spirit of frankness and conciliation.

On the latter's signifying their willingness to enter upon negotiations Japan proposed as the basis of the negotiation:

1. The definition of the interests, respectively, of Japan in Korea and of Russia in Manchuria.

2. Mutual agreement as to the measures which each may take for the purpose of protecting the defined interests.

3. Mutual agreement to respect the independence and territorial integrity of China and of Korea and to maintain the principle of equal opportunity in the two Empires for the commerce and industry of all nations.

Russia presented to Japan her counter proposal on November 3 last. In it Japan was asked to declare Manchuria and its littoral as entirely outside her sphere of interests and to make the stipulation applicable exclusively to Korea, the Chinese Empire being left entirely untouched. Moreover, Russia proposed to make the territory of Korea lying in the north of the thirty-ninth parallel a neutral zone into which neither of the contracting powers should introduce troops.

That this counter proposal fell short of the object which the Imperial Government had in view in inviting the Russian Government, as above

mentioned, need hardly be stated. The Japanese Government found it impossible to understand the difficulty which prevented Russia's stipulation to respect the independence and territorial integrity of China as well as the treaty rights in Manchuria, such stipulation being so entirely in consonance to her repeated declarations.

The Japanese Government was therefore compelled to propose amendments insisting upon the joint agreement by Japan and Russia to respect the independence and territorial integrity of China as well as those of Korea, and not to interfere with the commercial and residential rights and immunities enjoyed by Japan and Russia, respectively, by virtue of their treaties with China and Korea. The Imperial Government agreed to the establishment of a neutral zone in the northern part of Korea provided that a similar zone of equal extent be created in Manchuria along the Korea-Manchuria frontier. They also proposed, respectively, to declare Manchuria and Korea as outside of their special interests.

After a considerable delay the Russian second counter proposal reached Japan a few days ago. In this proposal all representations of Japan which she made in proposing the amendments were found futile. The Russian Government adhere more than ever to their original position and positively refuse to treat the Manchurian question with any power but China. Even those points on which myself and the Russian minister to Tokyo had already arrived at agreement and referendum are now rejected. Practically, therefore, Russia now proposes to preclude from the agreement the article relating to Manchuria, making it a pure and simple Korean arrangement.

JAPANESE LEGATION,
Washington, December 23, 1903.

Copy of a telegram received from the minister for foreign affairs, December 23, 1903.

Communicate the following supplementary information to the Government to which you are accredited:

From the previous information the United States Government may have observed that the Japanese Government, fully animated by a spirit of conciliation, are prepared to recognize Russia's special interests and position acquired by her in Manchuria, provided,

First. That Russia should join Japan in engaging to respect the territorial integrity of China in Manchuria; and

Second. That the rights and commercial interests which other powers have acquired in Manchuria by their treaties with China should be maintained.

In thus proposing Japan asks no concession from Russia, all she desires being merely the confirmation of the declaration repeatedly made by Russia herself. As to Korea, Japan proposes herself to respect the independence and territorial integrity of the Empire and asks Russia also to respect the same. The Russian Government while accepting this proposal on the one hand proposes on the other a neutral zone in northern Korea. That Japan possesses paramount political as well as commercial and industrial interests in Korea; that she regards Korea's safety as absolutely essential to her own safety, and

that she must therefore be prepared to secure at all costs the safety of Korea, is well known to the powers interested in the affairs of the Far East.

To Russia, who recognized the large development of commercial and industrial enterprises of Japan in Korea by an international compact as far back as 1898, this state of affairs must be better known than to any other power, and it can not be a matter of surprise to her that Japan finds it impossible to acquiesce in an exceedingly abnormal and precarious condition which would inevitably result from Russia's remaining indefinitely in the flank of Korea, which is an important outpost of Japan's line of defense, and from the neutralization of a considerable territory of Korea comprising about one-third of the whole peninsula.

The Imperial Government are enabled by these considerations to still entertain the hope that the Russian Government will find it possible to reconsider their position, as they have just been invited to do so by the Imperial Government.

In making the foregoing communication you will express the hope of the Imperial Government that Japan's course of action, which is invariably faithful to the cause of peace and solicitous to respect the legitimate interests of all other nations, may be appreciated by the Government of the United States.

Mr. Griscom to Mr. Hay.

No. 31.]

UNITED STATES LEGATION,
Tokyo, December 24, 1903.

SIR: I have the honor to confirm my telegram of the 18th instant.

In an interview on the 17th instant the minister for foreign affairs informed me that he had received the long-expected reply of Russia to the proposals made by Japan in July last for an agreement in regard to the situation in Manchuria and Korea. He said that the reply is entirely unsatisfactory to Japan in view of the fact that it treats solely of Korea and ignores the suggestions made in regard to Manchuria. As the minister stated, it is practically a flat refusal to treat with Japan on the Manchurian question. He gave me no idea of the position Russia has taken with regard to Korea. I may mention, however, that the British minister tells me he has seen the reply and that Russia offers to concede that Japan has some special rights in Korea and proposes a neutral zone of territory between the thirty-ninth parallel and the Yalu River; the Japanese to refrain from endeavoring to extend their sphere of influence north of that parallel, and Russian troops to remain west and north of the Yalu.

However that may be, the foreign minister informed me that the treatment of the question in the reply is not satisfactory to his Government, as the original basis of negotiations proposed by Japan is entirely lost sight of. The two points upon which Japan wishes to insist are that the integrity of the Chinese Empire be maintained and that Russia recognize the rights which Japan has acquired from China by treaty or convention. These points, declared the minister, are of vital import and no negotiations which ignored them could be satisfactory to Japan. In conclusion he stated that his Government would

refer the reply back to the Russian Government and ask for a reconsideration upon the basis originally proposed by Japan. * * *

The Japanese press is almost unanimously clamoring for war, but there is every evidence that the Government has the situation well in hand. The foreign minister said to me that it would probably be a month before Russia would be heard from again, and he spoke in general as if the prospect offered a vista of negotiations rather than of war.

I have, etc.,

LLOYD C. GRISCOM.

Mr. Griscom to Mr. Hay.

[Telegram.—Paraphrase.]

LEGATION OF THE UNITED STATES,
Tokyo, December 31, 1903.

(Mr. Griscom reports that he has to-day been informed by the Japanese minister for foreign affairs that the Japanese minister at Washington has presented to Mr. Hay a full account of the negotiations between Japan and Russia up to the 21st of December, when the Japanese Government referred back the reply of Russia, with a request for reconsideration. The minister for foreign affairs says the situation is extremely critical, and that the outcome depends entirely on the position Russia will take. He says also that Japan will not wait more than a reasonable time for a reply, as negotiations must not be protracted to the military advantage of Russia. He is most anxious that the Government of the United States appreciate the moderation and patience with which Japan has conducted the negotiations and repressed the public clamor for war. The whole tenor of his conversation implies that war is now almost inevitable.)

Mr. Griscom states that he has reliable information to the effect that the Emperor's advisers among the elder statesmen have changed within a week from a peaceable attitude to a firm stand, which the cabinet all along seem to have favored. When, on December 21, Russia was asked to reconsider her reply, the intentions of the Japanese Government were quite pacific. The council of ministers and privy council practically determined at the last meeting that if a satisfactory reply was not received from Russia by about January 4, an ultimatum would be sent fixing a definite time within which a reply would be expected. At the same meeting an emergency ordinance was passed authorizing the government to make almost unlimited expenditure for war purposes. War seems very imminent unless Russia recedes from her position.)

TRADE-MARKS AND COPYRIGHTS IN JAPAN.

Mr. Hay to Mr. Griscom.

No. 14.]

DEPARTMENT OF STATE,
Washington, September 2, 1903.

SIR: I transmit copies of a letter from the G. & J. Tire Company, and its inclosure, addressed to the Imperial consulate of Japan at Chicago, protesting against the copyrighting of their trade-mark in Japan by Rikicki Sumi, a bicycle dealer of Osaka.

The company expresses the hope that the Department will take some steps to protect its interests in Japan.

You are instructed to investigate the matter and to furnish the Department with a report thereon.

I am, etc.,

JOHN HAY.

[Inclosure.]

G. & J. Tire Company to Mr. Hay.

INDIANAPOLIS, IND., August 28, 1903.

SIR: It has just come to our notice that there is in existence a law in Japan and some other foreign countries which permits anyone to make application for a trademark whether or not he manufactures or controls the goods covered by the trademark, and we find ourselves in an awkward situation in regard to Japanese trade by this same patent regulation.

In the United States words or combination of ordinary letters are not patentable and we were under the impression that the name of our tire ("G. & J.") could not be copyrighted in other countries. We inclose copy of letter which we have to-day written to the Japanese consul in Chicago. It is certainly an outrage that an insignificant bicycle dealer is to be permitted to blackmail the whole American cycle trade in the manner in which Rikicki Sumi proposes doing, and we hope that it will be possible for some steps to be taken to protect this company and the other companies that are affected in the present instance.

We shall esteem your reply and any action you can take to assist us in this matter.

Yours, very truly,

G. & J. TIRE COMPANY,
C. H. SEMPLE, *Secretary.*

[Subinclosure.]

G. & J. Tire Company to Imperial consulate of Japan.

AUGUST 28, 1903.

GENTLEMEN: We are just in receipt of advice from one of our esteemed customers in Japan that Rikicki Sumi, bicycle dealer, of Osaka, Japan, has registered as a trademark on bicycle tires the name which we have used for years, "G. & J.," in the Official Gazette 6023, July 30, 1903, Patent Office No. 19792.

We were not aware that a combination of letters, such as "G. & J.," could be copyrighted in Japan, as nothing of that sort is capable of being copyrighted in the United States. This information, therefore, comes to us as a surprise. We have a very extensive trade on our goods in Japan, and if we are to be prevented from shipping our goods into Japan except through this small dealer, Mr. Sumi, being compelled to discontinue our connections with the several large and reputable jobbing houses who have handled our goods in the past, it is not only putting us to a great disadvantage but is also unfair to the houses that are pushing and advertising our goods. We should like you to advise us if there is not some action we can take to obtain justice in this matter.

This same man, Sumi, has registered the following trade-marks of popular American goods:

"20th Century," for lamps.

"Queen," for lamps.

"Two wheels and two rings," for tires (Dunlop mark).

"U. S.," for wrenches } Jno. H. Graham & Co., 113 Chambers street, selling
"New Departure," for bells } agents.

As his action in this matter strikes us as being nothing more or less than a theft, we hardly think it possible that the Japanese Government can stand back of him in a matter of this kind.

We shall greatly appreciate any information and suggestions that you can give us.

Yours, very truly,

G. & J. TIRE COMPANY,
C. H. S., *Secretary.*

Mr. Griscom to Mr. Hay.

No. 17.]

UNITED STATES LEGATION,
Tokyo, October 17, 1903.

SIR: I have the honor to acknowledge the receipt of your instruction No. 14 of the 2d ultimo directing me to investigate and report upon the protest of the G. & J. Tire Company against the copyrighting of their trade-mark in Japan by Rikicki Sumi, a bicycle dealer of Osaka.

As mentioned in the company's letter to the Japanese consulate in Chicago, Rikicki Sumi has in fact registered as a trade-mark for bicycle tires "G. & J." in roman letters, and the registration was published as No. 19792 in the Official Gazette of July 30, 1903. The rights to use this well-known American trade-mark in Japan thus belong exclusively to Rikicki Sumi unless the cancellation of his registration can be brought about.

Subject to certain conditions, anyone may register any trade-mark to use for his goods unless such trade-mark has already been registered by another in the Japanese patent office.

Among trade-marks which may not be registered, according to Article II, of the trade-mark law, are:

Article II, 4. Those which are exactly similar to or resemble one already in use for the same article by other persons, or one which has not for more than one year lost the effect of registration.

Article II, 5. Those which are exactly similar to or resemble one in use by another person prior to the coming into force of these regulations.

Article II, 6. Those which show the common name of an article or its place of production, or which show its grade, quality, or shape by customary commercial letters, diagrams, or marks, or which mention commonly used names of persons, companies, or partnerships, or business names by common type of letters.

With reference to Article II, clause 5, Mr. W. Silver Hall, the best-known patent agent in Japan, says, in his Manual of Japanese Patent, Trade-Marks, and Designs Law:

Apparently this would prevent A from registering a trade-mark similar to a foreign trade-mark previously known and used in Japan as distinguishing goods imported by B; but in several test cases, one of which was carried to the supreme court, in which the plaintiff B applied for the cancellation of a trade-mark registered by the defendant A on the ground that he, B, had used it for many years to distinguish goods of the same class which he had been in the habit of importing, and which were extensively known and used in Japan, it has been decided that no such protection against infringement of a trade-mark of this class can be granted, nor can it be recognized in any way unless it has been actually registered in the Japanese patent bureau, and in fact the continued use of such a mark by B renders him liable to prosecution for infringing A's registered trade-mark.

As there are many such trade-marks which were known and used in Japan by foreigners before they were entitled to claim registration, these decisions are of considerable importance and emphasize the necessity of registering a foreign trade-mark before it becomes known and valuable in Japan.

Mr. Hall further sets forth that the decisions of the Japanese patent tribunal have been explicit that Article II, clause 5, could only refer to trade-marks registered here, although that class of marks was already fully covered by clause 4 of the same article. Such has been the interpretation of the law. Redress under that section would seem to have proved thus far unobtainable.

The trade-mark "G. & J." is perhaps debarred from registration under Article II, clause 6, as among those which mention "business names by common type of letters."

Any registration may be annulled if within three years it be proved to have been illegal, and the only course which suggests itself to me would be for the G. & J. Company to authorize an agent in Japan to apply to the patent bureau for the cancellation of Rikicki Sumi's registration, taking the matter into the law courts if thought advisable. The Japanese patent bureau recognizes only the legally authorized agents of interested parties. This legation can not represent the G. & J. Tire Company, of Indianapolis, vis-a-vis that bureau, and it is presumed that the Department does not desire the legation to take up the matter until the G. & J. Company have exhausted the legal remedies which they have directly available.

I have, etc.,

LLOYD C. GRISCOM.

KOREA.

DISCOURTEOUS TREATMENT OF AMERICAN RESIDENTS OF PENG-YANG BY KOREAN OFFICIALS.

Mr. Allen to Mr. Hay.

No. 531.]

LEGATION OF THE UNITED STATES,
Seoul, November 19, 1902.

SIR: I regret to have to inform you of my inability to obtain satisfaction for unwarranted conduct on the part of the governor and magistrate of Pengyang, whereby Americans residing in that port, open to trade, have been injured in property and pained and humiliated by having their servants severely beaten.

I hand you inclosed a copy of a letter I addressed to the minister for foreign affairs on October 23, in which I show that Mr. Hunt, a missionary under the board of Presbyterian missions, of 156 Fifth avenue, New York City, was robbed of lumber he had purchased for very necessary building operations, the lumber having been taken by order of the officials serving under the governor. I sent in a lot of documents covering this case on September 19, with the request that it be investigated. Upon the report of the foreign minister that I had called his attention to it, the native concerned was inhumanly beaten and the Christian followers of the Americans were threatened with death. I commend to your perusal the account I gave to the foreign minister in my letter, of which the inclosed is a copy.

In the same letter I had to complain of the conduct of the magistrate in beating the servant of Miss Estey, a missionary of the Methodist board of missions, 156 Fifth avenue, New York City, and use of threatening and abusive language to Reverend Mr. Morris of the same mission, who called upon him in regard to the matter.

I also in the same letter complained of the cruel beating, without cause, of the servant of the Reverend Mr. Noble, a missionary of the same Methodist mission, living at Pengyang, and of the unwarranted interference with a boat engaged by the latter.

These cases seemed to indicate a determination on the part of the officials at Pengyang to make it as uncomfortable as possible for the Americans residing there, and I could not but take up the cases, though the boat case alone I would not have taken up.

* * * * *

I have, etc.,

HORACE N. ALLEN.

[Inclosure.]

Mr. Allen to Mr. Sik.

LEGATION OF THE UNITED STATES,
Seoul, October 23, 1902.

YOUR EXCELLENCY: I regret to have to bring to your excellency's attention several complaints from American citizens residing in the city of Pengyang, which show

that Governor Min Yung Chull seems determined to make life disagreeable for them in that city, opened to the residence of foreigners by the Korean Government.

On September 19 I wrote to your excellency's predecessor informing him of the seizure of certain lumber belonging to an American citizen, Mr. Hunt, and asking that he give instructions that would lead to the rendering of justice in the case. I sent the documents covering the transaction as inclosures with that note.

The settlement obtained was the cruel beating of the agent of the Americans, as well as the wood merchant, the threatening of the native Christians with death, and the loss of about 100 yen on the transaction.

By a perusal of inclosure 1 you will see that Mr. Hunt purchased lumber on September 6 of Ye Hak Syon, through his (Hunt's) agent Syon On Chun, making an advance payment of 150 yen. On September 7 this lumber was seized by Cho Choa Syon, the governor's overseer of the work on a new palace building. On the 8th Mr. Hunt reported the matter by letter to the kamni, Paing Han Chung, who replied by letter that a mistake had been made and he would return the lumber. I sent copies of these two notes in my letter of September 19 to your predecessor.

On Mr. Hunt's sending for the lumber in accordance with this letter of the kamni, the seller was at once arrested; the lumber was not delivered, and the seller was badly beaten. Hearing of this, Mr. Hunt wrote to the kamni, sending his letter by his agent or servant who had originally purchased the lumber. The letter could not be delivered as the man was thrown into jail. Later he was removed to the jail at the governor's office and was placed in the death cell.

In the absence of Mr. Hunt, Mr. Lee went to see the governor on the subject, but was refused admittance. He went to see the kamni, who agreed to put the matter right, but did nothing whatever.

On September 11 Syon, the agent of the Americans, was taken before the governor for trial. The latter opened the proceedings by informing the prisoner that, although he followed a foreign religion, he (the governor) could kill him if he chose, and he asked him if he would deliver up the lumber contract. Syon replied that it was impossible, as the lumber belonged to a foreigner. He was then beaten by the order of the governor. The jailors took from him the lumber contract and gave it to the governor, who then had him beaten again. The seller of the lumber, Ye, was then ordered to pay back to Syon the money he had received. He paid it to the chief of police. On the 12th the money was taken to Syon's house, where it was found to be 135 nyang short. Also his family had been ordered to pay over to the governor a further sum of 70 nyang. On September 19 Syon was released, being told by the chief of police that if he continued to be a "foreign-doctrine" man he would be killed.

In this case the servants of Americans were arrested and tortured, and the Americans were prevented from purchasing supplies, as is allowed them by treaty. They were put to a money loss of about 100 yen, and they were treated with great indignity. I had simply asked for justice. They were treated with great injustice.

Among a number of similar complaints against this governor and his underlings I will cite three more which have been forwarded to me.

On October 1 a Korean named Yun Hyeng Pil, who is regularly employed by the Americans at Pengyang as a teacher to Miss Estey, was arrested by the orders of the kamni, Paing Han Chung, and cruelly beaten. The reason for this arrest was said to be that Yun had not paid the new special tax for the erection of a palace. It seems he had paid it and showed his official receipt for the payment; further, he had not refused to pay a second time. Mr. Morris, an American, went to see the kamni in regard to this matter, and was told by the latter that he had a right to arrest and beat anyone he saw fit, even though such person might be the servant of a foreigner, and if by so doing the foreigner's home should be endangered it would be nothing to him. He further threatened Mr. Morris to make life hard for the foreigners in Pengyang. (See inclosure 2.)

Another Korean named Pai Ni Il, who is regularly employed by Mr. Noble, an American citizen living at Pengyang, was arrested without any known reason, and was so cruelly beaten that he could not sit up. The kamni admitted that a wrong had been done in this case, but he made no effort to bring the guilty parties to justice. He released the wounded man from prison.

On October 1 Mr. Noble sent a boat from Pengyang to Chenampo for goods. The boat was loaded with household effects on the way down, and a small American flag and the card of Mr. Noble were given to the boatman with a written statement to the effect that the boat was hired by an American. The boat was seized by officials of the office of the kamni, Paing Han Chung, and when the proofs of its being chartered by Americans were shown the officials replied that that was so much more reason for its being seized. It required two days to secure a permit from the kamni or the release of this boat. (Inclosure 4.)

Reports which reach me seem to indicate that the local officials are determined to annoy the Americans all they can, and one great method of so doing is to persecute the natives who are friendly to them and who have become believers in Christianity. I am only making formal complaint at present, however, of the actual infringement of treaty rights by these Penglung officials.

Article IX of the British treaty, which is applicable to Americans as well, provides as follows:

"I. The British (American) authorities and British subjects (American citizens) in Korea shall be allowed to employ Korean subjects as teachers, interpreters, servants, or in any lawful capacity, without any restriction on the part of the Korean authorities."

In the above-cited cases the servants and employees of the Americans have been taken from them and rendered unfit for service by being inhumanly beaten. The property of Americans has been seized, and they have been put to a loss of money and a very annoying loss of time, just when the winter is approaching.

I recommend that in the case of the lumber transaction the governor, Min Yung Chull, be obliged to repay to Mr. Hunt the 100 yen he modestly estimates as his loss, and that he apologize to Mr. Hunt for his conduct in that case.

In the other three cases I recommend that the kamni, Paing Han Chung, be obliged to apologize to Mr. Noble, Mr. Morris, and Miss Estey, and that both governor and kamni be given strict instructions not to molest the native Christians in future without legal cause.

I will be glad to receive an early reply from your excellency as to your decision in regard to these recommendations, in order that I may be able to report your action when forwarding a report on this subject to my Government.

I must ask to be furnished with a copy of your instructions to the Penglung officials.

I take, etc.,

HORACE N. ALLEN.

[Subinclosure.]

Account of lumber transaction between Rev. W. B. Hunt and his agent, a Korean, Syen On Chun, and a lumber dealer, Yi Hak Syon, of Pyengyang, involving a violation of treaty rights on the part of the governor of South Pyeng An Province, Min Yung Chul.

On September 4 Syen On Chun obtained an agreement from Yi Hak Syon for the sale of 141 pieces of lumber at a stipulated price.

A copy of this agreement is on file with Mr. Paddock at the United States legation.

On Saturday, September 6, Mr. Hunt commissioned Syen On Chun to retain the other 41 poorer pieces to be rejected from the 141 pieces. Mr. Hunt paid him 150 yen or 1,320 nyang on account, taking receipt for same, and Syen On Chun then paid to Yi Hak Syon, the lumber merchant, 2,368 nyang for the 141 pieces, completing the transaction. He then had the lumber removed from the boats to the river bank, or landing, in front of a Japanese merchant's house, receiving permission to leave it there on Sunday.

Sunday morning word came to him that Cho Shoa Syon, governor's overseer of the palace building, had seized 26 of the best pieces; that when he was taking it a Japanese boy had asked why he was taking it since it had been bought for a foreigner by Syen On Chun; and that he replied, "This is the people's lumber and we want it for the palace."

Syen On Chun in the afternoon told Mr. Hunt of the seizure, Mr. Hunt replying that as it was Sunday, if he would come out next morning he would see what could be done.

Monday, September 8, before 6 a. m., Syen On Chun came to Mr. Hunt, saying sawyers had come to saw the lumber, but that upon his telling them the lumber belonged to Mr. Hunt they did not begin sawing but waited for instructions from the officials.

Mr. Hunt then wrote a letter to the magistrate or kamni, Paing Han Chon, telling him of the difficulty and asking him to look into the matter. Syen On Chun took this letter to the magistrate.

A copy of this letter is on file with Mr. Paddock at the United States legation.

The kamni replied that a mistake had been made and he would send the lumber back. A copy of this reply is on file with Mr. Paddock at United States legation.

Mr. Hunt then sent his "boy" with an ox cart to bring that part of the lumber which had not been taken. The "boy" hurried back saying that what had been taken had been sawed up and that they were taking more.

Mr. Hunt then sent Syen On Chun and his "boy," the latter with the kamni's letter as proof of his right to the lumber, and told them to bring out all the lumber. This letter was shown to Cho Choa Syon, the overseer, who replied that he would give up the lumber only on an order from the governor. To Syen On Chun he said, "Even though you follow a foreigner's doctrine, your flesh and bones are Korean; and what do you mean by selling lumber to a foreigner when we want it for the palace? You can get the money back but not the lumber." Syen On Chun said that he had bought the lumber for a foreigner. Asked from whom he had bought it, he replied from Yi Hak Syon. The overseer then ordered the arrest of Yi Hak Syon, who was then set upon by the policemen and badly beaten. Seeing this state of things Syen On Chun and the "boy" went back to Mr. Hunt and reported. Mr. Hunt then sent another letter to the kamni—a copy is appended to this statement—sending it by Syen On Chun. Finding that the kamni had gone to the governor's office in another part of the city, he was on his way there to deliver the letter when he was seized by one of the governor's policemen, and taken back to the kamni's residence and put in jail. He told the policeman that he had a letter from Mr. Hunt for the kamni and asked him to deliver it—receiving only abuse in reply. He was also unable to get any word to Mr. Hunt. Later two policemen came and took him to the governor's office, bound as a criminal, placing him in the jail there, putting him in the stocks in the death cell, and saying he was guilty of a crime for which he was to be put to death.

Mr. Hunt left that day for Seoul to attend the annual meeting of the council, leaving matters in Mr. Lee's charge. An hour or so after Mr. Hunt left, word reached Mr. Lee that one of the Christians had been arrested on account of the lumber deal. He started down to see the kamni and on the way met Syen On Chun, in charge of a policeman, under arrest, on his way to the governor's jail. Mr. Lee immediately went in to see the governor, who sent word that he was going somewhere and that Mr. Lee should go to see the kamni. Mr. Lee saw the kamni, who received him and said he would look the matter up and do what was right. Nothing being done, Mr. Lee the next day sent a man in to see the kamni, but could get no satisfaction.

September 11, Thursday, Syen On Chun was taken before the governor, Min Yung Chul, for trial, the lumber merchant, Yi Hak Syon, also being there.

The governor told him that, although he followed a foreigner's religion, he was subject to his rule and that he could kill him, and then asked whether he would reverse the lumber sale or not. Syen On Chun replied that he could not do as he pleased, that the lumber belonged to Mr. Hunt.

The governor in anger then said, "You rascal, will you make trouble for me with the foreigner? Beat him." With that they gave him five hard strokes with the paddles until he said he would reverse the sale. They also took the lumber agreement from his pocket and gave it to the governor. Then they beat him five times more and ordered Yi Hak Syon, the lumber merchant, to pay him back the money, which they had all ready to be paid to him. They made him count the bundle of money, reported as 2,368 nyang, and then ordered both man and money to jail, the money being placed in charge of the chief of police.

The next day, September 12, a cousin of Syen On Chun came and took the money to Syen On Chun's home, but found there was 135 nyang lacking.

Syen On Chun was kept in jail until the 19th of September, when he was taken before the chief of police, told that if he continued as a "foreign doctrine man" and caused trouble again he would be killed, and was then released.

Reaching his home, he found that the governor's servants had demanded from his family, in his name, 70 nyang.

Of the money sent to his home some had been used in settling the debts contracted in securing money to pay for the part of the lumber which Mr. Hunt did not wish and for handling the same, and he then took 1,020 nyang to Mr. Lee, being 300 nyang less than the amount received from Mr. Hunt, but in value in yen being less still on account of difference in rate of interest.

[Subinclosure 2.]

The case of Yun Hyeng Pil.

Yun Hyeng Pil is Miss Estey's personal teacher, helper, and general assistant.

About one month ago Mr. Yun paid the amount of 315 nyang, a demand made as a tax toward the building of a new palace in this city. He paid the amount at his old home in An Ju, for which he received the Government receipt. On October 1, without any warning or hint that the officials wanted more, he was seized at his home by

the orders of the magistrate, Paing Han Chung, of this city, and, in spite of the receipt which he presented to the magistrate, he was cruelly beaten. The magistrate knew that Yun Hyeng Pil was in our employ, as he had been on errands to the yamen before this incident. Mr. Yun has never refused to pay any money demanded of him by Pyeng-Yang officials.

Mr. Morris had an interview with the magistrate regarding the beating of Mr. Yun, and the magistrate said he had a right to arrest and beat anyone he saw fit, even though such a one should be in the employ of the foreigner, and, by so doing, his (the foreigner's) home should be endangered and he should suffer loss, it would be nothing to him (the magistrate). He made threats to Mr. Morris that he would make life hard for the foreigners in Pyeng-Yang.

The violent attack on Mr. Yun has in it every evidence of a blow aimed at the Americans living in this city.

[Subinclosure 3.]

The case of Pai Ni Il.

Pai Ni Il was sent by W. A. Noble to take charge of funeral arrangements at the home of one of our Christians in this city. While there, two soldiers sent by officer in the army seized, bound, and beat him without formulating any charge. On our pressing the matter to the magistrate, Paing Han Chung, we secured Pai Ni Il's release, but he was so badly beaten he couldn't sit up. The magistrate did not claim that Mr. Pai was guilty of any wrong. They claimed that a certain man, who has no official position, by the name of ———, set the soldiers on to beat Pai, taking undue advantage of the arrest in order to extort money from him, but when the magistrate was urged to bring the guilty parties to justice he admitted that a wrong had been done Pai, but made no effort to correct the matter.

The obvious inference to be drawn from these facts is that the magistrate secretly abetted the acts of violence and protected the criminal, in order to injure us and our work.

Pai Ni Il is a general helper, and is paid a regular salary by the mission.

[Subinclosure 4.]

The case of the seizure of the boat.

October 1 we sent a boat from this port to Chingnampo, loaded with general household effects of a Korean family in our employ. The boatman, Choi Myung Oo, was furnished with a small American flag and a card stating for whom the boat was being sent. When the boat reached Kangsyo, 60 li from Pyeng-Yang, it was seized by the magistrates' (Paing Han Chung's) officials, and when the flag and card bearing the signature of W. A. Noble was presented they stated that inasmuch as the boat was hired by an American, so much the more reason for seizing it. It required two days to get a permit from the magistrate to allow the boat to pass. The permit read: "This boat is loaded with Government goods; let it pass." The inference, of course, is that boats hired by foreigners are open to seizure whenever the magistrates' runners see fit to do so.

This case, like the beating of Mr. Yun and others, bears the strongest evidence of a studied purpose to harass Americans residing in Pyeng-Yang.

[Subinclosure 4.]

The case of Choi Pong Ik.

Choi Pong Ik was seized by the governor, Min Yung Chul, September 28, and was ordered to pay over 100,000 yen. On October 3 he was beaten, and his friends collected from Choi Pong Ik's property 12,500 silver yen and paid it to the governor.

Details: There were no charges brought against Choi Pong Ik. He was simply seized for the sake of his money.

Choi Pong Ik has a son who is a dissolute fellow. Some of the governor's runners made him, the son, drunk and enticed him, on a promise that he should receive rank and the position of the magistrate, to sign an agreement to pay 100,000 silver yen. The governor holds the agreement and is trying to torture the amount out of the father. Two Christians, E Chai Hu and Kang Sin Yong, being acquaintances of the yamen runners, gained admission to Choi Pong Ik's cell immediately after the beating and found him unconscious. It required an hour's rubbing and bathing to bring the man back to consciousness. He is still lying in the criminal cell, awaiting further torture. The governor has threatened him with death.

Choi Pong Ik has been a Christian for several months, and he was arrested at his home, on returning from a Sunday morning church service.

The above complaint from Mr. Noble was not taken up by me.

HORACE N. ALLEN.

[Subinclosure 5.]

Mr. Noble to Mr. Allen.

PYENG-YANG, KOREA, *October 13, 1902.*

DEAR MR. ALLEN: In reply to your letter of the 6th instant, regarding our troubles in Pyeng-Yang, I consulted Dr. Moffett and Mr. Lee, and after a careful review of the grounds of our complaints have decided that, for the sake of our future peace and safety, it is necessary to present our several matters to you for such action as you may deem wise. I am mailing you the inclosed facts after each item has been under review and discussion by the committee and approved as they are now written. Mr. Moffett will mail you to-day under a different cover matters relating to troubles with the governor, of which you are already acquainted.

In addition to the inclosed, it was thought necessary to ask your attention to other incidents. While not in each case in a condition to formulate into a direct charge of violation of treaty rights, yet will show the attitude of the Pyeng-Yang officials toward us.

Some time ago, in April, the present magistrate called upon me and charged me with stealing land, having already arrested a man for selling me a house. I took the magistrate over the property of our mission and showed him our late purchase and the extension of the compound to inclose it. Being unable to substantiate his charge, he left with the simple remark, "If you want land, ask me." This was the first sign of his hostility toward us.

A short time ago a soldier passing our compound raised his rifle and said, "Let them give me one word and I will shoot." This was said among a group of Koreans, who reported it to me. While the act was nothing in itself, it illustrates the spirit that has taken possession of the official class and the soldiers of this place. The fact is the more emphasized by the late open threat of the magistrate, to which I referred in the case of Mr. Yun.

Several times servants of the magistrate have come into our compound and called off our workmen. I am unable to give the names of the runners or the men taken, as we had so many of the latter.

Another fact is the persecution of our Christians. While it is the last to which I feel at liberty to call your attention, except in the case of the monstrous cruelty practiced upon Mr. Choe, it is no less a blow aimed at us, namely, the discrimination that is made against the Christians in the stupendous squeeze under the name of building a new palace in the city.

The heathen are squeezed within the bounds of their property, while our people are often compelled to sell their homes and move off and wander away.

At Pong-nong-dong, a town across the river from this city, a servant of the magistrate who had come bent on a squeeze was himself beaten by a resident of that place. The man who gave him the punishment had no relation to our church. A Christian interfered in the affair and helped the servant back to the city. The next day the magistrate sent a number of his runners to the town and singled out our people and beat them unmercifully for the thing of which they had no part or knowledge.

The governor and magistrate feel very secure in their position, and while the latter was beating Choe, of whom I have written, he would call out, "Do you think your faith will help you? Try it."

Trusting these facts will prove clear in what I have tried to represent to you,

I am, etc.,

W. A. NOBLE.

[Subinclosure.]

*Mr. Moffett to Mr. Allen.*PYENGYANG, KOREA, *October 16, 1902.*

DEAR MR. ALLEN: The above account is made up from the statement of Mr. Hunt, Mr. Lee, Syen On Chun, Yi Hak Syon, and Mr. Hunt's "boy," the accounts agreeing in every essential particular.

While the man was in jail, and no money had been received and no satisfaction in any way, Mr. Lee telegraphed to me in Seoul, and I laid the case before the legation. The present situation is as given above.

To us it seems clear that our treaty rights have been denied us by the governor; that he seized lumber belonging to us, the transaction having been completed, the lumber paid for, and the lumber removed to another place pending removal after Sunday; that we laid the matter politely before the proper official, the kamni, and not only received no satisfaction, but were in fact told—by the governor's arrest and beating of our agent—that we could not buy lumber and that he had the right to compel the reversal of the transaction.

We should be glad to have you press this case until full satisfaction is secured, if in your judgment also our treaty rights have been clearly invaded. We ask this because of the principle involved and because to ignore this means constantly increasing trouble in the future and a contempt for the rights of foreigners on the part of officials, underlings, and people. While the financial loss is a small one, I think the most effective way to make an impression upon officials, and especially the underlings, is to insist upon their making good the loss occasioned by their unlawful proceeding. Mr. Hunt, Mr. Lee, and I agree that 1,000 nyang (a little over 100 yen) is a justly low estimate of the financial loss occasioned, considering Syen On Chun's loss in money and time and the breaking up of his business and his loss in interest on his money and Mr. Hunt's loss in money and delay in building. However, the money in itself is not a consideration, but the moral effect of obtaining it is a great factor.

Aside from this, anything you can do to impress the governor here with the fact that he must observe the treaty rights of foreigners resident here will be most grateful to us. I have taken pains to lay this clearly before you, because I believe it is such a clear case of violation of rights that it is one which you can justly press with the Government and through it reassert our rights, which are certainly held in great contempt just now by the officials here, who openly boast that they will make it hard for the foreigners and that they will kill a number of the Christians.

I have written of this case as it appeals to us, but if for any reason you think it unwise to press it you will understand, of course, that we are not insistent upon our rights, but prefer to waive them as a matter of expediency. Mr. Noble is writing you also of their difficulties, different from ours, but showing very clearly the attitude of the officials toward foreigners.

Yours, very sincerely,

SAMUEL A. MOFFETT.

Mr. Hay to Mr. Allen.

No. 218.]

DEPARTMENT OF STATE,
Washington, January 13, 1903.

SIR: I have to acknowledge the receipt of your dispatch No. 531, of November 19 last, reporting your inability to obtain satisfaction from the Korean Government for unwarranted conduct on the part of the governor and magistrate of Pengyang, whereby Americans residing in that port, open to trade, have been injured in property and pained and humiliated by having their servants severely beaten. You give the particulars of the cases of the Reverend Messrs. Hunt, Morris and Noble and Miss Estey, all of whom are missionaries.

In reply I have to say that these cases justify vigorous representations on the part of this Government to the Emperor of Korea. You are accordingly instructed to make such representations until proper satisfaction is obtained.

I am, etc.,

JOHN HAY.

Mr. Allen to Mr. Hay.

No. 598.]

LEGATION OF THE UNITED STATES.
Seoul, April 8, 1903.

SIR: In reply to your dispatch No. 218, of January 13, answering mine of November 19, last, No. 531, regarding my inability to obtain satisfaction from the Korean Government for unwarranted conduct on the part of the governor and magistrate of Pengyang, and instructing me to continue to make vigorous representations until proper satisfaction is obtained, I have the honor to inform you that with those instructions I was able to move the foreign office to do its utmost in the matter, and, after frequent strong telegraphic instructions from the minister for foreign affairs, the governor of Pengyang finally paid over the 100 yen to Reverend Mr. Hunt, of the Presbyterian mission.

I had instructed Mr. Hunt that an apology was to accompany the payment, but he disregarded my instructions and accepted the money from a messenger sent by the governor, giving a written receipt for the same. I was sorry for this, and so informed Mr. Hunt; yet it seems that the matter had better be dropped with the payment.

The minister for foreign affairs says he fears he can do no more, and that payment by a Korean in such a case is a greater admission of guilt than an apology. Also, the Americans inform me that the result has caused the practice of "squeezing" to almost stop at Pengyang.

I inclose duplicate receipt of Mr. Hunt, sent to me through the foreign office.

I have, etc.

HORACE N. ALLEN.

[Inclosure.]

PYENGYANG, *March 9, 1903.*

Received of Pyengan governor, Min Yung Tyul, 100 yen (silver).

WM. B. HUNT.

Mr. Hay to Mr. Allen.

No. 233.]

DEPARTMENT OF STATE,
Washington, May 18, 1903.

SIR: I have to acknowledge the receipt of your No. 598, of the 8th ultimo, reporting the payment to Reverend Mr. Hunt of 100 yen in satisfaction of the injury and humiliation caused him by the unwarranted conduct of the governor and magistrate of Pyengyang.

Your treatment of this case is approved.

I am, etc.,

JOHN HAY.

**CEREMONIAL AUDIENCE OF THE DIPLOMATIC CORPS WITH THE
EMPEROR OF KOREA.**

Mr. Allen to Mr. Hay.

No. 561.]

LEGATION OF THE UNITED STATES,
Seoul, January 2, 1903.

SIR: I have the honor to inform you that I joined with my colleagues of the diplomatic corps in declining to attend a ceremonial audience at

the palace on New Year's day, for the reason that we had been unsuccessful in securing attention to certain important matters, and had therefore applied for a joint audience, which was refused. As a result of our action a satisfactory arrangement was made for the discussion and settlement of our matters, and we therefore attended the audience.

The circumstances are as follows:

On November 5 last we addressed a joint note to the minister for foreign affairs, complaining that we were unable to secure attention to matters relating to the transfer of property in Seoul, and we made certain propositions looking to a removal of the difficulties under which we were laboring. Although we asked the minister to fix a date for receiving us for the consideration of these matters, and intimated that a failure to give attention to the matter would compel us to apply for a joint audience, we got no reply. (Inclosure 1.)

On December 5 Mr. Hayashi, the Japanese minister and doyen, was obliged to remind the minister of the failure to attend to our request, and to ask for a joint audience. He, of course, wrote for all of us.

This communication brought a reply from the minister, dated December 12, in which he said he could and would attend to the matter. He failed to do so, however. (See inclosure 2.)

We therefore met on the 29th instant and decided to decline to attend the New Year ceremonial audience, which we did in a joint note, a copy of which I inclose (No. 3).

I was empowered to state personally that the receipt of a formal dispatch fixing a date early in January for the joint discussion of these matters by the minister for foreign affairs and ourselves would induce us to recall our refusal to attend the audience. Such dispatch was received on the 31st (inclosure 4), and we accepted it and agreed to attend the audience (inclosure 5).

I may add that I drafted these notes to the foreign minister, including that of November 5, and the suggestion to decline to attend the audience was also my own. I felt confident such course was necessary and that it would result as it did. We may possibly be able now to effect a settlement of difficulties that the Korean Government should never have placed in our way, though the matter may still require action by the Governments represented.

I inclose a copy of the remarks I made on the occasion of the audience. * * *

The results of our action so far are very satisfactory to the foreign representatives. We meet the foreign minister on the 10th instant for a full discussion of the matter.

I have, etc.,

HORACE N. ALLEN.

[Inclosure 1—Translation.]

Joint note to Mr. Cho Pyeng Sik.

SEOUL, November 5, 1902.

MONSIEUR LE MINISTRE: We have the honor to address your excellency on the subject of the issue of title deeds for land in and about the city of Seoul, which city has been duly opened to foreign residence by treaty.

At present when land is purchased by foreigners in accordance with their treaty rights the personal deed of the Korean owner is transmitted to the governor with an application for the issue of an official deed.

Of late great delay and annoyance has been experienced in nearly every one if not all of these cases.

Objections are raised on the score of the land being too near some Government establishment, or of its being destined to official uses. Deeds specifying the measurements of the area purchased are refused as well as those for land without houses.

All this is manifestly in violation of the treaty stipulations.

When delay is complained of the governor excuses himself on the ground that the issue of deeds is a matter controlled by the home office, to which we can not apply.

With a view to placing the matter on a satisfactory footing, we have the honor to request that all matters relating to the transfer of land, in or about the city of Seoul, to foreigners, be placed in the hands of the governor or his deputy, and that an imperial decree to this effect be issued. In this decree we would ask that the official be instructed to give prompt attention to such matters, to refrain from all obstructive measures not warranted by treaty, to include measurements of ground in the deeds issued, and to raise no objections to the transfer of land alone.

The land question has become a serious matter for each one of us, and we would request your excellency to favor us with an early and satisfactory reply, which will assure us that our nationals will no longer be subjected to restrictions in the full enjoyment of their treaty rights in this respect.

Failing the receipt of such an answer we shall be obliged to apply for a joint audience with His Majesty the Emperor in order to lay the matter before him, prior to requesting instructions from our respective Governments on the subject.

We would at the same time draw your excellency's attention to the obstructive measures frequently adopted by the Kamnis at the various treaty ports, whereby foreigners are refused deeds for property within the 10 li radius or within the limits of the city of Pyeng-Yang.

We avail, etc.,

(Signed by the members of the Diplomatic Corps.)

[Inclosure 2—Translation.]

Mr. Sik to Mr. Hayashi, Dean of the Diplomatic Corps.

FOREIGN OFFICE, December 12, 1902.

YOUR EXCELLENCY: I have the honor to acknowledge the receipt of your letter of the date of the 5th instant, in which you informed me that regarding the matter of the deeds of property bought by the foreigners in the city and other places, the diplomatic corps submitted on the 5th ultimo their opinions; that on the 27th of last month you wrote me for an appointment of time for the diplomatic corps to come to see me on the same subject, but that you were wondering why I did not answer, and that the diplomatic corps desired to have a joint audience, asking me to arrange for an audience.

I beg to inform you that I am very sorry that it needs my thinking over, and it caused me to delay in answering you. I am the representative of the Korean Government, and all matters between the foreign representatives and the Korean Government shall be discussed and managed with me. Therefore I do not think it necessary to have an audience with His Majesty merely on this matter. I will appoint a time and invite you and the foreign representatives to meet at my office, when I will not certainly delay any longer to manage it.

I have, etc.,

CHO PYUNG SIK,
Minister for Foreign Affairs.

[Inclosure 3.]

Joint note to Mr. Cho Pyung Sik.

SEOUL, KOREA, December 29, 1902.

MONSIEUR LE MINISTRE: On November 5 last we had the honor to address your excellency in regard to certain difficulties we were experiencing in regard to property rights in Seoul and the ports, asking for a joint interview with you for the discussion of the subject, and intimating that we might be obliged to carry the matter before His Imperial Majesty the Emperor in a joint audience.

Not being favored with a reply, on December 5 we again addressed you on the subject asking for a joint audience with His Imperial Majesty.

On December 12 you replied that an audience was unnecessary and that you were able to arrange the matter, which you said was a part of your duty.

Since then we have had no intimation from you as to a compliance with our request for a joint interview, and we know of no steps having been taken looking to any arrangement regarding the matters of which we had to complain.

In view of this state of affairs; the apparent ignoring of our complaint; our failure to secure an interview with yourself, and the fact that our request for a joint audience remains unsatisfied, we are reluctantly compelled to inform your excellency that we will be unable to accept the invitation of the president of the ceremonial department to attend a ceremonial audience on New Year's day.

We take this opportunity, etc.,

(Signed by the members of the Diplomatic Corps.)

[Inclosure 4.]

Mr. Sik to the foreign representatives.

FOREIGN OFFICE, December 30, 1902.

YOUR EXCELLENCIES: In reply to your excellencies' letter of the 29th instant, regarding the matter of deeds of property in this city and in the ports, in which you say that your excellencies would not be in the audience on January 1 next unless a day in the early part of January was fixed to settle the matter, etc.

I have the honor to inform you that I am very busy in the office lately and I can not spare a day before New Year's day to discuss the matter with your excellencies, so I name the day of 10th January, at 2 o'clock p. m., asking your excellencies to come to my office to discuss and settle the matter on that date.

I said in my previous answer that I would not trifle and delay the matter. Is what I said incredible? Your excellencies say in the letter to which this is an answer that I ignored the matter, which I did not expect from you, and in such a matter it must be discussed; so I said in my answer there was no necessity to have an audience. But you say that an audience was not granted, and that therefore you would not go to the audience to congratulate His Majesty on the New Year's day. This is also what I could not expect from you.

I therefore ask you to think of the amicable friendship and attend the New Year's audience.

I have, etc.,

CHO PYUNG SIK,
Minister for Foreign Affairs.

[Inclosure 5.]

Joint note.

SEOUL, December 31, 1902.

MONSIEUR LE MINISTRE: We beg to acknowledge the receipt of your excellency's dispatch of yesterday's date, replying to our joint note of the 29th instant.

In this dispatch you fix January 10, at 2 p. m., as the date and hour for receiving us at your office for the purpose of discussing and settling the questions mentioned in our joint notes, to which this is a reply.

As your excellency seems to be somewhat surprised at the action taken by us in our joint note, we wish to remind you that we had no intention of giving offense by our refusal to attend the ceremonial audience on New Year's day. Our action was forced upon us by our inability to secure the discussion of matters of serious importance relating to treaty stipulations.

In view of the fact that your excellency has arranged a date for the discussion and adjustment of the matters in question, we herewith recall our refusal to attend the ceremonial audience and we respectfully request your excellency to inform the president of the ceremonial department that we will be present at the hour named in his invitation, 10 a. m. to-morrow.

We take this opportunity, etc.,

HORACE N. ALLEN,
For the foreign representatives.

[Inclosure 6.]

Remarks made by Mr. Allen at Audience.

YOUR IMPERIAL MAJESTY: On behalf of the Governments and peoples we represent, as well as for ourselves, we tender to Your Majesty our sincere congratulations upon

the successful closing of another year and the beginning of this New Year, which we hope may be one of promise to yourself; to His Imperial Highness the Crown Prince and to the Princess, as well as to Your Majesty's Government and people.

During the past twelve months Your Majesty has entered the honorable stage of advanced age, having celebrated the close of the first cycle of the sixth decade of your honorable life.

You have also successfully passed the fortieth anniversary of your enthronement, in connection with which event the country has witnessed great celebrations. The extensive preparations for the celebration of this event by foreigners had to be abandoned owing to the presence of a dread scourge. Your Majesty's health was, however, preserved, and you have reached an age and a length of reign such as may be said to be unusual and, therefore, a subject for congratulation.

We wish you a continuance of health and peace and bespeak prosperity for your honorable country.

OWNERSHIP OF CERTAIN LANDS IN THE GENERAL FOREIGN SETTLEMENT AT CHEMULPO.

Mr. Allen to Mr. Hay.

No. 568.]

LEGATION OF THE UNITED STATES,
Seoul, January 28, 1903.

SIR: As a matter of record, I have the honor to hand you inclosed copies of correspondence leading to the settlement of an important question relating to the general foreign settlement at Chemulpo, namely, the ownership of the northwest foreshore, now occupied by the Seoul-Chemulpo Railway.

When this railway was being built in 1897 the Korean Government allowed the American concessionaire, James R. Morse, to fill in an extensive tract of mud flats lying off the general foreign settlement on the northwest sea front.

After the railway had passed into the hands of the Japanese in 1898 the Chemulpo municipal council, on completion of the foreshore, very naturally attempted to collect taxes on the ground as a part of the general foreign settlement, and to reimburse them for caring for the same. The Japanese company, after much discussion and upon legal advice, declined to pay taxes, on the ground that the concession for the railway exempted them from any such responsibilities, and that the payment of the taxes in question should devolve upon the Korean Government, who seem to have been at fault in granting to the railway a portion of the foreshore of the international settlement.

This opinion met with the support of the foreign representatives at Seoul, and on February 22, 1902, the matter was laid before the Korean minister for foreign affairs, as per joint note of the foreign representatives of that date, of which I inclose a copy. With this note was inclosed a memorandum of what was proposed. I inclose a copy of this.

After considerable discussion, in which Mr. J. McLeavy Brown, commissioner of customs, was concerned, as he was largely responsible for the original grant of the foreshore to the railway company, the Korean Government, on December 23 last, accepted the responsibility for the payment of taxes to the amount of 100 yen per month; the building of a road and drains, and the handing over of the same to the municipal council, who are required to metal the surface of the road and attend to the policing, lighting, and maintenance of the same. (See letter from the foreign office, copy inclosed.)

On January 3, as doyen, I notified the Chemulpo municipal council of this settlement, and asked for their acceptance of the same. (Inclosure 4.) This they did on January 10, by previous arrangement, detailing the conditions as they understood them and as they were willing to accept them. On January 13, therefore, I addressed the minister for foreign affairs, accepting his proposal of December 23, in the language of the letter from the municipal council, and fully defining the present status of the railway foreshore. This letter was approved by all my colleagues. (Inclosure 5.)

I have, etc.,

HORACE N. ALLEN.

[Inclosure 1.]

Foreign representatives to minister for foreign affairs.

SEOUL, February 22, 1902.

MONSIEUR LE MINISTRE: By the contract entered into between Mr. Morse and the Korean Government on the 29th March, 1896, for the construction of a railway from Seoul to Chemulpo, your excellency's government agreed to provide free of taxes the land needed for stations, sheds, etc., in connection with the undertaking. The Korean Government, apparently by misunderstanding, committed the mistake of granting to the concessionaire the western foreshore of the general foreign settlement at Chemulpo as the terminus of the railway line at that port, and the ground was in due course filled in, banded, and made ready for the use of the railway.

The site which was thus granted and prepared passed with the other interests and obligations of the concessionaire to the present Seoul-Chemulpo Railway Company, but various questions connected with the reclamation and tenure of the ground, its liabilities to the municipal council, and the conditions under which, in the event of the purchase of the railway, it should revert to the Korean Government, have never been definitely settled. The matter having now been referred to us by the municipal council, we, the undersigned representatives of the treaty powers, have, after full consideration of all the circumstances, formulated the following arrangements as a definite solution of the whole question. These proposals, while carefully adhering to the terms of the agreement between the Korean Government and the original concessionaire, will be found, we believe, to afford a fair and equitable adjustment of all the interests involved in the enforcement of that agreement.

It is not our intention at present to enter into any account of the reasons which led in each case to the conclusion at which we have arrived. This, we consider, can be done much more satisfactorily in personal consultation with your excellency, and we would therefore ask you to be good enough to fix a day and hour at which we, or a committee of our body, may have an opportunity of laying before you a full explanation of the whole question.

In the meantime we desire to add that the scheme has been approved by the Seoul-Chemulpo Railway Company, who, in order to make their acceptance as little onerous as possible to the Korean Government, have intimated their readiness to allow the refund of the cost of constructing the sea wall, estimated by the company at 41,000 yen, to remain over until the expiration of the original concession or of any further term for which it may be extended.

We trust, therefore, that your excellency will have no difficulty in giving your adhesion to the proposed arrangement.

We avail, etc.,

Signed by all Representatives.

[Subinclosure.]

Memorandum.

I. That the filled-in ground on the western side of the general foreign settlement, now occupied by the Seoul-Chemulpo Railway, while being part of the general foreign settlement, and therefore subject to the by-laws thereof, shall be considered as granted during the term of the railway concession, or during any further period

for which the concession may be extended, to the said company for the use of the railway, by special arrangement between the Korean Government and the foreign representatives in the interests of the general foreign settlement.

II. That no title deeds shall be given for the filled-in ground during the term of the said grant.

III. That no tax or rental shall be paid for the filled-in ground during the term of the said grant.

IV. That the cost of constructing and keeping in repair the sea wall protecting the said land, in accordance with clause 3 of the land regulations, shall be borne by the Korean Government.

V. That in consideration of the fact that no taxes are to be paid for the land in question, the primary cost of metalling and draining the bund road, from the customs jetty to cemetery point, estimated by the municipal council at 2,900 yen, shall be borne by the Korean Government, and that the maintaining, lighting, policing, etc., of the said road shall be undertaken by the municipal council in consideration of a yearly payment of 1,500 yen, to be made to them by the Korean Government through the customs.

VI. That if after the expiration of the original term of the railway concession, or of any further term for which it may be extended, the Korean Government shall purchase the railway, the Korean Government shall have the right of using the filled-in ground for the railway on the same terms under which its use is granted to the railway company by this arrangement (viz, that is, that no deeds are issued and no taxes paid), and in consideration of their paying to the railway company the actual cost incurred in filling in the ground and of their continuing to provide for the keeping in repair, lighting, policing, etc., of the bund road in the manner set forth under clause 5.

VII. That in the event of the railway company or the Korean Government (the latter after the purchase of the railway) removing the station from its present site the ground shall be taken over by the municipal council and dealt with in the same way as other unoccupied ground in the general foreign settlement; and further, in the event of the railway company removing the station the actual cost of filling in the ground shall be refunded to them from the proceeds of the land in question, viz, the upset price of the lots to be increased by the proportional part of the expenses incurred in filling in the foreshore in question, this and only this latter part of the price to be paid to the railway company on the sale of each lot.

[Inclosure 2.—Translation.]

Foreign minister to foreign representatives.

SEOUL, December 23, 1902.

I have the honor to acknowledge the receipt of your excellencies' joint note of the 22d February last, with reference to the western foreshore of the Chemulpo settlement, which has been filled in for use as a railway station. In this dispatch you proposed that a sum of 3,000 yen should be appropriated for the present from the customs revenue to meet the expenses of policing and lighting the land surrounding the station and of building a bund road 15 meters in width.

The tract in question was originally surplus land adjoining the settlement, and remained waste so long as it was put to no use; but as soon as it was employed the municipal council ought to have assumed control of it. But some office or other, under the impression that the land did not form part of the settlement, granted it to the American concessionaire, Mr. Morse, on the understanding that rent and other expenses should be paid by the railway company.

Subsequently Mr. Morse sold the land to Japanese.

Under the terms of the original concession all land, official or private, required for the track, stations, etc., was to be provided by the Korean Government free of rent and taxes. The municipal council, inasmuch as they received no ground tax thereon, refused to expend money on its upkeep. These expenses should properly fall on the office which made a free grant of the land; as, however, the commencement of work and the collection of money is urgent, it would be useless to delay in order to discover the responsible office.

In order, therefore, to meet the circumstances of the case, the customs will assist the council, and from the 1st of January, 1903, a sum of 100 yen will be paid monthly from the customs revenue to meet the expenses of lighting and policing the area and of maintaining the road in repair. And further, the work of building a public road 15 meters wide along the bund will be taken in hand immediately, together with the provision of covered and uncovered drains, the estimated cost of which will be entirely paid from the customs revenues.

As soon as the road is completed it will be handed over, in accordance with the regulations, to the municipal council, who will bear the expense of metaling in order to keep the road in repair.

Should the Korean Government at any time resume possession of the station land the amounts advanced must be refunded to the customs, and the land itself will be given over to the council, who will be responsible for the expenses in connection with its maintenance.

[SEAL OF FOREIGN OFFICE.]

[Inclosure 3.]

Mr. Allen to secretary of municipal council.

LEGATION OF THE UNITED STATES,
Seoul, January 3, 1903.

SIR: I have the honor to address you upon the subject of the railway foreshore at Chemulpo, which matter is now apparently arranged, pending your acceptance of the conditions imposed.

On February 22 last we, the foreign representatives, addressed a note on the subject to the minister for foreign affairs. With this note we presented a memorandum covering the case, and on December 23 we received a reply in which the Korean Government, through the customs, agree to a monthly payment to the municipal council of 100 yen, for the purposes of maintaining the roads of this foreshore. The Government also agrees to make the road of proper width and build the drains. The road is to be handed over to the municipal council on completion, and the latter will be obliged to metal the same.

You will note from a perusal of this correspondence that the letter of the foreign minister is not a complete reply to ours of February 22. At the same time it seems to cover the points we raised, and I shall, under instructions from my colleagues, accept the same with your assent, at the same time calling the attention of the minister to the seeming omissions of his reply.

I have, etc.,

HORACE N. ALLEN,
For the Foreign Representatives.

[Inclosure 4.]

Mr. Allen to Mr. Sik.

SEOUL, KOREA, *January 13, 1903.*

MONSIEUR LE MINISTRE: In reply to your letter of the 23d December regarding the matter of the railway foreshore at Chemulpo, I have the honor to inform you that, while your letter does not fully cover all the points raised in the joint note of the foreign representatives of February 22, 1902, the intention seemed to be satisfactory, and your excellency's note was accepted by the foreign representatives as covering the case, subject to acceptance by the Chemulpo municipal council.

On reference of your note to that body, together with the joint note of the foreign representatives of February 22 last, with the memorandum that accompanied that note, the municipal council accepted the propositions contained in your note with an elaboration of what they understand to be the full meaning of the same, and that your excellency's letter of December 23 does not imply any future obligation on the part of the municipal council to refund any amounts advanced by the customs; and that in view of the modifications thus introduced into the memorandum accompanying our note of February 22 last, the arrangement now accepted by the Korean Government, as well as by the representatives of the treaty powers, the municipal council, and the Seoul-Chemulpo Railway Company, has taken the following form:

1. That the filled-in ground on the western side of the general foreign settlement, now occupied by the Seoul-Chemulpo Railway, while being part of the general foreign settlement and therefore subject to the by-laws thereof, shall be considered as granted during the term of the railway concession, or during any further period for which the concession may be extended to the said company, for the use of the

railway, by special arrangement between the Korean Government and the foreign representatives in the interest of the general foreign settlement.

II. That no title deeds shall be given for the filled-in ground during the term of the said grant.

III. That no tax or rental shall be paid for the filled-in ground during the term of the said grant.

IV. That the cost of constructing and keeping in repair the sea wall protecting the said land, in accordance with clause 3 of the land regulations, shall be borne by the Korean Government.

V. That in consideration of the fact that no taxes are to be paid for the land in question:

1. A public road 15 meters wide along the bund from the customs jetty to cemetery point shall be constructed by the Korean Government through the customs; the work of building this road to be taken in hand immediately together with the provision of covered and uncovered drains, and the road as soon as it is completed to be handed over in accordance with the regulations to the municipal council, who will bear the expense of metaling in order to keep the road in repair.

2. A sum of 100 yen shall, from the 1st of January, 1903, be paid monthly by the Korean Government through the customs to the municipal council, in order to assist the latter in meeting the expense of lighting and policing the area and of maintaining the road in repair.

VI. That if, after the expiration of the original term of the railway concession or of any further term for which it may be extended, the Korean Government shall purchase the railway, the Korean Government shall have the right of using the filled-in ground for the railway, on the same terms under which its use is granted to the railway company. By this arrangement (viz, that is, that no deeds are issued and no taxes paid) and in consideration of their paying to the railway company the actual cost incurred in filling in the ground and of their continuing to provide for the keeping in repair, lighting, policing, etc., of the bund road in the manner set forth under Clause V.

VII. That in the event of the railway company or the Korean Government (the latter after purchase of the railway) removing the station from the present site, the ground shall be taken over by the municipal council and dealt with in the same way as other unoccupied ground in the general foreign settlement, and further, in the event of the railway company removing the station, the actual cost of filling in the ground shall be refunded to them from the proceeds of the land in question, viz, the upset price of the lots to be increased by the proportional part of the expenses incurred in filling in the foreshore in question, this and only this latter part of the price to be paid to the railway company on the sale of each lot.

As this is but an explicit statement of the agreement apparently arrived at, I infer it will be satisfactory to your excellency, and without information to the contrary, it will be so regarded.

I take, etc.,

HORACE N. ALLEN,
For the Foreign Representatives.

Mr. Allen to Mr. Hay.

No. 579.]

LEGATION OF THE UNITED STATES,
Seoul, February 12, 1903.

SIR: Continuing the subject of my dispatch No. 568, of January 28 last, regarding the matter of the settlement of the question of the ownership of the railway foreshore at Chemulpo, I now have the honor to hand you inclosed, for purpose of record, a final reply from the Korean minister for foreign affairs, dated the 10th instant, accepting the definition of the terms of the agreement as made by me for the foreign representatives on January 13 last.

This reply was not really necessary and was not expected, but it places the whole matter of the said foreshore in much better position than it might possibly be without it.

I have, etc.,

HORACE N. ALLEN.

[Inclosure.]

Mr. Ye Toh Chai to Mr. Allen.

No. 4.]

FOREIGN OFFICE, *February 10, 1903.*

YOUR EXCELLENCY: I have the honor to acknowledge the receipt of your letter of the 13th of January this year, in which you proposed seven things for the matter of granting the filled-in ground of the general foreign settlement at Chemulpo to the Seoul-Chemulpo Railway Company for its station. You state that along this filled-in ground the Korean Government will make a public road 15 meters wide; that the Korean Government will pay, through the customs, 100 yen every month to the municipal council for policing, lighting, and repairing this road; that the filled-in ground is to be granted to the Seoul-Chemulpo Railroad Company during the period of its concession or during the time the concession may be extended; that no tax is to be collected on this ground and no title deeds are to be issued for this ground; that when the Korean Government buys the Seoul-Chemulpo Railway, she can use the ground for the same purpose, but no tax is to be collected and no title deeds are to be issued for it; that the railway company will be paid the amount actually expended in filling in the ground; that when the station is removed, the municipal council shall possess the ground as unoccupied ground of the general foreign settlement to be sold at auction, but the Japanese Railway Company will receive only the actual amount that they expended in filling in the ground.

I beg to inform you that I have read this letter carefully and found that it is a proper way to arrange the matter, and I have no objections, but I fully agree with the same.

I have, etc.,

YE TOH CHAI,
Minister for Foreign Affairs.

LUXEMBOURG.

ESTABLISHMENT OF DIPLOMATIC RELATIONS WITH LUXEMBOURG.

Mr. Hay to Mr. Newel.

No. 1, Luxembourg Series.]

DEPARTMENT OF STATE,
Washington, June 10, 1903.

SIR: Referring to previous correspondence in relation to the addition of Luxembourg to your mission, I inclose herewith—

1. Your commission as envoy extraordinary and minister plenipotentiary to the Netherlands and Luxembourg;
2. The President's letter, addressed to His Royal Highness the Grand Duke of Luxembourg, accrediting you to Luxembourg;
3. Office copy of the same;
4. New letters of credit in duplicate, the original, when signed, to be forwarded by you to the bankers at London and the duplicate to be retained by yourself;
5. The oath of office which, when subscribed to by you, is to be returned to the Department.

You will proceed to Luxembourg at the earliest convenient day after July 1 next for the purpose of presenting in the usual way your letter of credence to the Grand Duke, and you will draw on the Secretary of State for such expenses as shall be incurred in carrying out this instruction, supporting your draft by a separate account.

I am, etc.,

JOHN HAY.

Mr. Newel to Mr. Hay.

No. 3, Luxembourg Series.]

LEGATION OF THE UNITED STATES,
The Hague, July 29, 1903.

SIR: Pursuant to instructions in Department's No. 1 (Luxembourg Series), dated June 10, 1903, I have the honor to report that I wrote to Mr. Eyschen, the minister of state and president of the Government, announcing that I would arrive at Luxembourg, with Mr. Garrett, the secretary of this legation, at about 4 o'clock in the afternoon of Thursday, the 16th instant, and requesting that word might be sent to me at the Hotel Brasseur as to when we could call and pay our respects to him. On arrival I found awaiting me an invitation to breakfast at the Chateau de Berg with the Hereditary Grand Duke on the following day, and a letter from Mr. Eyschen, in which, after welcoming me to Luxembourg, the minister stated that he would be

at my service, in the hotel of the Government, from 5 until 7 o'clock. At 5 o'clock I called with Mr. Garrett on Mr. Eyschen, who took the opportunity to express the high appreciation felt by his Government on receiving a representative of the United States.

The next morning we were met at the railway station by the minister of state, Comte de Villers, secretary to the Grand Duke for state affairs, and Captain van Dyck, aid-de-camp to the Grand Duke and commandant of the armed forces. We proceeded by train to Colmar, less than an hour's journey from the capital, and were driven to the Chateau de Berg, the summer residence of the Hereditary Grand Duke, who, in the absence of the Grand Duke, acts as his representative. As the Grand Duke had requested, I delivered my letter of credence to Mr. Eyschen. My reception was most cordial. Together with the officials mentioned above and Baron von Ritter, marshal of the court, we lunched with the Hereditary Grand Duke. Later in the afternoon we returned to Luxembourg and left cards on the officers of the Government, the ministers of France and Germany, and the Belgian chargé d'affaires. In the evening Mr. Eyschen gave us a dinner in the hotel of the Government, at which were present, among others, the French and German ministers and high officials of the state.

The following day, having made my farewell visits, I returned to The Hague. * * *

MEXICO.

IMPRISONMENT OF AMERICAN CITIZENS, RAILWAY EMPLOYEES, IN MEXICO.

Mr. Hay to Mr. Clayton.

No. 839.]

DEPARTMENT OF STATE,
Washington, February 9, 1903.

SIR: Referring to your No. 998^a of June 27, 1901, reporting on the arrest and imprisonment in Mexico of American citizens employed as train hands on railways in that country, I have now to ask you to report any additional cases that may have arisen since the date of that report, and the present status of those heretofore reported.

I inclose herewith for your information copies of a letter and its inclosure from the governor of Michigan, which have occasioned this instruction.

I am, etc.,

JOHN HAY.

[Inclosure.]

Mr. Bliss to Mr. Hay.

STATE OF MICHIGAN, EXECUTIVE OFFICE,
Lansing, January 30, 1903.

SIR: I am in receipt of the inclosed communication from the manager and secretary of the Brotherhood Relief Committee, Kansas City, Mo. Will you kindly inform me what is your understanding of the condition recited therein?

Yours, respectfully,

A. T. BLISS, *Governor.*

[Subinclosure.]

Mr. Adams to Governor Bliss.

BROTHERHOOD RELIEF COMMITTEE,
Kansas City, Mo., January 28, 1903.

HONORABLE SIR: The above heading represents the Brotherhood Relief Committee, composed of a member from each of the four great railroad organizations.

This committee has been organized for the purpose of bettering the condition of our American citizens in Old Mexico. The conditions there have probably been brought to your notice heretofore, but I will venture to say that less indorsement and less backing in numbers, than submitted for your inspection at the present time. We represent the working class of people in actual figures of 600,000 men. The condition of our fellow-workmen in the Mexican Republic as brought to the notice of this committee is disgraceful and pitiable to say the least, and this committee has been formed in order that those unfortunates may receive help, and that some kind of adjustment and agreement may be reached with the Government of Old Mexico, so that in the future our American trainmen will not be discriminated against and held unjustly without trial.

^a See Foreign Relations, 1901, p. 408.

There are (we believe) now confined in the jails and prisons of Old Mexico a number of our trainmen who, through no fault of their own, have been unfortunate to the extent of being one of a crew connected with an accident wherein a Mexican subject has been injured or killed. Some of them, we understand, have been confined there for years without trial or bond. We are told if the crew be English subjects they are at no time denied bond, and their trial is speedy and just, invariably resulting in an acquittal.

The action of this committee has been indorsed by such men as Secretary Hay; James Reed, mayor of Kansas City, Mo.; Mayor Craddock, Kansas City, Kans.; Mayor Greene, Argentine, Kans.; Hon. T. T. Crittenden, ex-governor of Missouri and ex-United States consul to old Mexico; Hon. James L. Slayden, member of Committee on Military Affairs, and others of like worth too numerous to mention, who appreciate that a peaceful investigation such as we intend will be fruitful of better and more friendly results than a warlike attitude should it be initiated by our Congressional representatives. We therefore, representatives of the railroad organizations of the entire country, earnestly request your indorsement of our action, thereby giving us confidence to proceed with a cause which will ultimately affect every citizen in the United States.

Any financial assistance you may see fit to contribute will be gratefully accepted. Trusting that we may have an early and favorable reply,

We are, etc.,

HARRY H. ADAMS.

By order of the committee, record No. 17.

Mr. Clayton to Mr. Hay.

No. 1725.]

EMBASSY OF THE UNITED STATES,

Mexico, February 28, 1903.

SIR: I have the honor to acknowledge the receipt of Department's instruction No. 839, of the 9th instant, and the inclosures mentioned therein, relating to the arrest and imprisonment in Mexico of American citizens employed in the railway-train service in that country, by which I am instructed to report any additional cases that may have arisen since the date of my dispatch No. 998, of June 27, 1901, and the present status of the cases heretofore reported.

In compliance with said instruction, I have the honor to report as follows:

Additional cases since report of June 27, 1901, and their disposition.

B. M. McVea, brakeman, Mexican Central Railway, arrested at Jimulco, Chihuahua, May 3, 1902, accused of responsibility for the death of a woman who was killed by the train of which he was brakeman, which case was brought to the attention of the embassy May 12, 1902. On the 16th of the same month, the consular agent at Torreon reported that the judge having the case in charge had done all he could to expedite the trial and that the papers would be remitted to the district judge that night—I suppose for revision. In view of this report of the prompt action of the judge of first instance, I did not consider it necessary to call the case to the attention of the Mexican Government. The consular agent at Torreon reports that McVea was acquitted about May 25, 1902, the whole proceedings covering a period of about twenty-two days.

E. R. Meloy and B. W. Enright, conductor and brakeman, respectively, on the Tehuantepec Railway, arrested at Palomares June 27, 1902, charged with being responsible for the death of José Felipe; both released on bail July 29, 1902; Meloy since accidentally killed by being knocked from his train by a bridge about the 1st of September, 1902. As all criminal cases in Mexico go to the higher court for revision, and not having been informed of the action of said court, I telegraphed Consular Agent Stubbs, at Coatzacoalcos, to inform me of the present status of these cases. Not having received the information up to the present time I have deemed it advisable not to delay this report awaiting it, but will forward same when received, together with similar delayed information, to the Department.

Jacob House, brakeman on the Mexican International Railway, arrested at Monclova, State of Coahuila, in June, 1901, accused of having willfully disabled an engine

belonging to said railway while a strike was in progress. Case taken up with foreign office on the 21st of May; discharged on the 26th of May, seven days after case came to the attention of the embassy.

Newton H. Horn: On or about December 6, 1902, Mr. Horn, accompanied by Dr. J. J. Finley, the latter a dentist in this city, called upon me. Mr. Horn stated that he was a conductor on the Inter-oceanic Railway and that he had been arrested and imprisoned at the City of Mexico during the month of April, 1902, where he was detained twelve days; that he was afterwards transferred to Toluca, where he was imprisoned ten days, making the entire term of his imprisonment twenty-two days. He did not know upon what charge he was arrested, but supposed it was in relation to his controversy with a woman who attempted to smuggle a child through, while he was conductor of the train, without paying fare. He said that he had been informed by a friend that he had been convicted and sentenced to two years' imprisonment; that he was not sure whether he had really been convicted, or whether it was a "bluff" to induce him to leave the country and forfeit his bond, conveying the impression that the judge or some of the authorities would, in that case, appropriate the amount of the bond to their own use. I explained to him that under the law they could not do this; that the money derived from forfeited bonds went into the public treasury. He said that if it was true that he had been convicted that he was not present at the trial, and wanted to know whether I could assure him, if it should prove to be true that he had been sentenced to two years' imprisonment, that I would get him out of prison within one week's time. I told him that I could not assure him of his release within any fixed time, nor at all, upon the statements he had made to me without first having an opportunity of making further inquiries as to the facts of the case, but, if requested by him, upon a proper showing, I would exert every effort to secure full justice in his case. I told him that if he desired me to take any action with the Mexican authorities, to either reduce the circumstances of his complaint to writing or have his attorney do so. When he found, however, that I could not assure him of his release from jail within one week, he said abruptly, "That is all I want to know," and left. A short time afterwards, desiring to know more about the case, I communicated with Doctor Finley, who told me that it was true that Horn had been convicted and that he had taken refuge in the United States. Afterwards, desiring to know still more about the matter, I had Mr. McCreery call upon Doctor Finley, who informed him that Horn had returned and was in the city, and that he would see me personally, which he did the next day. During this interview he informed me that he expected to get justice in the Mexican courts; that he attributed his conviction to the negligence of his attorney, who had practically allowed the case to go by default. He requested that I should not bring the matter to the attention of the Mexican authorities or even inform his Mexican attorney that he had seen me about it. I afterwards saw Mr. W. L. Morkill, general manager of the Inter-oceanic Railway, about the case. He stated that the charge against Horn was the ejection of a woman from a train; that his company had given \$2,000 bond for his release, and that he believed that he had only done his duty concerning his effort to collect fare from the woman referred to, and that upon his advice Horn had returned to await the decision of the revising court, which Mr. Morkill felt confident would give him the necessary relief. He exonerated the court which rendered the verdict, laying the blame upon Horn's attorney, who, he said, had neglected the case and practically allowed it to go by default.

Present status of cases which appeared as pending in my dispatch No. 998 of June 27, 1901.

A. R. Jones, engineer on the El Oro and Mining Railway, arrested at Toluca, State of Mexico, February 1, 1901, for criminal negligence in causing a wreck and the death of a fireman and a car repairer; unconditionally released in May, 1901.

L. L. Granville, brakeman on the Mexican National Railway, arrested at Acambaro, State of Guanajuato, and tried in March, 1901, charged with criminal negligence in causing the death of a Mexican laborer who was run over by the train upon which he was brakeman; acquitted and released in July, 1901.

The cases of the eight Americans employed on the Sonora Railway, arrested and imprisoned, as reported in the tabular statement No. 2 of dispatch No. 998, referred to in your aforesaid instruction, were disposed of as follows:

C. E. Shanahan, engineer, arrested September 8, 1900; charge, running his engine to the American side at Nogales while Conductor Bonsall, under arrest, was on the train, the latter having returned to the Mexican side the same day. Shanahan was released, having been imprisoned two days.

J. Ritz, engineer, arrested November 22, 1900, growing out of finding José Aldama dead on the track on that morning, over which his engine had previously run. No sufficient evidence having been produced to proceed against him, he was discharged after two days' imprisonment.

W. C. Budge, conductor, arrested November 20, 1900, because two Yaqui Indians were found dead on the track over which his train had previously run on the morning of November 19, 1900. After one day's imprisonment he was acquitted and discharged.

J. Jefferson, engineer, arrested November 20, 1900, upon the same charge as that against Budge. After four days' imprisonment he was acquitted and discharged.

These four cases were disposed of prior to the date of my dispatch No. 998 of June 27, 1901, but at that time the embassy was not in possession of the information.

The other four of the eight cases referred to were disposed of as follows:

N. F. Bonsall, conductor, arrested September 7, 1900, charged with criminal negligence, resulting in the death of the Mexican, Antonio Palomino; convicted by the court of first instance and sentenced to eight months' imprisonment. Upon revision by the third circuit court, Bonsall was declared not guilty of throwing Palomino off the train while it was in motion, but declared guilty of a culpable offense, without changing his term of imprisonment. Against this decision an amparo was taken to the supreme court of the Republic, which was denied. Pending these proceedings Bonsall, becoming alarmed as to the results and being out on bail, took refuge in the United States. I am informed that his sentence of imprisonment has been commuted to a fine. (See dispatches Nos. 1274, Feb. 21; 1357, May 16; 1413, June 11, and 1567, Sept. 6, 1902.)

F. Gordon, engineer, arrested November 3, 1900, charged with running over James Rodriguez, a deaf man, walking on the track at the time; after twelve days' imprisonment was released on \$1,000 bond. (See dispatch No. 1274, Feb. 21, 1902, and inclosure 5, herewith.)

G. E. Langworthy and C. W. Smith, conductor and engineer, respectively, on the same train, were arrested November 17, 1900, on account of an American having been found dead on the track over which their train had previously run. After six days' imprisonment they were released under bond of \$1,000. On December 15, of the same year, the cases were dismissed by the Federal district court for lack of proof, which action was approved by the circuit court in February, 1902. (See dispatch No. 1274, Feb. 21, 1902.)

With a view to ascertaining what cases, if any, have come to the attention of the consular officers which have not been brought to my attention during the period covered by this report, I have addressed communications, as per copies inclosed, to Consuls-General Barlow and Hanna, and similar communications to the consular officers who are under my supervisory jurisdiction within whose consular districts there are any railroads. It is also my purpose to address communications to the managers of the various railroads in Mexico similar to those reported with my dispatch No. 998, of June 27, 1901.

I feel safe in saying that the evils heretofore complained of by American railway men in Mexico of unjustifiable arrests and delays in their trials have greatly diminished since the rendition of my aforesaid report.

Referring to the case of F. Gordon, the present status of which seems to be in doubt, as soon as I can ascertain whether it is still pending, and, if so, in what particular court, I will ask of Mr. Mariscal to procure its expedition.

Soon after the receipt of your instruction No. 839, of the 9th ultimo, in conversation with Mr. Mariscal upon the subject, I showed him a copy of a communication from Henry H. Adams, addressed to the governor of the State of Michigan, transmitted therewith, and referred to his previously expressed purpose to cause a circular letter to be

issued to the judiciary of the Republic, as referred to in my dispatch No. 998, of June 27, 1901, asking if he had carried that purpose into execution. He replied that he had not, but that he would do so without further delay.

In a conversation with him yesterday, upon my again raising the question of the circular letter, he informed me that he had, by direction of the President, addressed a communication to the department of justice for the issuance by said department of a circular letter to the district and circuit judges, urging the necessity for their giving preference to the study and decision of actions brought against persons supposed to be guilty of criminal negligence, such as those of accidents on the railways of the Republic. He offered to send me, unofficially, a copy of said communication, which I received the same evening. Not wishing to delay this report until it can be translated for transmission, I send a translated extract from the same and will forward to-morrow a translation of the entire document, from which it will be seen that the Mexican Government is thoroughly aroused to the necessity of removing causes of complaint of unnecessary delay in the trial of the cases of the character referred to.

Copies of correspondence relating to the disposition of some of the above cases are herewith inclosed.

I have, etc.,

POWELL CLAYTON.

[Inclosure 1.—Translation.]

Extract from communication of the secretary of foreign affairs to the secretary of justice.

* * * * *

The continued international difficulties caused by the tardiness of the judicial proceedings to which I have just referred, and which I have reason to fear will soon arise again, perhaps of graver import, constrain me to address you, by order of the President, in order that you may be pleased to issue a circular to the district and circuit judges, urging, in such terms as you may deem best, the necessity for their giving preference to the study and decision of actions brought against persons supposed to be guilty of crimes of negligence, such as those of accidents on the railways of the Republic.

I have, etc.,

MARISCAL.

[Inclosure 2.]

Mr. Clayton to Mr. Barlow, consul-general at Mexico. a

EMBASSY OF THE UNITED STATES,
Mexico, February 21, 1903.

SIR: I have to request that you inform me as promptly as possible of any complaints of arrests and imprisonments of railroad employees engaged in train service of Mexico that have been brought to the attention of your consulate-general since the 27th of June, 1901, giving the names and alleged offenses, and the action taken by your consulate-general regarding said complaints.

You will also please obtain and transmit to this embassy similar information from the consular officers under your jurisdiction; but, awaiting this information, it is desired that your own report shall not be delayed, promptly transmitting copies of reports from consular officers under you as received from time to time.

Respectfully, yours,

POWELL CLAYTON.

^aSame to consul-general at Monterey.

FOREIGN RELATIONS.

[Inclosure 3.—Telegram.]

*Mr. Clayton to Mr. Naugle.*EMBASSY OF THE UNITED STATES,
Mexico, February 20, 1903.

Kindly wire judicial disposition cases Conductors Gordon and Langworthy and Engineer Smith, referred to in your report December 1, 1900, to Chairman Tweed.

POWELL CLAYTON.

[Inclosure 4.—Telegram.]

*Mr. Clayton to Mr. Naugle.*MEXICO, *February 24, 1903.*

May I expect an early reply to my telegram of 20th instant?

POWELL CLAYTON.

[Inclosure 5.—Telegram.]

*Mr. Naugle to Mr. Clayton.*GUAYMAS, *February 24, 1903.*

Hon. POWELL CLAYTON:

Your wire 23d. Case against Conductor Langworthy and Engineer Smith dismissed by federal district court for lack of proof December 15, 1900; findings approved by circuit court in Mexico in February, 1902. Case against Engineer Gordon, papers supposed to be in circuit court, Mexico, for revision. Men were all released after short term of imprisonment, by Sonora Railway, I furnishing bondsmen for same.

J. A. NAUGLE.

[Inclosure 6.—Telegram.]

*Mr. Clayton to Mr. Carothers.*EMBASSY OF THE UNITED STATES,
Mexico, February 23, 1903.

Referring to your communication May 16 last, report by telegram and more fully by mail status of this case, which it appears you promised but neglected to do.

POWELL CLAYTON.

[Inclosure 7.—Telegram.]

*Mr. Carothers to Mr. Clayton.*TORREON, *February 23, 1903.*

Case in same status as before. Polte has done nothing to get his case before the courts in proper form. See my letter of to-day.

G. C. CAROTHERS.

[Inclosure 8.—Telegram.]

*Mr. Clayton to Mr. Stubbs.*EMBASSY OF THE UNITED STATES,
Mexico, February 25, 1903.

Referring to your letter August 21 last wire quick present status case Meloy and Enright.

POWELL CLAYTON.

[Inclosure 9.—Telegram.]

*Mr. Stubbs to Mr. Clayton.*COATZACOALCOS, *February 27, 1903.*

Have telegraphed Federal Judge Juchitan for information. Meloy dead.

A. R. STUBBS,
Consular Agent.

[Inclosure 10.—Telegram.]

Mr. Clayton to Mr. Carothers.

EMBASSY OF THE UNITED STATES,

Mexico, February 26, 1903.

It is status of Brakeman McVea's case referred to in your letter May 16 last regarding which I want information.

POWELL CLAYTON.

[Inclosure 11.—Telegram.]

*Mr. Carothers to Mr. Clayton.*TORREON, *February 28, 1903.*

Brakeman McVea was acquitted about May 25 last year; has left the country.

G. C. CAROTHERS.

[Inclosure 12.—Telegram.]

Mr. Clayton to Mr. Naugle.

EMBASSY OF THE UNITED STATES,

Mexico, February 27, 1903.

Referring to your letter June 4 last, what became of proposition to have Bonsall's sentence commuted to a fine? Does original sentence of eight months still stand against him? Early reply greatly appreciated.

POWELL CLAYTON.

[Inclosure 13.—Telegram.]

*Mr. Naugle to Mr. Clayton.*GUAYMAS, *March 2, 1903.*

Your wire 24th. District court in Nogales has not yet been advised of Bonsall's sentence. Lic. Rafael Ycaza writes me from Mexico that Bonsall was sentenced to eight months' imprisonment, and same commuted to a fine. Have written him for copy of sentence and will advise you later.

J. A. NAUGLE.

Mr. Clayton to Mr. Hay.

No. 2061.]

EMBASSY OF THE UNITED STATES,

Mexico, December 4, 1903.

SIR: Referring to my dispatch No. 1725, of the 28th of February last, relating to the arrest and imprisonment of American citizens

employed in the railway train service of Mexico, I have the honor to report the present status of the cases then pending as follows:

Newton H. Horne, employed as conductor on the Interoceanic Railway, arrested and imprisoned in the City of Mexico in April, 1902; charged with ejecting a woman from his train. Imprisoned twenty-two days, then released on bail; acquitted by the district court of the federal district June 5, 1903.

F. Gordon, engineer on the Sonora Railway, arrested at Guaymas November 3, 1900; charged with running over a deaf man who was at the time walking on the track. After twelve days' imprisonment released on \$1,000 bond. Case still pending. When advised of its final disposition I will report it to the Department.

N. F. Bonsall, conductor of the Sonora Railway, arrested and imprisoned at Guaymas September 7, 1900. His train ran over and killed Antonio Palomino; convicted and sentenced to eight months' imprisonment; pending trial, while out on bail, fled to the United States; returned and reported to the court November 30, last, resulting in his liberation.

E. R. Meloy and B. W. Enright, conductor and engineer, respectively, on the Tehuantepec Railway, arrested and imprisoned at Palomares on June 27, 1902; charged with the responsibility of the death of José Felipe. Both were released on bail July 29, 1902. Meloy was accidentally killed about December 1, 1902, by being knocked from his train by a bridge. The indictments in these two cases have been quashed.

I now have the honor to report the cases which have been brought to the attention of the embassy directly, by the persons concerned, since the date of my dispatch No. 1725, of February 28, 1903:

John Hopkins, engineer on the Interoceanic Railway, arrested and imprisoned May 28, 1903; charged with causing a collision with another train, damaging both engines and resulting in the killing of one passenger and the fatal injury of another. This case was brought to trial at Toluca, Mexico, June 1, 1903; sentenced October 17 of the same year for the period of his preceding imprisonment and released on the same day.

L. C. Crutcher, conductor on the Mexican Central Railway, arrested and imprisoned at San Luis Potosi April 18, 1903; charged with homicide; brought to trial April 20, 1903. Case still pending. Early verdict expected.

O. L. Emlay, train dispatcher on the Mexican Central Railway, arrested and imprisoned at Silao April 24, 1903; suspected of having robbed the Wells-Fargo and Company's Express; brought to trial April 25, 1903; acquitted June 19 and released June 20, 1903. Decision confirmed by revising court July 30, 1903.

C. R. Edmonds (reported by the district judge of Coahuila as C. R. Edmonson), engineer on the Mexican International Railway, arrested and imprisoned at C. P. Diaz June 28, 1903; charged with negligence on account of a railway accident which occurred on the same day of his arrest; released August 10, 1903, by order of the district judge of Coahuila.

* * * * *

I have, etc.,

POWELL CLAYTON.

EXTRACTS FROM MESSAGES OF THE PRESIDENT OF MEXICO TO CONGRESS.

Mr. Clayton to Mr. Hay.

No. 1763.]

EMBASSY OF THE UNITED STATES,
Mexico, April 6, 1903.

SIR: I have the honor to inclose translation of extracts from the message of President Diaz delivered at the opening of the Mexican Congress on the 1st instant, and to call the Department's attention to that part of the message referring to the Pious Fund award.

I have the honor, etc.,

POWELL CLAYTON.

[Inclosure.]

[From the Mexican Herald April 2, 1903.]

The following is a full translation into English of the message read by General Diaz:

"It is always a pleasure to me to comply with the constitutional precept of appearing before the federal Congress, as I to-day have the honor of doing, in order to report as to the condition of the national interests intrusted to the administration of the federal executive.

"FOREIGN RELATIONS.

"Our relations with foreign governments are not only friendly, but are daily being extended, while in some cases the cordiality which distinguishes them has been enhanced.

"THE PIOUS FUND AWARD.

"As I had the honor to inform you in my last report, the tribunal which met at The Hague to consider and adjudicate the case of the so-called pious fund of California, referred to it by Mexico and the United States of America, inaugurated its sessions on September 1, last year. The reports and pleadings having been presented in the course of subsequent sessions by the agents and attorneys on both sides, the tribunal in question handed down its decision on October 14 last, sentencing Mexico to pay past and future interest on said fund—that is to say, it decided in the affirmative the first of the two questions submitted to it, viz, as to whether the claim was governed, as a consequence of the decision rendered in 1875, by the principle of *res judicata*. While thus deciding it also ruled that the sum which we were sentenced to pay as interest was to be in Mexican silver dollars.

"True to its intention, the Mexican Government has respected the definite decision of The Hague tribunal and the first of the annual payments, which, according to the sentence, must be delivered to the claimants through the American Government, has been made. The payments that are to mature in future will also in due time be made.

"Thus this question is at an end and though the result is in part adverse to Mexico, it has demonstrated to the world that there are pacific means for the adjustment of international questions and that two of the most important nations of this hemisphere have had recourse thereto.

"EXERCISE OF FRIENDLY OFFICES.

"The electoral question in the Republic of Honduras stirred up for various reasons the greater part of the other Central American States, so much so that a serious international conflict was feared in that part of our continent. Though from the beginning the executive regarded the situation there with pain and would have liked to offer its friendly and disinterested offices, it did not think it proper to do this without a spontaneous suggestion from one of the nations concerned. That suggestion was soon offered for the representative of Guatemala, at Washington, intimated to our ambassador in the United States the expediency of friendly mediation on our part. It is needless to say that I acceded with the greatest willingness to this suggestion. The telegrams that were published in the *Diario Oficial* will have apprised you of the excellent disposition with which the Governments of the Republics in question received the friendly offices offered by the Mexican Government with a view to saving them from an unnecessary and regrettable conflict.

"ADHESION TO HAGUE CONVENTION.

"In accordance with the protocol signed during the second international American conference, the Governments of Salvador, Uruguay, and Guatemala have requested the Mexican chancellerie, acting in concert with Washington, to solicit the admittance of those nations to The Hague conventions resulting from the peace conference. The executive hastened in each case to give suitable instructions to our legation in the Netherlands to take, in concert with the diplomatic representative of the United States in that country, the necessary steps for the attainment of the desires of Salvador, Uruguay, and Guatemala.

"CLAIM AGAINST VENEZUELA.

"The difficulties between Venezuela and certain European powers having been ended by virtue of a protocol whereby that Republic obliges itself to pay pending

claims to those powers, other nations, both in Europe and America, which remained neutral during the conflict, had recourse to. Venezuela's plenipotentiary at Washington in order to secure a friendly adjustment of their claims. In view of this circumstance certain Mexican citizens, heirs of a commercial firm to which the Government of the Republic in the middle of last century transferred a claim against Venezuela, requested the diplomatic offices of Mexico to obtain for them similar treatment to that accorded to other creditors of that Republic in the definite adjustment of its pending indebtedness. The executive could not refuse to exercise those offices, especially inasmuch as the claim, acquired, as I have said, from the Mexican Government, is based upon a disinterested loan which Mexico, during the early years of independence, made to the country called New Granada, now divided into the Republics of Venezuela, Colombia, and Ecuador. At the time when New Granada was divided into three nations each one of them assumed a proportional obligation to pay the debt to Mexico, but in consequence of its lamentable strife Venezuela has not paid even a part of the share which it assumed. Suitable instructions having been given to our ambassador at Washington, a protocol has been signed providing a basis for the settlement of this claim on the same terms as are contained in the protocols signed by Venezuela's plenipotentiary with the representatives of the other neutral nations to which I have alluded.

“RELATIONS WITH PERSIA.

“In May of last year a treaty of friendship and commerce between Mexico and the Persian Empire was signed at Washington as a consequence of the initiative of the diplomatic representative of His Majesty the Shah in the United States. This convention having been ratified by the Senate of the Republic and the Persian sovereign, the ratifications were exchanged in this capital; and in order to inaugurate the relations between the two countries the minister of Persia accredited at Washington came hither in the high capacity of ambassador extraordinary. The visit of that distinguished diplomat, the first to come to our Republic from that ancient and interesting Empire, was very gratifying to the executive as it no doubt was to the country at large. The representative of Persia, upon absentsing himself temporarily, presented a letter from his sovereign accrediting him as envoy extraordinary and minister plenipotentiary.

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“PUBLIC HEALTH.

“Questions concerning public health have been of exceptional importance during the period covered by this report.

“SANITARY CONFERENCE.

“A general convention of representatives of the boards of health of the republics which joined in an agreement on the subject during the second international American conference, was held in December last at Washington and at that conference two delegates of the Mexican Government were present. An executive council was appointed under the name of the international sanitary bureau with headquarters at Washington.

“YELLOW FEVER AT ORIZABA.

“For the second time the yellow fever invaded the city of Orizaba, commencing at the end of August last; but, notwithstanding the virulence of the first cases, the epidemic terminated at the beginning of December, thanks to the experience acquired during the first irruption of the disease and the firm and timely measures taken by the authorities of the State of Vera Cruz; the efficacy of isolation and disinfection being once more demonstrated. The executive, on the other hand, sent to Orizaba a delegate, who, in concert with the local authorities, enforced the necessary measures to prevent the epidemic from spreading beyond the city in question.

THE BUBONIC PLAGUE.

“Early in December the superior board of health was informed that the bubonic plague had appeared at Ensenada de Todos Santos and that at Mazatlan a contagious disease of a serious nature had developed which was also suspected to be the plague. This terrible intelligence caused a painful impression throughout the country and the Government hastened with the necessary energy to take suitable measures. At

Ensenada only a few cases of the epidemic occurred and these being rigorously isolated, the disease died out altogether on December 25.

"A bacteriological physician was sent to Mazatlan who studied the disease that had appeared there and proved it to be the bubonic plague. The great and natural alarm which this caused among the inhabitants of that port was evidenced by the emigration of the majority of its population who fled from their homes to seek refuge in other States. At first the scourge assumed a threatening aspect and for many days its spread was alarming; but it was combated energetically and at present it may be regarded as thoroughly under control. A special board of health, composed of the most respected and prominent citizens, was appointed at Mazatlan and has rendered most important services. The governor of the State also repaired to the afflicted port in order to aid in combating the plague.

"The main efforts were directed to obviating the propagation of the disease in other towns. This work has entailed the establishment of sanitary stations, lazarets, observation stations and the adoption of other measures that have been carried out with zeal and with the desired result, for, although a few cases of the plague have occurred in towns situated in the neighborhood of Mazatlan, they have been energetically handled and their further propagation has been avoided.

"The governors of Sonora and Durango and the jefe politico of the territory of Tepic have efficaciously cooperated in preventing the irruption of the malady into their several jurisdictions.

"In order to combat the malady at the port of Mazatlan curative and preventive serums were ordered from Europe and the United States; physicians, steam disinfectors and other articles were sent from this capital; and at Mazatlan all the sanitary services demanded by the circumstances, counseled by science, and prescribed by law, were organized with zeal and success.

"These measures have been as efficacious as could have been expected, seeing that they have gotten the epidemic under control and have prevented its propagation; but the city of Mazatlan, the most important of our Pacific ports, has suffered enormous harm which it is not yet easy to estimate in all its magnitude. The State of Sinaloa, of which Mazatlan is the chief commercial center, has also suffered heavily.

"This event has brought out the sentiments of fraternity that bind the States of the Republic together. The inhabitants of all its towns have given promptly and liberally from their resources to their afflicted brethren, thus responding to the appeal of the Mazatlan charity committee. The national committee, which was organized in this capital, has sent to the port in question over \$300,000, which has enabled an active and profitable campaign to be instituted against the epidemic. It is a pleasure to state that the foreign colonies figure in the foremost rank of the contributors.

"NEW SANITARY CODE.

"On January 15 last the new sanitary code, amended by the Executive under powers granted it, was put into operation. The amendments which it contains are based on ten years practice and the progress of science.

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"INTERNATIONAL CONGRESSES.

"Faithful to its purpose of causing the Republic to take part in international congresses, whereby relations of importance for the intellectual progress of the country are secured, the Executive appointed delegates who duly represented Mexico at the medical conference held at Brussels during the month of September last to study the prophylaxis of some of the most formidable of diseases. It also sent a delegation to the congress of Americanists which met at New York in October last, and has duly organized delegations which will represent the country at the forthcoming international medical congress at Madrid during the present month and at the congress of historical sciences, which will also assemble this month at Rome.

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"MEXICO AT ST. LOUIS.

"The participation of Mexico in the forthcoming exposition at St. Louis, Mo., will, it is hoped, be on an important scale, for the preparations are being actively pushed and exhibitors throughout the country are well disposed. Work has been commenced on the erection of a small building on the exposition grounds for the headquarters of the Mexican commission.

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"FINANCE DEPARTMENT.

"CONDITIONS SATISFACTORY.

"The condition of the Federal treasury during the months that have elapsed of the present fiscal year has been satisfactory enough. The yield of the import duties and of the varied taxes embraced in the stamp revenue shows a steady increase as compared with the collections during the same period of last fiscal year. This indicates that, if the manifold interests of the nation are considered in the aggregate, there has been no check in the prosperous progress of the Republic.

"DEPRECIATION OF SILVER.

"This satisfactory picture, however, contains some slight clouds which cast a certain degree of shadow on the future. The rapid and continued depreciation in the white metal that has occurred since the end of 1901 threatens, in the long run, in the opinion even of optimists, to cause harm that will outweigh the advantages which in given lines of national activity resulted until recently from the high rate of foreign exchange.

"INTERNATIONAL ACTION.

"For this reason, when it was learned that some other nations which use silver as the basis of the monetary system of their colonies were taking measures that would perhaps lead them to introduce therein substantial changes, the Executive thought fit, in order to avoid or diminish the evils that those measures might occasion to the silver market, to approach the Government of the United States, after having secured the cooperation of China, and institute negotiations looking to the coordination of the studies undertaken by all the nations that are interested in this question and to the unification, as far as possible, of the steps that may be taken to establish a fixed ratio between the value of the money of the countries which, like Mexico, use silver and that of the nations which have the gold standard.

"You are aware of the success of the first steps taken by the Executive and of the favorable reception accorded to our ideas by the Executive and both Legislative Chambers in the United States. This should encourage us to persevere along that line, without sparing any effort to reach a common understanding on a matter of vital importance to the future of the Republic.

"MONETARY COMMISSION.

"While the negotiations to which I have just alluded were in progress the department of finance invited many prominent persons of our country to form a grand commission, which has been organized in order to supply the valued contingent of private information and the personal knowledge of its members for the elucidation of the question from the national point of view. The peculiar circumstances in which Mexico is situated and the necessity under which she lies of defining the policy which it is expedient for her to follow in the silver and monetary questions, independently of the result of the international negotiations, were the principal motives that prevailed on the Executive to consult the agricultural, mining, manufacturing, and commercial interests, as well as the views of the press, so that the studies undertaken in regard to this subject will be wide in scope and will approach as near as possible to perfection.

"ADDITIONAL IMPORT DUTIES.

"By virtue of the law of November 24 last a decree was issued on 25th of the same month setting forth the new basis in accordance with which import duties have been collected since the 1st of January of the current year. It is gratifying to me to inform you that this change has not been attended with any difficulty in practice and that its results up to date corroborate the opinion which the Executive from the start entertained as to the beneficial nature of this measure. Whatever may be the fluctuations in exchange budgetary equilibrium is assured, and the Government will no longer have to consider these fluctuations as far as the payment of its gold indebtedness is concerned.

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"CUSTOM-HOUSE CONGRESS.

"As a result of one of the decisions reached by the second Pan-American Conference, a custom-house congress met at New York on January 15 of the present year,

and in response to an invitation from the Government of the United States two delegates were appointed by Mexico.

"The general director of custom-houses and another high employe of the same department were chosen, and they attended all the meetings of the congress, which, although they were few, served to prepare the ground for a comparative study of the legislation of the nations of America in custom-house questions and to lay the foundation for future labors looking to the elimination of formalities in the handling of goods and the unification of the system of measures and the nomenclature of merchandise, thus tending to stimulate international trade.

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Mr. Clayton to Mr. Hay.

No. 1955.]

EMBASSY OF THE UNITED STATES,
Mexico, September 21, 1903.

SIR: I have the honor to transmit herewith extracts from the message delivered by President Diaz on the opening of the Mexican Congress in this city, on the 16th instant.

I have, etc.,

POWELL CLAYTON.

[Inclosure.—Translation.]

From Mexican Herald, September 17, 1903.

Last night, with the customary formalities, President Diaz opened the third period of sessions of the twenty-first congress of the union, and on that occasion delivered himself of the following message:

"MESSRS. DEPUTIES, MESSRS. SENATORS. If, at all times, I am delighted to have the honor to appear before the national congress, it is doubly grateful to me to do so on a day like this, of glorious memories for Mexico, and in compliance with my constitutional duty of informing you in regard to the condition of the affairs and interests entrusted to the executive.

"FOREIGN RELATIONS.

"GOOD TERMS WITH ALL NATIONS.

"With respect to the foreign relations it is gratifying to me to have to repeat to you what for years past has been a well-known fact, viz, that the relations which we cultivate with a large number of civilized nations are characterized by the greatest friendliness, not at present qualified by difficulties of any kind.

"ARBITRATION TREATY.

"In the message which I read to this honorable assembly on April 1, last year, I mentioned the conclusion of a treaty of compulsory arbitration, signed by the representatives of Mexico and 9 American republics, a treaty which was submitted during that period of sessions to the revision of the Senate and which obtained its approval. At present it is gratifying to me to add that having been sanctioned by three of the signatory powers, viz, Guatemala, Salvador, and Uruguay, the Mexican executive has also ratified it and caused it to be promulgated in the Republic and considers it now obligatory on the nations which signed it, as provided in article 21 thereof.

"THE PIOUS FUND AWARD.

"In my message of April 1 of the present year I had the honor of reporting to you the award delivered by The Hague arbitration tribunal in the case of the California pious fund. I then informed you that, in due compliance with that award, the executive had met the first of the annual installments to the payment of which we were sentenced. Subsequently, but within the period of time allowed by the tribunal, the annual sums that have fallen due since 1869, amounting to \$1,420,682, have been paid. Thus the award in question has been complied with by the Mexican nation, as has been recognized by the Government of the United States of America.

"VENEZUELA ARBITRATION.

"On the date fixed by the respective protocol, of which you were duly informed, the joint commission established by virtue of that instrument, commenced its sessions at Caracas in order to adjudicate the claims of American citizens against the Government of Venezuela. I take pleasure in hoping, in view of the high character of the members of said commission, that its award will be conformable to the loftiest principles of justice.

"TREATY WITH NICARAGUA.

"In the year 1900 a treaty of friendship and commerce between Mexico and the Republic of Nicaragua was concluded at this capital, and having in due time been submitted to the Senate, was approved by that body. On the other hand, it was approved by the Republic of Nicaragua, and nothing but the exchange of ratifications was lacking in order to make it operative. That requirement having been supplied, the commercial convention with the sister republic in question was duly promulgated in Mexico in the month of July of the present year.

"In this connection I have to add that, in order to give greater significance to the event and to draw tighter, if possible, the relations of friendship that have always existed between Mexico and Nicaragua, the President of the latter Republic was pleased to send hither his minister of foreign relations on that special mission, a courtesy which the Mexican Government appreciates in its full worth.

"COPYRIGHT TREATY WITH SPAIN.

"Inasmuch as the Senate has approved the treaty with Spain, of March last, with respect to literary, scientific, and artistic copyrights, based on the highest principles of respect for those forms of property, sanctioned by our laws, the treaty in question will soon be promulgated and become operative.

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"HEALTH OF THE CAPITAL.

"The sanitary conditions of the capital continue to show marked improvement, as is demonstrated by the following facts: Deaths during the first half of 1901 numbered 12,100; during the first half of 1902 they numbered 10,442, and during the first half of the present year, 8,858.

"The drainage of the city and the spread of sanitary services may be considered to be the immediate causes of this happy result. The service of disinfection is being regularly enforced and continually extended. A building has just been acquired in which a new steam disinfector will be installed.

"PLAGUE AT MAZATLAN.

"In my message of April last I stated that the epidemic of bubonic plague which invaded the port of Mazatlan might be regarded as virtually extinguished. I now have the satisfaction of informing you that the terrible scourge has wholly disappeared, for though at the beginning of last month 3 new cases occurred at a small village 40 kilometers distant from the port, the contingency had been provided for, and with the means that had been prepared an instant remedy was applied, and this new focus of infection was at once eliminated. Notwithstanding this, the special vaccine continues to be applied in that locality and various other preventive measures are being taken. Moreover, a new lazaretto on the island of Belvedere, near Mazatlan, has been erected.

"MEASURES AT OTHER PORTS.

"At Guaymas a lazaretto and an observation station have been completed, and a steam disinfector, which that port lacked, has been suitably installed. The lazaretto at Coatzacoalcos has been completed and is now in use.

"YELLOW FEVER.

"Yellow fever has prevailed at Tampico in an epidemic form since May 5 last, causing a certain number of deaths. The government of Tamaulipas and the local authorities of the port have combated the malady with noteworthy zeal and have established suitable sanitary services. The Federal Government, on its part, has ren-

dered efficacious assistance and has succeeded in stifling the epidemic. The governments of Nuevo Leon and San Luis Potosi have adopted efficacious measures to prevent the propagation of the malady in their several States.

The yellow fever has also developed with some degree of intensity at Veracruz, though it has not, as on former occasions, spread beyond the zone which it ordinarily invades. The State government and the superior board of health are, in concert, devising a series of measures calculated to combat the disease in question, with the hope of stamping it out forever.

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“ARCHÆOLOGICAL INVESTIGATIONS.

“The work of exploring and reclassifying the archæological wealth of the nation, which has hardly been begun, is being carried forward with particular zeal, notwithstanding the natural difficulties with which it is attended. It is gratifying to me in this connection to inform you that a visit of exploration has been made within the last few months to the celebrated ruins of La Quemada, in the State of Zacatecas, and that important explorations and excavations are being conducted at Huexotla, in the district of Texcoco. On the other hand, active steps are being taken to clear from undergrowth and trees the admirable archæological monuments of the State of Yucatan, especially those of Chichen-Itza, which were suffering the inroads, often irreparable, caused by tropical vegetation.

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“NATIONAL SURVEY.

“The scientific commissions having charge of the exploration measurement and mapping of the national territory have, during the period under review, effected the topographical surveys of the Tula, Amajaque, Metztitlan, Atoyac, and Nexapa rivers, estimating the volume of their respective currents. They have determined the geographical coordinates of important points in the States of Hidalgo, Durango, and Yucatan. They have published 22 sheets of the general map of the Republic. They have studied and surveyed 9 kilometers of the canal crossing the Yaqui River; and they have attended to the distribution of lots to peaceful Indians, or to the sale thereof to colonists who have gone with their families to settle in the Yaqui region.

“COLONIZATION.

“With respect to colonization, a contract has been entered into for establishing foreign families on private land in the State of Temaulipas, and arrangements have been made with prominent members of the extinct Boer nationality whereby they will take up their abode in our country as colonists.

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“MEXICO AT ST. LOUIS.

“Ample and advantageously located space has been allotted to Mexico in the general buildings of the St. Louis (Mo.) Universal Exposition, and it is gratifying to me to state that our building, which will serve as headquarters for the Mexican commission, was completed before any other, and that the exhibits of the States of the Republic in that important fair of nations are being prepared.

* * * * *

“FINANCE DEPARTMENT.

“LARGE REVENUE RETURNS.

“The work of concentrating and checking the treasury accounts for the fiscal year 1902-3 has not yet been completed; but the data which the general treasury already possesses in regard to those accounts indicate a revenue of more than \$74,500,000, which by some millions exceeds the revenue obtained in the fiscal year 1901-2. The proceeds of import duties, exclusive of the sliding extra collections under decree of November 25 last, increased by more than \$3,000,000, and, if the extra collections are included, by more than \$6,000,000, which demonstrates the beneficial results of that enactment. The revenue from stamp taxes exceeded the revenue from the same

source in the previous fiscal year by more than \$2,500,000. These two sources of revenue together represent alone a total collection of more than \$64,000,000. The revenue from the telegraph service also increased by more than \$240,000.

* * * * *

“THE CURRENCY QUESTION.

“The measures instituted by the department of finance, both at home and abroad, in connection with the variations which the gold value of our money is constantly undergoing, aim at bringing about such stability as is possible in the rate of foreign exchange and at placing our currency on a basis which will enable it to satisfy the internal needs of the country and to facilitate the development of public wealth. The executive, in carrying out this programme, has also endeavored, by every means compatible with the final object of the studies and efforts that have been entered upon, to protect the national mining industry, to rectify the point of view which, unfortunately, was becoming more generally unfavorable to silver, and to give its aid to every measure capable of enlarging the sphere of applicability of that metal.

“In approaching the governments of other nations, the Government had no thought of entering into treaties or conventions, nor of bringing about the holding of international conferences, such as on other occasions have been held with respect to similar questions. On this occasion the steps taken by the Government, with the support of the United States, have been addressed to bringing about an interchange of views with respect to the remedy that ought to be applied to the monetary situation of certain nations and colonies; to securing the maintenance of silver for currency purposes by countries which now have the silver standard, while imparting to it, when possible, a fixed value in relation to gold; to unifying the fundamental basis of the reforms that may be accepted, so that the solution may everywhere be surrounded by greater solidity and prestige, and, finally, to avoiding, within the scope of governmental action, the continued operation of the pernicious influences entailed by many of the chief factors of perturbation in the silver market.

“It is gratifying to me to inform you that the steps taken by the Mexican mission abroad have been attended with favorable results, and that on all hands the executive has received indubitable proofs of the esteem enjoyed by this country and of willingness to cooperate in the realization of the desires expressed by the Mexican mission and the mission which, at our request, was appointed for a similar purpose by the Government of the United States.

“On the other hand, the grand commission appointed by the department of finance to study in Mexico, from the point of view of national interests, the various questions relating to the same problem has made great progress in its labors, and will soon be able to announce their final result and the opinion formed by the enlightened persons constituting the commission. It will then be the duty of the executive, with all the data which the inquiries conducted in Mexico and abroad will have placed at its command, to avail itself of those data, and, if it considers a reform to be desirable, to propose suitable legislative measures to the chambers.

* * * * *

“CONCLUSION.

“Messrs. Deputies, Messrs. Senators, you will observe little or no novelty in the improvement which I have just reported to you. But I do not doubt that they will inspire you with great interest, for they demonstrate the universal progress of our country, which is more or less pronounced in every branch, both of the public industry and wealth, and a similar progress is noticeable in all the factors that constitute the moral development of Mexico and its position and credit among civilized nations. Peace, you well know, has been the chief factor in this prosperous situation, which still leaves room for improvement and demands the continuation of your patriotic efforts. On its side, the Executive will not for a moment relax its endeavors to merit the confidence with which the Mexican nation has so greatly honored it.”

**DIPLOMATIC IMMUNITIES—COLLECTION OF ALIEN HEAD TAX
FROM FOREIGN DIPLOMATIC AND CONSULAR OFFICERS ENTER-
ING THE UNITED STATES.**

Mr. McCreery to Mr. Hay.

No. 1890.]

EMBASSY OF THE UNITED STATES,
Mexico, August 3, 1903.

SIR: I have the honor to inclose a copy of my letter to the collector of customs at El Paso identifying Mr. Jumpei Shinobu, who, after a residence of more than a year in Mexico as chargé d'affaires of Japan, returned to his country via El Paso and San Francisco.

The issuance of letters of this character by the embassy was approved by the Department in its No. 631, of January 18, 1902.

Mr. Shinobu writes to the minister resident of Japan in this city that on the 24th ultimo he was made to pay the alien tax at El Paso under pain of being denied entrance into the United States. It being necessary for Mr. Shinobu to embark for Japan at San Francisco on a certain date, he paid the tax under protest.

I inclose the receipt given to Mr. Shinobu for \$4.75 "as alien tax imposed by the United States Government," and signed by "D. A. Skell, conductor or agent." At the top of the receipt are the words, "Mexican Central Railway Company, Limited," and at the foot, "This tax must be paid each time on entering the U. S."

It does not seem reasonable that an alien tax should be collected from a diplomatic officer of Japan returning to his country through the United States, able to identify himself, and also bearing a letter of identification from the embassy, nor is it plain that such fully identified diplomatic officer should be threatened with expulsion from the United States in case he should decline to pay said tax.

Mr. Shinobu speaks English fluently.

I have, etc.,

FENTON R. MCCREERY.

[Inclosure 1.]

Mr. McCreery to the collector of customs at El Paso.

EMBASSY OF THE UNITED STATES,
Mexico, July 17, 1903.

SIR: This will introduce to you my friend, Hon. Jumpei Shinabu, chargé d'affaires of Japan, who, after a residence of a year and a half in Mexico, is returning to his own country by way of San Francisco.

I trust that there will be extended to Mr. Shinabu such courtesies as it is possible to extend to a duly accredited diplomatic representative of a friendly Government.

Any courtesies extended to him will be greatly appreciated by me.

Very respectfully, yours,

FENTON R. MCCREERY,
Chargé d'affaires ad interim.

[Inclosure 2.]

Mexican Central Railway Company, Limited.

JULY 24, 1903.

Received of Mr. J. Shinabu \$4.75 Mexican currency, for 1 person, as alien tax imposed by the United States Government. Ticket, For Mexico, number —; destination, El Paso.

D. A. SKELL, *Conductor or Agent.*

This tax must be paid each time on entering the U. S.

Mr. Loomis to Mr. Clayton.

No. 936.]

DEPARTMENT OF STATE,
Washington, August 25, 1903.

SIR: Referring to Mr. McCreery's No. 1890, of the 3d instant, in relation to the collection of an alien tax at El Paso, Tex., from the Japanese chargé d'affaires ad interim at Mexico City, while en route through the United States to Japan, I inclose herewith for your information a copy of a letter from the Acting Secretary of the Department of Commerce and Labor, stating that the act of Congress approved March 3, 1903, provides for the collection of \$2 head tax upon every alien, except citizens of Canada, Cuba, or Mexico, applying for admission to the United States, and a regulation requires the deposit of a like amount in the case of each alien transit passenger, and that, under existing law, no exceptions in regard to collection of head tax are specifically mentioned and no authority is given to the Department of Commerce and Labor whereby they may be amplified so as to include diplomatic officers of foreign governments.

The Department of Commerce and Labor will, however, endeavor to ascertain whether refund can be secured in the case in question, and upon receipt of its report the Department will further advise you.

I am, etc.,

FRANCIS B. LOOMIS,
Acting Secretary of State.

[Inclosure.]

Mr. Garfield to Mr. Hay.

DEPARTMENT OF COMMERCE AND LABOR,
Washington, August 21, 1903.

SIR: I have the honor to acknowledge the receipt of your letter of the 19th instant, transmitting copy of a dispatch from the United States chargé d'affaires ad interim at Mexico City in regard to the collection of per capita tax at El Paso, Tex., from the Japanese chargé d'affaires at Mexico, who passed through the United States on his journey to Japan.

The act of Congress approved March 3, 1903, provides for the collection of \$2 head tax upon every alien, except citizens of Canada, Cuba, or Mexico, applying for admission to the United States, and a regulation requires the deposit of a like amount in the case of each alien transit passenger. Collection is not made direct from the alien, but from the transportation company bringing him into this country. In the case under consideration it will be noted that the Mexican Central Railway Company exacted payment, and the Department is not invested with the necessary power to prevent a transportation line from seeking to recoup itself from the alien passenger.

In this instance the railway company could have secured refund of the amount upon presentation of satisfactory proof that the passenger had passed through and out of the United States.

Under existing law the exceptions in regard to collection of head tax are specifically mentioned, and no authority is given to the Department whereby they may be amplified so as to include diplomatic or other officers of foreign governments. In the case of such officials brought to ocean ports the head tax is invariably paid by the steamship company owning the vessel upon which they arrive.

The Department will endeavor to ascertain whether refund can be secured in the instance to which your letter alludes, and will communicate with you further upon receipt of report.

Respectfully,

JAMES RUDOLPH GARFIELD,
Acting Secretary.

Mr. Hay to Mr. Clayton.

No. 942.]

DEPARTMENT OF STATE,
Washington, September 4, 1903.

SIR: Referring to previous correspondence in relation to the collection of an alien tax at El Paso, Tex., from the Japanese chargé d'affaires at Mexico City, I transmit for your further information copies of a letter from the Acting Secretary of the Department of Commerce and Labor and its inclosure from the inspector in charge of the customs office at El Paso, Tex., from which it appears that no one produced any proof either to Mr. Woodside, who represents the Mexican Central Railroad, or to the customs office, that Mr. Shinobu had left the United States, and as no one made demand that the money be refunded, a receipt was issued to Mr. Woodside for the amount of the tax.

I am, etc.,

JOHN HAY.

[Inclosure.]

Mr. Garfield to Mr. Hay.

DEPARTMENT OF COMMERCE AND LABOR,
Washington, September 1, 1903.

SIR: In further relation to your communication of August 19, 1903, in which you transmit, for the information of this Department, copy of a dispatch from the United States chargé d'affaires ad interim at Mexico City, in relation to the collection of an alien tax at El Paso, Tex., from the Japanese chargé d'affaires at Mexico, and of my reply thereto dated August 21, 1903, the Department is now in receipt of a communication from the inspector in charge, to whom the correspondence was referred, and begs to inclose copy of same for your further information.

Respectfully,

JAMES RUDOLPH GARFIELD,
Acting Secretary.

[Subinclosure.]

Mr. Adams to Commissioner-General of Immigration.

UNITED STATES CUSTOMS SERVICE,
OFFICE OF THE COLLECTOR, CHINESE BUREAU,
El Paso, Tex., August 27, 1903.

SIR: In regard to the refund of deposit made by Jumpie Shinobu, chargé d'affaires of Japan, who entered the United States at this port July 24, 1903, will say that no one produced any proof either to Mr. T. J. Woodside, who represents the Mexican Central Railroad, or to this office, that Mr. Shinobu had left the United States, and as no one made demand that the money be refunded receipt was issued to Mr. Woodside August 11, 1903, for the amount.

As to that part of letter signed Fenton E. McCreery, in which he writes that Mr. Shinobu was threatened with expulsion from the United States in case he should decline to pay his head tax, would reply that the conductors on the Mexican Central Railroad, whose duty it is to collect said tax for the company, are very courteous, and while they try hard to collect what they think is due the company they have orders in case anyone refuses to pay, to allow them to pass; and in several instances this has occurred.

Respectfully,

LOUIS ADAMS,
Inspector in Charge.

Mr. Clayton to Mr. Hay.

No. 1942.]

EMBASSY OF THE UNITED STATES,
Mexico, September 5, 1903.

SIR: Referring to Mr. McCreery's No. 1890, of the 3d ultimo, and its inclosures, and acknowledging the receipt of Department's instruction No. 936, of the 25th of the same month, all relating to the compulsory collection of an alien tax at El Paso, Tex., from the secretary of the Japanese legation en route through the United States to Japan, while it is true, as Mr. Loomis states in the aforesaid instruction, that "under existing law no exceptions in regard to collection of head tax are specifically mentioned and no authority is given to the Department of Commerce and Labor whereby they may be amplified so as to include diplomatic officers of foreign Governments," is it not also a fact that international law, or at least international usage, gives to diplomatic agents the right of uninterrupted free innocent passage through the territory of a third nation in going to or returning from their posts upon the business of their Governments? I respectfully suggest that if railway conductors are to be allowed to deny this right by stopping such officers at the border very unpleasant complications, in addition to the one in question, are likely to arise in the future.

I am informed by Mr. McCreery that this incident caused considerable feeling at the Japanese legation.

Awaiting such further instruction as the Department may see fit to give,

I have, etc.,

POWELL CLAYTON.

Mr. Adee to Mr. Clayton.

No. 953.]

DEPARTMENT OF STATE,
Washington, September 21, 1903.

SIR: Referring to your No. 1942, of the 5th instant, in further relation to the compulsory collection of an alien tax at El Paso, Tex., from the secretary of the Japanese legation, en route through the United States to Japan, I have to inform you that the Secretary of Commerce and Labor, in a letter of the 10th instant, states that he is of the opinion that the action of administrative officers in collecting a head tax on account of the diplomatic and consular officers of foreign countries seeking admission into the United States is in error, and he accordingly has requested the Secretary of the Treasury to issue instructions to the collectors of customs, who are alone authorized by law to collect this tax, to refrain from taking such action on account of the entrance into the United States of the diplomatic and consular officers of foreign countries.

I am, etc.,

ALVEY A. ADEE,
Acting Secretary.

FAILURE TO APPREHEND AND PUNISH MURDERERS OF AMERICAN CITIZENS IN MEXICO.

Mr. Clayton to Mr. Hay.

No. 1945.]

EMBASSY OF THE UNITED STATES,
Mexico, September 9, 1903.

SIR: I have the honor to transmit herewith a copy of my note of the 7th instant to the foreign office, relating to the murder of the American citizen, John E. Week, at Zamora, State of Michoacan, about March 3 last. I have the honor to transmit also a copy of other correspondence relating to the case.

In connection with this subject, I respectfully invite the attention of the Department to the following cases where American citizens were murdered, resulting in the nonapprehension of the murderers: Benjamin Y. Garcia, Victor Gerster, J. S. Stanfield, Philip Nesdal, J. W. Cullen, and William Savage.

In the case of J. S. Stanfield, although his supposed murderer, J. H. Greenwell, was arrested by the Mexican authorities, no efficient effort seems to have been made to prosecute his case.

I consider that the apparent inefficiency on the part of the Mexican officials in the aforesaid cases calls for strong representations to the Mexican Government by this embassy, and in view of the fact that the representations that have been made to the foreign office heretofore have been barren of results, it is my opinion that the subject in general should be brought to the attention of the President. If the Department concurs in this opinion, I respectfully suggest that it would add great weight to such representations if my action should be based upon its instruction.

I have, etc.,

POWELL CLAYTON.

[Inclosure 1.]

Mr. Clayton to Mr. Algara.

EMBASSY OF THE UNITED STATES,
Mexico, September 7, 1903.

MR. SECRETARY: The Department of State has brought to my attention the case of John E. Week, who was murdered at Zamora, State of Michoacan, about March 3, 1903, and has instructed me to take such action as may be necessary to have the assassin brought promptly to justice.

Upon this subject I quote from a communication of the United States consular agent at Guadalajara, under date of the 5th instant, as follows: "I have been obliged to gather my information by correspondence. One correspondent wrote me that he had a personal interview with the judge having jurisdiction in the case, and the judge said: 'The murderer was known and there were several eyewitnesses to the murder; however, the Government had no money to apprehend murderers.'"

The aforesaid consular agent telegraphed me on the 5th instant as follows: "I can not learn that the murderer of John E. Week has been apprehended or that efforts are being made to apprehend him."

I earnestly invoke the good offices of the Mexican Government toward bringing the murderer of Mr. Week to justice.

I have, etc.,

POWELL CLAYTON.

FOREIGN RELATIONS.

[Inclosure 2.—Telegram.]

*Mr. Clayton to Mr. Light, consular agent at Guadalajara.*EMBASSY OF THE UNITED STATES,
Mexico, September 5, 1903.

Wire me if the murderer of John E. Week has been apprehended.

POWELL CLAYTON.

[Inclosure 3.—Telegram.]

*Mr. Light to Mr. Clayton.*CONSULAR AGENCY OF THE UNITED STATES,
Guadalajara, September 5, 1903.

I can not learn that the murderer of John E. Week has been apprehended, or that efforts are being made to apprehend him.

EDWARD B. LIGHT.

[Inclosure 4.]

*Mr. Light to Mr. Clayton.*CONSULAR AGENCY OF THE UNITED STATES,
Guadalajara, September 5, 1903.

SIR: Your telegram of this date, inquiring as to the murderer of John E. Week at Zamoro, was duly received and answered.

As the Government does not authorize me to incur the expense of a personal investigation of such cases I have been obliged to gather my information by correspondence. One correspondent wrote me that he had a personal interview with the judge having jurisdiction in the case, and the judge said: "The murderer was known and there were several eyewitnesses to the murder. However, the Government had no money at its disposal to apprehend murderers." I then tried to learn by correspondence the names of the eyewitnesses and the murderer, but have failed to obtain it to this day, although I have written to my correspondent twice.

The murderer of Philip Nesdel (an American) in this State, at Navidad, about the 2d of October last is still at large. I am unable to learn that the murderer of William Savage has been tried for his crime. He was arrested and thrown in jail. While there he killed a companion who occupied the same cell. It was stated that he would be tried, sentenced, and shot for that offense, which would make it unnecessary to try him for the former offense. All this information I get from correspondents.

Believing it to be important that I be informed of these matters officially, I addressed a letter some time since to the secretary of state asking this information, but while an abundance of time has elapsed since I wrote to gather the information, I am without a reply. I have made some allowance for the fact that there has since that date been a change of secretaries and governors. It is my intention to take this matter up with the governor soon after his return to this city. I went once to his office for the information, but he was away then, and he has been out of the city considerably of late. I called the attention of the former governor (Curiel) to the murder of Nesdel, and he assured me that an effort was being made to locate and apprehend the murderer; that he had fled and his whereabouts were unknown. I shall be glad to receive any instructions in these cases which your may have to give me.

Very respectfully,

EDW. B. LIGHT,
*United States Consular Agent.**Mr. Adee to Mr. Clayton.*

No. 951.]

DEPARTMENT OF STATE,
Washington, September 19, 1903.

SIR: I have to acknowledge the receipt of your No. 1945, of the 9th instant, transmitting copies of correspondence relating to the murder

of John E. Week, and, in connection with the subject, inviting the Department's attention to other cases where American citizens have been murdered in Mexico.

In reply I have to state that the Department is of the opinion that you should again bring the cases you mention (except that of Greenwell, who is charged with the murder of Stanfield) to the attention of the Mexican foreign office, refer to the fact that representations previously made by the embassy in regard to them have been without effect, and ask that efficient measures be taken to prosecute the murderers. You may say that this is done under the instructions of your Government.

In the case of Greenwell, his extradition was asked by the Mexican Government, but the extradition magistrate in the United States held that the evidence was not sufficient to warrant his surrender.

I am, etc.,

ALVEY A. ADEE,
Acting Secretary.

Mr. Clayton to Mr. Hay.

No. 2034.]

EMBASSY OF THE UNITED STATES,
Mexico, November 17, 1903.

SIR: Referring to the general subject of the failure of the Mexican authorities to arrest and bring to justice the murderers of American citizens in Mexico, as set forth in my dispatch No. 1945, of September last, I have the honor to report that under Department's instruction No. 951, of September 19, 1903, I brought the matter to the attention of the Mexican Government in my note of the 3d ultimo, copy inclosed, in response to which I have received notes from the foreign office, copies and translations inclosed, dated as follows: In the case of Benjamin Y. Garcia, the 8th; two of the 17th and the 20th of October; of Victor Gerster, October 8; of Philip Nesdel, October 8 and November 6, and of J. W. Cullen, October 8; all of the present year.

On the 8th instant I addressed a note to Acting Secretary Algara, copy inclosed, acknowledging the receipt of his aforementioned notes, and adding to the four cases above referred to those of William Savage, John E. Week, and John S. Newman. The murderer of William Savage, although heretofore apprehended, has escaped from prison and is at large.

* * * * *

Awaiting its further instruction, I have, etc.,

POWELL CLAYTON.

[Inclosure 1.]

Mr. Clayton to Mr. Algara.

EMBASSY OF THE UNITED STATES,
Mexico, October 3, 1903.

MR. SECRETARY: I am instructed by the Department of State to bring to the attention of your excellency cases where the Mexican authorities have failed to arrest and bring to trial murderers of American citizens, as follows: Benjamin Y. Garcia, killed June 18, 1898, by the Spaniard, Alfonso Entrambasaguas; Victor Gerster, killed about January 20, 1902, by the Mexican, Francisco Gallardo; J. W. Cullen, killed about September 1, 1902, by the American, R. H. McKinnis.

The Garcia murder was verbally brought by me to Mr. Mariscal's attention on the 29th of September, 1898, at which time his excellency promised to exert his influence with the proper authorities for the prompt apprehension and trial of the accused. Having heard nothing further from Mr. Mariscal upon the subject, on the 9th of December, 1899, I again brought the matter to his attention by my note of that date.

The murder of Victor Gerster was brought to Mr. Mariscal's attention by my note of June 7, 1902.

The murder of J. W. Cullen was brought to Mr. Mariscal's attention by my note of March 5, 1903.

I respectfully invite your excellency's attention to the three aforesaid notes of this embassy and to the subsequent correspondence in each case.

In addition to the foregoing cases I am also instructed to again bring to the attention of your excellency's Government the murder of Philip Nesdel, which took place October 2, 1902. This case was brought to the attention of Mr. Mariscal by my note of December 2, 1902, to which and the subsequent correspondence I respectfully invite your excellency's attention. In this case it appears from the report of the governor of the State of Jalisco, made to the secretary of foreign affairs on December 16, 1902, and transmitted to this embassy with Mr. Mariscal's note of December 22 of the same year, that Higinio Ayón, supposed to be one of the murderers of Nesdel, was arrested on the 15th of December, 1902, but I have not learned that the said Ayón has been brought to trial, nor that Porfirio Fregose, the other supposed murderer mentioned in the governor's report as being pursued for the same crime, has been apprehended.

The Department of State, upon information received from this embassy, is impressed with the belief that the representations previously made by the embassy to your excellency's Government in regard to these murders have been without effect. The Department has therefore instructed me to ask that efficient measures be taken to prosecute the murderers, which I now most respectfully and earnestly do.

I avail, etc.,

POWELL CLAYTON.

[Inclosure 2.—Translation.]

Mr. Algara to Mr. Clayton.

DEPARTMENT OF FOREIGN AFFAIRS,
Mexico, October 8, 1903.

MR. AMBASSADOR: Referring to the note of the 3d instant, in which, by instruction of your Government, your excellency is pleased to urge the prosecution of the persons supposed to be guilty of the murder of certain American citizens in the Republic, I have the honor to say, in regard to the case of Benjamin Garcia, no later information than that which was communicated to your excellency on June 22 last has been received, but I have asked the governor of the federal district for another report, and requested him to give the proper orders to the end that the judge in charge of the case may direct that more active steps be taken to procure the arrest of the homicide in question.

I renew, etc.,

In the absence of the secretary, the subsecretary,

JOSÉ ALGARA.

[Inclosure 3.—Translation.]

Mr. Algara to Mr. Clayton.

DEPARTMENT OF FOREIGN AFFAIRS,
Mexico, October 17, 1903.

MR. AMBASSADOR: Referring to the note of the 3d instant, in which your excellency was pleased to ask for information in regard to the prosecution of persons guilty of the murder of certain American citizens, I have the honor to transmit to your excellency herewith a copy of a communication addressed to me by the governor of the federal district in regard to the case of Benjamin Garcia.

I renew, etc.,

In the absence of the secretary, the subsecretary,

JOSÉ ALGARA.

[Subinclosure.—Translation.]

Governor of the federal district to the secretary for foreign affairs.

MEXICAN REPUBLIC. GOVERNMENT OF THE FEDERAL DISTRICT, SECTION FIFTH,
NUMBER 4848.

Notwithstanding the efforts of the police to procure the arrest of Alfonso Entrambasaguas, guilty of the murder of the American citizen Benjamin Garcia, it has not been effected, for the reason that, according to information received and already communicated to your Department, he has left the territory of the federal district, but the orders to the police have been repeated, and the judge of Tlalpam has been directed to take the measures indicated.

MEXICO, *October 16, 1903.*

GUILLERMO DE LANDA Y ESCANDON.

[Inclosure 4.—Translation.]

Mr. Algara to Mr. Clayton.

DEPARTMENT OF FOREIGN AFFAIRS,
Mexico, October 17, 1903.

MR. AMBASSADOR: Referring to my other note of this date in regard to the case of Benjamin Garcia, I have the honor to transmit to your excellency herewith a copy of a communication addressed to me by the governor of the federal district, in which he copies a report of the judge of first instance of Tlalpam, upon the steps taken to procure the arrest of the supposed murderer of Garcia.

I renew, etc.,

In the absence of the secretary, the subsecretary,

JOSÉ ALGARA.

[Subinclosure.—Translation.]

Governor of the federal district to the secretary for foreign affairs.

MEXICAN REPUBLIC, GOVERNMENT OF THE FEDERAL DISTRICT.

The judge of first instance of Tlalpam, in communication of the 14th instant, says to this Government:

“Referring to your communication, No. 14706, in which you copy another from the department of foreign affairs, asking for a report in regard to the condition of the proceedings in the case of the murder of the American citizen Benjamin Garcia, and recommending that active efforts be made for the arrest of the criminal, I have the honor to say that every effort has been made, and that this court has done everything—absolutely everything—possible to procure the arrest of Alfonso Entrambasaguas, supposed to be the guilty party.

“In view of a note of the chargé d'affaires ad interim of the United States, of April 13 last, in which he said that he had been informed that the said Entrambasaguas was, under an assumed name, at or near Fierro del Toro, State of Morelos, engaged in farming and dealing in forage and zacaton, further orders of arrest were issued, and, among others, a requisition was sent by telegraph to the place indicated, and a written requisition was sent later, as is shown by the record. All else within the power of the undersigned himself and in conjunction with other authorities was done.

“If the just desires of the department of foreign affairs have not been accomplished it is not the fault of the undersigned, but because of absolutely unavoidable circumstances.

“Of all of which I have the honor to advise you, in order that you may be pleased to communicate the same to the department of foreign affairs, and I beg that you will assure it that I am truly desirous that prompt, full, and strict justice may be done in the matter.”

Which I have the honor to copy for you in reply to your communication of the 18th instant.

Renewing, etc.,

MEXICO, *October 16, 1903.*

GUILLERMO DE LANDA Y ESCANDON.

FOREIGN RELATIONS.

[Inclosure 5.—Translation.]

*Mr. Algara to Mr. Clayton.*DEPARTMENT OF FOREIGN AFFAIRS,
Mexico, October 20, 1903.

MR. AMBASSADOR: I have the honor to transmit herewith a copy of a communication addressed to me by the governor of the federal district, reporting that, notwithstanding the careful search by the police, the supposed murderer of Benjamin Garcia has not been captured; nevertheless the search will be continued, although it is believed that he is not in this country.

I renew, etc.,

In the absence of the secretary, the subsecretary,

JOSÉ ALGARA.

[Subinclosure.—Translation.]

*Governor of the district to the secretary of foreign affairs.*MEXICAN REPUBLIC, GOVERNMENT OF THE FEDERAL DISTRICT, SECTION FIFTH, NUMBER
4866.

The inspector-general of police, on the 15th instant, reports to this Government as follows:

“The chief of the detective service, under date of yesterday, reports to this office as follows:

“Referring to circular No. 505 of the department, dated yesterday, in which it is ordered, by direction of the department of foreign affairs, that more active search be made for Alfonso Entrambasaguas, guilty of the murder of Benjamin Garcia, and that report be made upon the matter, I have the honor to say that notwithstanding the careful search made for the said Entrambasaguas he has not been found, and that information that he is not in this country has been received; nevertheless, the search will be continued.”

I have the honor to copy the same for you, in reply to your communication upon the subject, and to assure you of my distinguished consideration.

MEXICO, October 17, 1903.

GUILLERMO DE LANDA Y ESCANDON.

[Inclosure 6.—Translation.]

*Mr. Algara to Mr. Clayton.*DEPARTMENT OF FOREIGN AFFAIRS,
Mexico, October 8, 1903.

MR. AMBASSADOR: Referring to the note of the 3d instant, in which, by instruction of your Government, your excellency is pleased to urge the prosecution of the persons supposed to be guilty of the murder of certain American citizens in the Republic, I have the honor to say, in regard to the case of Victor Gerster, that this department has received no later information than that which was communicated to your excellency on November 20 last; but I have asked the governor of the State of Chiapas for another report and requested him to issue the necessary orders to the end that the judge in charge of the case may press the measures taken to procure the arrest of the supposed murderer of Gerster.

I renew, etc.,

In the absence of the secretary, the subsecretary,

JOSÉ ALGARA.

[Inclosure 7.—Translation.]

*Mr. Algara to Mr. Clayton.*DEPARTMENT OF FOREIGN AFFAIRS,
Mexico, October 8, 1903.

MR. AMBASSADOR: Referring to the note of the 3d instant, in which, by instruction of your Government, your excellency is pleased to urge the prosecution of the persons

supposed to be guilty of the murder of certain American citizens in the Republic, I have the honor to say, in regard to the case of Philip Nesdel, that this department has received no later information than that which was communicated to your excellency on December 22 of last year; but I have asked the governor of the State of Jalisco for a further report, and I have requested him to direct that more active efforts be made to effect the arrest of one of the murderers of Nesdel who has not yet been captured.

I beg to renew, etc.,

In the absence of the secretary, the subsecretary,

JOSÉ ALGARA.

[Inclosure 8.—Translation.]

Mr. Algara to Mr. Clayton.

DEPARTMENT OF FOREIGN AFFAIRS,
Mexico, November 6, 1903.

MR. AMBASSADOR: Referring to my note of October 8 last, in which I informed your excellency that I had requested the governor of the state of Jalisco to direct that more active measures be taken to procure the arrest of one of the suspected murderers of Philip Nesdel, I have the honor to transmit to your excellency, herewith, a copy of a communication addressed to me by the said governor, in which he informs me of the present condition of the case.

I renew, etc.,

In the absence of the secretary, the subsecretary,

JOSÉ ALGARA.

[Subinclosure.—Translation.]

Governor of Jalisco to the secretary for foreign affairs.

MEXICAN REPUBLIC, GOVERNMENT OF THE FREE AND SOVEREIGN STATE OF JALISCO,
SECTION SECOND, NUMBER 2570.

The citizen president of the supreme tribunal of justice of the State, in communication number 2255, informs this government as follows:

The judge of first instance of Mascota, in communication number 603, of the 22d instant, reports to the department of orders of this supreme tribunal as follows:

In reply to your note, number 1299, of the 15th instant, I have the honor to say that on October 22, 1902, Higinio Ayón was released because the evidence upon which his arrest was based did not show that he was an accomplice in the murder of the American citizen Philip Nesdel, and that on the 25th of the said month requisitions were issued for the arrest of Porfirio Fregoso, because of there being sufficient cause to proceed against him; up to this date the said requisitions have not been returned executed.

And by order of the said tribunal, I have the honor to inform you of the same in reply to your courteous communication, number 2192, of the 12th instant.

Which I have the honor to copy for you for your information, and in reply to your notes relating to the matter.

I renew, etc.,

GUADALAJARA, *October 28, 1903*

M. AHUMADA.

JUAN L. LOMELI, *Secretary.*

[Inclosure 9.—Translation.]

Mr. Algara to Mr. Clayton.

DEPARTMENT OF FOREIGN AFFAIRS,
Mexico, October 8, 1903.

MR. AMBASSADOR: Referring to the note of the 3d instant, in which, by instruction of your Government, your excellency is pleased to urge the prosecution of the persons supposed to be guilty of the murder of certain American citizens in the Republic, I have the honor to say, in regard to the case of J. W. Cullen, no later information has been received by this department than that which was communicated to your excellency on May 4 last, from which it appears that the governor of the State of

Coahuila issued the necessary orders for the arrest of the author of the death of Cullen, without obtaining any result; but as the said governor believes that the suspect is in the United States, he said that he would apply for his extradition so soon as he is certainly informed that he has sought refuge in that country

I renew, etc.,

In the absence of the secretary, the subsecretary,

JOSÉ ALGARÁ.

[Inclosure 10.]

Mr. Clayton to Mr. Algara.

EMBASSY OF THE UNITED STATES,
Mexico, November 8, 1903.

MR. SECRETARY: I have the honor to acknowledge the receipt of certain notes from your excellency, all in reply to my note of the 3d ultimo, relating to cases where the Mexican authorities have failed to arrest and bring to trial murderers of American citizens. Concerning the case of J. W. Cullen, it is alleged that R. H. McKinney, the murderer of Cullen, compelled the locomotive engineer to assist him in his escape by carrying him toward the border upon his engine. Mr. H. P. Cullen, the brother of the murdered man, alleges that this engineer was not really compelled to assist in the escape of the murderer, but did so in collusion with him. I respectfully request that I may be informed of what steps, if any, have been taken by the authorities of Monclova in the investigation of this phase of the case.

In connection with the general subject of the failure to bring to justice the murderers of American citizens, I regret to have to add to the cases already enumerated the following: That of John E. Week, referred to in my notes of September 7 and October 2 of the present year, and their inclosures; that of William Savage, referred to in my notes of September 7 and October 18 and 20 last, the murderer having been arrested and imprisoned, and afterwards having effected his escape; and that of John S. Newman, which I brought to the attention of your excellency by my note of the 5th instant.

As the apprehension and punishment of murderers, without regard to their nationality or that of their victims, must be gratifying to every lover of justice, it was with satisfaction that I observed with what vigilance and untiring zeal the Mexican authorities ferreted out and brought to condign punishment, about a year ago, the seven murderers of the British subject, Robert Remmett, and with what equal zeal and consummate ability they apprehended and caused to be subjected to the extreme penalty of the law the eleven murderers of the two French citizens, Courmont and Dupin.

It is to be regretted that, in the cases of the seven murdered American citizens referred to, the authorities have not been so fortunate. I, however, indulge in the confident expectation that, with the aid of your excellency, justice in these cases may yet be satisfied by the arrest and punishment of the guilty persons.

Thanking your excellency for the interest you have already taken in the cases of Garcia, Gerster, Nesdel, Savage, Cullen, and Week, I have, etc.,

POWELL CLAYTON.

**SUPPLEMENTARY CONVENTION BETWEEN THE UNITED STATES
AND MEXICO FOR THE MUTUAL EXTRADITION OF FUGITIVES
FROM JUSTICE.**

Signed at the City of Mexico June 25, 1902.

Ratification advised by the Senate March 11, 1903.

Ratified by the President March 18, 1903.

Ratified by Mexico March 28, 1903.

Ratifications exchanged at the City of Mexico March 28, 1903.

Proclaimed April 3, 1903.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Whereas a Supplementary Convention between the United States of America and the United States of Mexico for the purpose of adding

the crime of bribery to the list of crimes or offenses on account of which extradition may take place between the two countries, was concluded and signed by their respective Plenipotentiaries at the City of Mexico, on the twenty-fifth day of June, one thousand nine hundred and two, the original of which Supplementary Convention, being in the English and Spanish languages, is word for word as follows:

The United States of America and the United States of Mexico being desirous to add the crime of bribery to the list of crimes or offenses on account of which extradition may be granted under the Convention concluded between the two countries on the 22nd day of February, 1899, with a view to the better administration of justice and the prevention of crime in their respective territories and jurisdictions, have resolved to conclude a Supplementary Convention for this purpose and have appointed as their Plenipotentiaries, to-wit:

The President of the United States of America, Powell Clayton, Ambassador Extraordinary and Plenipotentiary of said United States at Mexico, and

The President of the United States of Mexico, Don Ignacio Mariscal, Secretary of Foreign Relations.

Who, after having communicated to each other their respective full powers, which were found to be in due and proper form, have agreed to and concluded the following

ARTICLE.

The following crime is added to the list of crimes or offenses numbered 1 to 20 in the second Article of the said Convention of February 22, 1899, on account of which extradition may be granted, that is to say:

Bribery, defined to be the giving, offering or receiving of a reward to influence one in the discharge of a legal duty.

The present Convention shall be ratified and the ratifications shall be exchanged at the City of Mexico as soon as possible.

It shall come into force ten days after its publication in conformity with the laws of the High Contracting Parties, and it shall continue and terminate in the same manner as the said Convention of February 22, 1899.

In testimony whereof the respective Plenipotentiaries have signed the present Convention in duplicate and have hereunto affixed their seals.

Done in duplicate at the City of Mexico, in the English and Spanish languages, this twenty-fifth day of June one thousand nine hundred and two.

[SEAL.]
[SEAL.]

POWELL CLAYTON
IGNO. MARISCAL

And whereas the said Supplementary Convention has been duly ratified on both parts, and the ratifications of the two Governments were exchanged in the City of Mexico on the twenty-eighth day of March, one thousand nine hundred and three;

Now, therefore, be it known that I, Theodore Roosevelt, President of the United States of America, have caused the said Supplementary Convention to be made public, to the end that the same and every clause thereof may be observed and fulfilled with good faith by the United States and the citizens thereof.

In testimony whereof, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

Done at the City of Washington, this third day of April, in the year of our Lord one thousand nine hundred and three, and of the Independence of the United States of America the one hundred and twenty-seventh.

[SEAL]

THEODORE ROOSEVELT

- By the President:

JOHN HAY

Secretary of State.

EXTRADITION OF CHARLES KRATZ.

Mr. Hay to Mr. Clayton.

[Telegram.—Paraphrase.]

DEPARTMENT OF STATE,
Washington, October 10, 1903.

(Mr. Hay instructs Mr. Clayton to ascertain whether the Mexican Government will entertain a request for the extradition of Charles Kratz, charged with bribery in Missouri, as an act of comity upon promise of reciprocity by the United States.

Mr. Hay states that he understands the position of the Mexican Government to be that under the Mexican constitution the treaty is not retroactive, but that by the Mexican law of 1897 extradition can be granted outside of treaty upon promise of reciprocity; that, as it has been held by a Federal court in the United States that an extradition treaty is retroactive in the absence of express stipulations to the contrary, the United States Government can promise reciprocity to Mexico in a case of a fugitive charged with bribery committed in Mexico before the supplemental convention went into effect, and that the President of the United States is greatly interested in the matter, and would be gratified if the desired extradition can be brought about.)

Mr. Clayton to Mr. Hay.

[Telegram—Paraphrase.]

EMBASSY OF THE UNITED STATES,
Mexico, October 13, 1903.

(Mr. Clayton reports that the Mexican Government will surrender Kratz upon full compliance by the United States with the requirements of the Mexican extradition law of 1897 and promise of strict reciprocity in any similar case, meaning any case of bribery committed prior to the supplemental convention between the United States and Mexico.

Mr. Clayton advises immediate request for provisional detention of Kratz if, under the treaty referred to, the Department of State decides to demand the extradition of Kratz.)

Mr. Clayton to Mr. Hay.

No. 1986.]

EMBASSY OF THE UNITED STATES,
Mexico, October 14, 1903.

SIR: I have the honor to acknowledge the receipt at 4 p. m., Saturday last, of Department's telegraphic instruction of the 10th instant relating to the extradition of Charles Kratz, which I brought to the attention of the foreign office on Monday by leaving a copy of said telegram with Subsecretary Algara, so that he might study the questions involved, and with the understanding that I would call on Tuesday to further discuss the matter with him, which I did on that day. At this interview it was agreed that upon our promising reciprocity in any similar case, and upon compliance with articles 4 and 16, and paragraph 1, article 32, of the Mexican extradition law of 1897, the Mexican Government would surrender the accused. It was definitely understood that the language to be used in the promise of reciprocity should be: "The United States of America will reciprocate in any similar case," meaning any case of bribery arising in Mexico committed prior to the supplemental convention.

Mr. Algara fixed the time that the prisoner can be held provisionally, in case his provisional detention should be requested, at forty-five days.

Having arrived at this understanding, I immediately telegraphed the Department. My suggestion therein contained as to the immediate request for his provisional detention is based upon the fact that the papers in the United States have been discussing his extradition under this process, the Mexican Herald, in an editorial of last Monday, indulged in similar discussion; hence I feared that Kratz might become alarmed and seek refuge elsewhere.

I have, etc.,

POWELL CLAYTON.

Mr. Hay to Mr. Clayton.

[Telegram.—Paraphrase.]

DEPARTMENT OF STATE,
Washington, October 15, 1903.

(Mr. Hay instructs Mr. Clayton to request of the Government of Mexico the provisional arrest and detention of Charles Kratz for bribery in Missouri, where warrant of arrest has been issued.

Mr. Hay states that formal papers are being prepared; that the Mexican law of 1897 will be fully complied with; that strict reciprocity is promised by the Government of the United States; and that the fugitive is said to be at Guadalajara.)

Mr. Clayton to Mr. Hay.

[Telegram.—Paraphrase.]

EMBASSY OF THE UNITED STATES,
Mexico, October 21, 1903.

(Mr. Clayton reports that he made request on October 20 for the provisional detention of Kratz.)

Mr. Clayton to Mr. Hay.

[Telegram.—Paraphrase.]

EMBASSY OF THE UNITED STATES,
Mexico, October 22, 1903.

(Mr. Clayton reports that he has been informed by the Mexican foreign office that Kratz was arrested at Guadalajara on October 20, and that the requisition for his extradition must be made within thirty days from that date.)

Mr. Clayton to Mr. Hay.

No. 1996.]

EMBASSY OF THE UNITED STATES,
Mexico, October 24, 1903.

SIR: I have the honor to acknowledge the receipt of Department's telegraphic instruction of the 15th instant.

I was sick at Cuernavaca when it came, and the delay in its execution is explained by the following quotation from a letter from Secretary Hoeefe to me of the 20th instant:

I regret to inform you that owing to what appears to have been carelessness on the part of some servant at your house a telegram from the Department, dated the 15th, only came into my hands this morning. Mrs. Clayton sent it to me with a note, saying that she found it stuck in between some papers on her table. I immediately sent the request to the foreign office, in accordance with the instructions you gave me in the matter before your departure.

Before leaving for Cuernavaca, in expectation of such instruction and for the facilitation of its execution, I signed an application for the arrest and provisional detention of Kratz, leaving the date blank, which Secretary Hoeefe filled in, and handed the application to Mr. Algara upon the morning of the 20th instant. This application did not promise in the exact language of your instruction strict reciprocity and compliance with Mexican law. In view of the delay referred to Mr. Hoeefe thought it best to send the application as drawn by me, which the Mexican Government has accepted as sufficient. As I understand the Mexican law there must be two promises of reciprocity—first, of provisional detention; second, of surrender. In the preparation of the requisition in this case, unless the Department otherwise directs, I shall include a promise of strict reciprocity and full compliance with the Mexican extradition law of May 19, 1897 (see article 4).

On the 21st instant I telegraphed Mr. Algara as follows:

Very important provisional detention requested yesterday should be executed with utmost dispatch.

Upon the same day I received his reply stating that the arrest of the accused had been effected at Guadalajara on the 20th instant, and that thirty-five days would be allowed for the presentation of papers in the case.

On yesterday, not receiving the physical relief at Cuernavaca I had hoped for, I returned to this capital and to-day Secretary Hoeefe has handed me a note from the foreign office, copy inclosed, received at the embassy on the evening of the 22d instant, after office hours, relating to the provisional detention of Kratz, and to questions which doubtless will be raised in the extradition case. The minister's reference, in paragraph 3 of said note, to article 2, is doubtless an error,

and should be article 13. I have to-day replied to said note, copy inclosed. In this reply I did not deem it wise to express my personal views as to the questions referred to by Mr. Algara; doubtless the Department will prefer to refer these questions to its law officer.

I believe it safe to assume that this extradition case will be fought by Kratz and his friends with the utmost vigor and with the best lawyers that money will command, at every stage of its proceedings, doubtless ending at last in the supreme court of the Republic, which court I do not think will overrule the decision of the executive department, whatever it may be.

I inclose a copy of my telegram of the 22d instant to Mr. Algara, expressing my high appreciation of the prompt and effective action of his Government in the arrest of Kratz.

I have, etc.,

POWELL CLAYTON.

[Inclosure 1.—Translation.]

Mr. Algara to Mr. Clayton.

DEPARTMENT FOR FOREIGN AFFAIRS,
Mexico, October 20, 1903.

MR. AMBASSADOR: I have received the note of even date, in which, in the name of your Government, your excellency is pleased to ask for the provisional detention of the American citizen Charles Kratz, accused of the crime of bribery committed in the State of Missouri.

Your excellency is pleased to add that Kratz's arrest has been ordered by competent authority, and to promise reciprocity in every like case, and to present the demand with the proofs of fact and law required by the Mexican law of extradition of May 19, 1897.

The petition contained in your excellency's note to which I refer is in accordance with the precepts of article 2 of the said law, and in this view the Executive has had no objection in granting it, and has consequently directed the governor of the State of Jalisco to procure the detention of the accused, fixing the term of thirty-five days for the presentation of the extradition papers in due form.

I think it proper to make a statement of this case: In May, 1902, your excellency was pleased to ask, by direction of your Government, for the extradition of Kratz for the said crime of bribery, and this department did not grant the said petition for the reason that the offense was not included in the treaty of February 22, 1899.

Promise of reciprocity and submission of the Government of the United States to our general extradition law were not offered at that time by the Government of the United States.

A remedy was found for this condition by the celebration of an agreement between Mexico and the United States by which the crime of bribery was added to the list of those included in the treaty of 1897.

The new treaty went into effect on July 25, 1902, and the difficulties which attended cases like that of Kratz were obviated for the future, but not for the one in question, as the embassy understood that the Mexican Government could not give retroactive effect to the treaty, and apply it to cases which had arisen before its celebration.

In this state of things, after conference had been had with the undersigned with regard to the antecedents referred to, your excellency was pleased to present the petition for extradition contained in the note to this department to which I reply.

It has been said, even by the press, that the Government of the United States did not give retroactive effect to treaties of extradition, an opinion with which this department does not concur, as already stated, for the reason that extradition is like a criminal cause—it has the same results, and that which could not be admitted in a criminal cause can not be accepted in a proceeding for extradition.

This department respects the opinion in question of the United States, the basis of which it does not know and which it would like to know, because of the gravity of the point and the legislation of both countries being very similar.

Putting aside, then, in view of what has been set forth, the retroaction, the difficulty as to grant or not to grant the extradition remains, in view of that which is established by our general law on the matter, article 1, Section II, concordant to article 32 of the said law.

"In the absence of an international stipulation, the stipulations of this law shall be observed." This is the text cited: Should it be understood to mean that a treaty having been celebrated under it, and nothing more, can extraditions be granted, limiting the powers of both Governments to the letter of the treaty? Or, on the contrary, without prejudice to the precise fulfillment of the treaty, are they empowered to grant extraditions under the principles admitted by their respective legislations, and with due regard to the formalities required?

In the United States the principles which govern extradition are rigorous, and it appears that the Department of State does not grant extradition outside of the treaties, and does not consider that the President has power to act in that sense, with promises of reciprocity or other things, to other States.

The rules observed by Mexico are not so restrictive, although it must be remembered that they are not to be in anywise considered obligatory; but, on the contrary, altogether voluntary on the part of the Executive of the Union, who will act in all cases, in accordance with the circumstances, with all justice and prudence.

Be this as it may, the United States, in formulating its petition for the extradition of Kratz, has conformed to our law of extradition, has promised reciprocity, and later will extend this promise to all the points included in article 4 of the said law. Such being the case, the President has found no objection to ordering the immediate provisional arrest of Kratz, in the terms expressed above, the proper extradition suit to be begun so soon as the same may be effected.

The legal exceptions that may be presented in this cause, herein superficially indicated to your excellency, and it is possible that they may be amplified and added to by the suspect, must all be taken into consideration by the district court of Jalisco, and afterwards by this department, in the terms, of which your excellency is aware, established by law, and finally by the federal court in appeal for amparo, which may be interposed by the suspect in a case of adverse decision by the district judge or by this department.

In view of the peculiar circumstances in the case of Kratz, the interest manifested by the Government of the United States in his extradition, and the character and gravity of the crime of which he is accused, the President has granted the demand presented by the Government of the United States, without prejudice to the judicial questions mentioned.

I have formulated this statement because of the importance of the matter, in view of the circumstances of law and fact presented, believing that the Executive has acted in the case in a manner corresponding to the friendly relations which unite the countries.

I renew, etc.,

JOSÉ ALGARA.

[Inclosure 2.—Translation.]

Mr. Algara to Mr. Clayton.

[Telegram.]

MEXICO, *October 21, 1903.*

Suspect was arrested yesterday at Guadalajara. Thirty-five days allowed for presentation of papers.

ALGARA.

[Inclosure 3.]

Mr. Clayton to Mr. Algara.

EMBASSY OF THE UNITED STATES,
Mexico, October 24, 1903.

MR. SECRETARY: I have the honor to acknowledge the receipt of your excellency's note of the 20th instant, received at this embassy on the afternoon of the 21st instant after office hours, relating to my late request for the arrest and provisional detention of Charles Kratz, charged with the crime of bribery in Missouri.

I do not understand that in May, 1902, I requested the extradition of Kratz, but that Mr. McCreery, then chargé d'affaires ad interim, on the 1st of May of that year informally asked Mr. Mariscal whether the Mexican Government would consider a request for such extradition, informing him at the same time that the Government

of the United States could not promise reciprocity. Mr. Mariscal replied that the request could not be considered under the extradition treaty, nor could it be under the extradition law without the promise of reciprocity. This ended the matter for the time being, and no request for the extradition of Kratz was then made.

In the third paragraph of your excellency's aforesaid note the following language occurs: "The petition contained in your excellency's note, to which I refer, is in accordance with the precepts of article 2 of the said law." Should not the article in question be 13 instead of 2?

I note that the forty-five days' period of provisional detention, verbally agreed upon between your excellency and myself, has been reduced to thirty-five days. I presume, however, that the period thus reduced will be sufficient to enable my Government to comply with the subsequent formalities.

I have to-day forwarded to the Department of State at Washington a copy and translation of your excellency's note. To the questions foreshadowed therein it will doubtless give careful consideration, and I thank your excellency for thus indicating them.

I avail, etc.,

POWELL CLAYTON.

Mr. Hay to Mr. Clayton.

No. 985.]

DEPARTMENT OF STATE,
Washington, November 3, 1903.

SIR: I have to inform you that the President has issued his warrant authorizing William Desmond to take into custody Charles Kratz, a fugitive from the justice of the United States, charged with bribery, who has taken refuge in Mexico, and who is to be surrendered to the proper authorities of the United States.

The telegraphic correspondence between you and the Department shows that the provisional detention of Kratz was granted by the Mexican Government as an act of comity, upon the assurance by this Government of reciprocity, should occasion arise.

In formally making the request for Kratz's extradition, which I now instruct you to do, you will notify the Mexican Government that the Government of the United States makes the promises required by the Mexican law of May 19, 1897, and promises strict reciprocity in any case of bribery committed in Mexico prior to the date of the supplemental convention of extradition between the two countries.

I inclose the papers in the case, duly authenticated by the Mexican consul at St. Louis, and by this Department. The certificate of the Department will require authentication by you.

Mr. Desmond has gone to Mexico, and he will place himself in communication with you. The warrant of surrender is, therefore, inclosed herewith, for delivery by you to him.

I am, etc.,

JOHN HAY.

Mr. Hay to Mr. Clayton.

No. 988.]

DEPARTMENT OF STATE,
Washington, November 6, 1903.

SIR: I have to acknowledge the receipt of your dispatch No. 1996, of the 24th ultimo, confirming your telegram of the 21st ultimo, reporting the arrest and provisional detention of Charles Kratz, and inclosing a copy of correspondence with the Mexican foreign office in relation to the desired extradition of the fugitive.

On the 3d instant an instruction, No. 985, was sent to you, directing you to make formal request for the extradition of Kratz, to present the documentary evidence in the case, and to give the assurance and promises required by the Mexican extradition law.

As showing the basis of the view of this Department, that extradition treaties apply to offenses committed prior to their conclusion unless they expressly provide otherwise, I inclose herewith a copy of the opinion^a of the district court of the United States for the southern district of New York (Blatchford, J.) in the case of *In re De Giacomo* (12 Blatchford, 391).

The Department has advised the Missouri State authorities of the necessity of providing the officer who has gone to Mexico to take Kratz into custody with ample funds to employ legal counsel there.

I am, etc.,

JOHN HAY.

Mr. Clayton to Mr. Hay.

No. 2014.]

EMBASSY OF THE UNITED STATES,
Mexico, November 9, 1903.

SIR: In relation to the Kratz extradition case, I have the honor to report that on Friday last, after having presented Captain Reeve, the new military attaché at this embassy, to the President, I turned the conversation to said case, remarking that President Roosevelt felt a deep interest in it, and that my Government hoped that the Government of his excellency would find it consistent to grant the requisition for the surrender of Kratz. I stated that I had carefully studied the Mexican extradition law and had been unable to find any obstacle that I considered in the way. The President replied that it was not so much a question of law as it was a question of comity, and that I would find that the Mexican flag would not be used to shield criminals.

From what the President said, and his manner, I feel greatly encouraged in the belief that the extradition will be granted.

The papers in the case have not yet been received at this embassy.

I have, etc.,

POWELL CLAYTON.

Mr. Clayton to Mr. Hay.

[Telegram.—Paraphrase.]

EMBASSY OF THE UNITED STATES,
Mexico, November 16, 1903.

(Mr. Clayton reports that the requisition for the extradition of Kratz has been made by him, and that the promises expressed therein as required by Mexican law are satisfactory to the Mexican Government.)

^a Not printed.

Mr. Clayton to Mr. Hay.

No. 2037.]

EMBASSY OF THE UNITED STATES,
Mexico, November 18, 1903.

SIR: Referring to Department's instruction No. 985, of the 3d instant, I have the honor to report that on the 14th instant I delivered in person to Mr. Algara the requisition for the surrender of Charles Kratz, with accompanying papers.

Upon reading the requisition, Mr. Algara seemed to be somewhat uncertain as to the sufficiency of the language used in the promise of reciprocity, suggesting that the promise, perhaps, should be "strict reciprocity in any similar case," omitting the words "bribery committed in Mexico prior to the date of the supplemental convention between the two countries." He was not, however, insistent. The next day (Sunday) I called upon him again and remarked that if there was any doubt as to the sufficiency of the language submitted by me, I preferred that he would withhold the requisition until I could communicate with the Department and obtain its permission to use language that would be satisfactory to him. He replied he thought the language was sufficient, but that he would see the President the next day, and after receiving his views would inform me. I called at the foreign office on Monday and was pleased to learn that the language was deemed sufficient, and that the papers would be sent at once to the district judge at Guadalajara.

During this latter interview, Mr. Algara expressed some discontent at the action of Mr. Desmond, who bears the President's warrant, in calling upon President Díaz in relation to the extradition, and at certain newspaper interviews. He said that it would be better if Mr. Desmond would return to the United States and await the action of the authorities, which he said might cover a period of four months before a final conclusion is reached. I expressed surprise at the length of time he seemed to think the proceedings may require, and said that I hoped his department would expedite them as rapidly as consistent.

I inclose herewith a copy of the requisition.

In connection with this case, I also respectfully acknowledge the receipt of your instruction No. 988, of the 6th instant, and inclosure. Mr. Algara having expressed a desire to be furnished with a copy of the decision upon which the Department bases its views as to the retroactive effect of the extradition treaty between the two countries (see inclosure 4, dispatch No. 1996), I have transmitted to him with my note of to-day—copy inclosed—a copy of the opinion of the district court of the United States for the southern district of New York (Blatchford J.) in the case of *In re De Giacomo* (12 Blatchford, 391).

I have, etc.,

POWELL CLAYTON.

[Inclosure 1.]

Mr. Clayton to Mr. Algara.

EMBASSY OF THE UNITED STATES,
Mexico, November 14, 1903.

MR. SECRETARY: In pursuance of my Government's instruction, and of the promise made in my note to your excellency of October 20 last, requesting the provisional arrest

and detention of Charles Kratz, I now have the honor to request of the Government of the United States of Mexico the surrender of Charles Kratz, a fugitive from the justice of the United States, charged with bribery in the State of Missouri, to the Government of the United States of America, so that he may be returned to the State of Missouri for trial.

I have the honor to transmit herewith the formal proofs, duly authenticated, upon which this requisition is based, with the translation of the same into Spanish.

Pursuant to the aforesaid instruction, I have the honor to notify your excellency's Government that the Government of the United States of America makes, in this case, the promises required by the Mexican extradition law of May 19, 1897, and promises strict reciprocity in any case of bribery committed in Mexico prior to the date of the supplemental convention of extradition between the two countries.

I avail, etc.,

POWELL CLAYTON.

[Inclosure 2.]

Mr. Clayton to Mr. Algara.

EMBASSY OF THE UNITED STATES,
Mexico, November 18, 1903.

MR. SECRETARY: Your excellency having expressed a desire to see the judicial opinion upon which the Department of State bases its views as to the retroactive effect of the existing treaty of extradition between the two countries, I have the honor to transmit herewith a copy of the same.

I avail, etc.,

POWELL CLAYTON.

Mr. McCreery to Mr. Hay.

[Telegram.]

EMBASSY OF THE UNITED STATES,
Mexico, December 26, 1903.

Note just received from foreign office stating President has granted extradition Kratz.

MCCREERY.

Mr. McCreery to Mr. Hay.

No. 2092.]

EMBASSY OF THE UNITED STATES,
Mexico, January 2, 1904.

SIR: Referring to the ambassador's No. 2037, of November 18 last, I have the honor to inclose copy and translation of a note from Mr. Mariscal, and of the copy of the order of the President, therewith transmitted, granting the extradition of Charles Kratz, accused of bribery in Missouri.

* * * * *

I have, etc.,

FENTON R. MCCREERY.

[Inclosure.—Translation.]

Mr. Mariscal to Mr. McCreery.

DEPARTMENT OF FOREIGN AFFAIRS,
Mexico, December 23, 1903.

MR. CHARGÉ D'AFFAIRES: Referring to Mr. Clayton's note of November 14 last, in which he was pleased to ask for the extradition of Charles Kratz, accused of

bribery in the State of Missouri, I have the honor to transmit herewith a copy of an order of the President, who decides that the extradition of the said Kratz should be and is granted.

I renew, etc.,

IGNO. MARISCAL.

[Subinclosure.—Translation.]

Order of the President.

Having examined the proceedings had in the matter of the demand presented by his excellency the American ambassador for the extradition of Charles Kratz, for the crime of bribery committed in the city of St. Louis, Mo.;

It appearing that said extradition was asked for as a matter of reciprocity by virtue of our law upon the question, and not upon the basis of the existing treaty between Mexico and the United States of America;

It appearing that the crime of which Kratz is accused consists in that he, being a member of one of the chambers of which the municipal council of the said city is composed, accepted the offer of a certain sum of money, which was deposited for that purpose, and promised to give his vote and to procure that of his associates, in favor of a grant to a railway company of certain privileges and franchises which, in effect, was made by the said chambers;

It appearing that the proper proceedings have been instituted before the district judge of the State of Jalisco, the nine exceptions, which will hereinafter be considered, having been entered by the accused, and argument having been heard, the said functionary, in accord with the opinion of the agent of the public ministry, decided that the extradition was legal, and transmitted the original record to this department and placed the accused at the disposition of the same:

Considering that with respect to the first exception, or say that because of the existence of a treaty of extradition, the law of May 19, 1897, does not govern, and that in accordance with the doctrine generally accepted, the enumeration of crimes in a treaty of this kind does not limit the power of one of the contracting nations to deliver to the other those accused of any offense not included in the said enumeration. "Les traités d'extradition énumèrent d'ordinaire les crimes ou les attentats que la mesure doit atteindre. Cette nomenclature est regardée par les légistes, dont l'esprit étroit n'enchaîne pas la liberté d'action au texte littéral et judaïque des stipulations conventionnelles comme purement énonciative et non comme limitative, c'est à dire qu'elle a laissé de part et d'autre subsister le droit de demander aussi bien que d'accorder l'extradition pour des faits autres que ceux mentionnés dans leur conventions, toutes les fois que les faits ont une gravité suffisante pour commander une répression pénale ou rendre l'impunité dangereuse. Il va sans dire que cette latitude d'étendre la portée des conventions peut être neutralisée par une clause formelle en sens contraire et demeure en tout cas subordonnée à la condition de réciprocité." (Calvo, Vol. II, par. 1056.)

The "Repertoire du Droit Français," by Carpenter and du Saint, volume 22, under the word "Extradition," No. 81, based upon many decisions and upon the opinions of the most noted authorities, such as F. Helie, Garraud, Bertauld, Bonafos, Billot, Despagnet, Felix, and others, sums up the doctrine upon this point as follows: "Nous pouvons, donc, conclure qu'en l'absence de tout traité sur la matière, les gouvernements sont, en principe, libres de livrer les fugitives à la justice du pays qui les réclame de même que l'existence, entre deux gouvernements d'un traité d'extradition spécial à certains crimes déterminés ne met pas à obstacle à ce que l'extradition soit accordée pour d'autres crimes que ceux qui y sont spécifiés."

Considering that articles 1 and 20 of our law of May 19, 1897, are in no wise opposed to the above principles, to which, as to all which relates to this matter, a broad interpretation should be given, in view of the marked and salutary tendency of all cultured peoples to give the greatest amplitude to extradition in favor of the high interests of the law and mutual benefit; that the lack of an international stipulation, the lack of the treaty of which these articles speak, occurs in the same manner when there is no agreement, and when, there being one, there is an omission in it, and so, according to the usual practice, when there is an omission in our treaties in regard to the form referred to by article 1, that is to say, when the proceeding to be followed is not prescribed in them the one established by our law is applied, and also when in the same any crime is omitted the provisions of the said law should be observed with regard to it; that it can not be understood why the Government which, in the absence of any treaty, may grant extradition, should be deprived of the power to do so when, such an international agreement being in existence, there

might be an omission in the same; that the substantial difference between the one and the other case consists in that in the first the country upon which the demand is made is under the strict obligation to deliver the accused, and in the second there is no such obligation, but there is no reason whatever to deprive it of the right to make the delivery voluntarily in view of the circumstances.

Considering that the law of May 19, 1897, is applicable, the second exception made by the defendant, relating to the violation of article 14 of the federal constitution, has no foundation.

Considering, with regard to the third exception, that the act of which Kratz is accused is not punishable in the State which makes the demand (section 1, article 2 of the law), in order to decide the said point it is useless to examine the definition of the crime of bribery contained in the amendment of May 28 last to the treaty of extradition, which is altogether inapplicable to the case because of its being posterior, but the laws of the State of Missouri, of which a certified and authenticated copy appears among the documents presented by the American embassy, according to which the act imputed to the accused is punishable, should be considered.

Considering that in the matter of the fourth and fifth exceptions, both based on section 2 of the law of extradition and relating to the illegality of the latter because of the magnitude of the penalty applicable to the case, the truth is that it is not a question of a simple attempt, but of a crime committed; for, although Kratz did not receive any sum of money, the act of which he is accused is fully included in the definition of bribery contained in article 1014 of the penal code of the district, as he accepted offers and promises to perform an act in the exercise of the office which he filled, and, besides, he consummated that act, for he gave his vote in the assembly to which he belonged and procured its approval of the concession asked for by the railway company, which was what he was obligated to do; and, finally, even if it had not been so—that is to say, that even if the act had not been consummated—article 1015 of the penal code expressly provides for this case and prescribes for it the penalty of two years' imprisonment, a greater than that imposed by said section 2 of article 2 of the law.

Considering that the sixth exception, that of prescription of the criminal action (section 5, article 2 of the law), has no foundation, for, according to our law (article 274 of the penal code), the prescription was interrupted by the judicial proceedings had in April, 1902, and, in accordance with the laws in force in St. Louis, Mo., of which there is a certified copy attached to the demand, prescription does not run in favor of fugitives from justice.

Considering, with respect to the seventh exception, that of want of proof of the *corpus delicti* of the crime of which Kratz is accused (section 1 of article 16 of the law), which, as has been already said, is not applicable because of the amendment of the treaty of extradition being posterior to the act, and, therefore, it is useless to study the definition of bribery contained in the said amendment; that it is clear that article 103 of the code of criminal procedure of the district, which relates to crimes which cause damage to persons or property, is also not applicable; that bribery is a crime *sui generis* for which no special proof is designated by the law and which is proved, therefore, according to article 104 of the said code, by the elements which constitute it, as established by Chapter IV, Title XI, Book III of the criminal code of the district, which are proved by the documents attached to the demand; that in regard to the objection based on the lack of proof as to the legality or illegality of the act committed by Kratz and, consequently, of the corresponding major or the minor penalty, sufficient data are given in the said documents to show the illegality of such act. In the first place, in the finding of the grand jury against Kratz it is stated that he had obligated himself, because of the bribe, to use his power as a member of the municipal council in a manner contrary to the laws of his country; that is to say, by voting in favor of a grant not authorized by the said laws. Besides, it is proved by the testimony of several witnesses that the said grant being pending before the chamber of delegates, one of the branches of the municipal council, after having been approved by the other branch, it could not be approved in the said chamber because of an injunction or prohibition of the circuit court of St. Louis, Mo., which causes the belief that the petition of the railway company which bribed Kratz was highly prejudicial to the interests of the city, a thing which, on the other hand, the large sum offered for the procurement of the franchise in question would be sufficient to excite suspicion.

Considering, that with respect to the eighth exception, based on article 16, section 3, and relating to the authentication of the documents attached to the demand, the defects alleged by Kratz's attorney relate only to certain irregularities in the said documents which can only be decided by the country which makes the demand, and not to the authenticity of the same, which is perfectly proved by the said authentication.

Considering that, in regard to the ninth exception relating to reciprocity, the requisites of our laws have been fulfilled, the ambassador, in the name of his Government has, in his notes of October 20 and November 16 last, in addition to the promises expressed in article 4 of the said law, made the special promise of strict reciprocity established by article 32, section 1, not in general terms relating to all classes of crimes, but restricted to analogous cases, according to the practice generally accepted (*Repertoire du Droit Francais*, under the word "Extradition," No. 73); that the ambassador of the United States of America, accredited in due form, as he is, to our Government, is fully empowered to represent his country and, therefore, does not need special powers to make promises of reciprocity and, these having been made by him, our Government should accept them without any hesitation and without any investigation as to whether the Government from which they emanate is vested by its laws with the power to make them, since it holds the responsibility of the said Government as a secure pledge for their exact fulfillment.

Considering that the evidence presented to this department warrants strong presumption of the guilt of the accused, in accordance with article 16, section 1 of the law, and that, on the other hand, all other requisites of the said law have been fulfilled.

Therefore, upon the basis of what has been set forth, the President of the Republic has been pleased to order the following:

I. The extradition of Charles Kratz, demanded by the Government of the United States, for the crime of bribery, committed by him in his character as a member of the municipal council of St. Louis, Mo., ought to be and is granted.

II. Let it be communicated to the district judge of the State of Jalisco, in order that he may order that the notification prescribed by article 37, section 1 of the law of May 19, 1897, be made to the accused and in order that, if necessary, he may order the delivery of the said accused to the agents designated by the Government of the United States.

III. Let it also be communicated to the ambassador of the United States and to the governor of the State of Jalisco for proper action.

IV. Let this record be placed in the archives and let this order be published in the "Boletin Oficial" of the department.

IGNACIO MARISCAL.

NETHERLANDS.

DONATION OF A COURT-HOUSE AND LIBRARY FOR THE PERMANENT COURT OF ARBITRATION.

Mr. Garrett to Mr. Hay.

No. 679.]

LEGATION OF THE UNITED STATES,
The Hague, November 24, 1903.

SIR: I have the honor to inclose herewith copy of a "deed to create a 'Stichting' for the purpose of erecting and maintaining at The Hague a court-house and library for the permanent court of arbitration," signed by Mr. Andrew Carnegie and Baron Gevers, at Skibo, on October 7, 1903.

It will be seen that Mr. Carnegie, in furnishing a sum of \$1,500,000 for the above purpose, which sum was placed at the disposal of the Netherlands Government on May 11, 1903, stipulated that if at any time the purpose for which the "Stichting" was founded should fail, the assets of the "Stichting" should be employed for promoting the cause of international peace and concord in such a manner as should be determined jointly by the President of the United States and the sovereign of the Netherlands, to which Baron Gevers, on his Government's behalf, agreed.

The Netherlands Government further agreed to see to the appointment of a board of directors under proper control and draw up the rules according to which the "Stichting" shall be governed, so as to insure in perpetuity its maintenance and efficiency. The words "maintaining" and "maintenance" are not to be construed as relieving the signatory powers to the treaty of July 29, 1899, from the financial obligations incurred and so far discharged in connection with the permanent court of arbitration.

* * * * *

I have, etc.,

JOHN W. GARRETT.

[Inclosure.]

A deed to create a "Stichting" (foundation or trust under the Netherland law) for the purpose of erecting and maintaining at The Hague (Kingdom of the Netherlands) a court-house and library for the permanent court of arbitration, established by the treaty of the 29th of July, 1899.

Believing that the establishment of a permanent court of arbitration by the treaty of the 29th of July, 1899, is the most important step forward of a worldwide humanitarian character which has ever been taken by the joint powers, as it must ultimately banish war, and further, being of opinion that the cause of the peace conference will greatly benefit by the erection of a court-house and library for the permanent court of arbitration,

I, Andrew Carnegie, of the city of New York, am willing to furnish a sum of one and one-half million dollars for the said purpose, which sum has been placed at the disposal of the Netherland Government.

Understanding that it would be desirable to give a permanent character to my intention, and that it will be necessary, for that purpose, to create with the said sum a "Stichting" (foundation or trust under the Netherland law),

I, Andrew Carnegie, have declared and declare hereby: To create with the sum of one and one-half million dollars mentioned above and named by me in my letter to Baron Gevers, dated 22d of April, 1903, a "Stichting" (foundation or trust under the Netherland law) for the purpose of building, establishing, and maintaining in perpetuity at The Hague a court-house and library (temple of peace) for the permanent court of arbitration established by the treaty of July 29, 1899.

The seat of the "Stichting" is at The Hague.

In accordance herewith I renounce irrevocably, for ever, for myself and my heirs, the sum aforesaid, destined for the erection, establishment, and maintenance of the court-house and library for the permanent court of arbitration.

The Netherland Government, according to agreement, will see to the appointment of a board of directors under proper control, and draw up the rules according to which the "Stichting" shall be governed, so as to ensure in perpetuity its maintenance and efficiency. The words maintaining, maintenance, in this agreement are not to be construed as relieving the signatory powers to the treaty of July 29, 1899, from the financial obligations incurred and so far discharged in connection with the permanent court of arbitration.

If at any time the purpose for which the "Stichting" was founded should fail, the assets of the "Stichting" shall be employed for promoting the cause of international peace and concord in such a manner as shall be determined jointly by the sovereign of the Netherlands and the President of the United States.

(Signed)

ANDREW CARNEGIE.

Signed in Skibo the 7th of October, 1903, in presence of His Excellency W. A. F. Baron Gevers, *Envoy Extraordinary of H. M. the Queen of the Netherlands to the United States.*

W. A. F. BARON GEVERS.

NICARAGUA, COSTA RICA, AND SALVADOR.

ABOLITION OF TRIAL BY JURY IN COSTA RICA.

Mr. Merry to Mr. Hay.

No. 850.]

LEGATION OF THE UNITED STATES,
San Jose, Costa Rica, July 7, 1903.

SIR: It may be of interest to the Department of State to know that the Congress of Costa Rica, after full and free discussion, has abolished the jury system. In conversation with well-informed citizens of the Republic it appears that the system has so frequently resulted in the perversion of justice that the demand for a change had become almost unanimous. It is freely admitted that trial by jury is generally considered as evidence of a free government, but unless intelligent as well as honest jurors can be obtained a miscarriage of justice generally results. One intelligent official remarked to me that the Latin race lacks the qualities essential for jury duty. Considerations of family, political interest, race and personal prejudice are paramount, and Latin Americans appear too often unable to consider any question on the broad principle of abstract justice.

Outside of the few cities in the Republic it has been found impossible to obtain competent juries. One gentleman represented to me that he hoped to see trial by jury reinstated in Costa Rica, but that this can not be done until the working classes are better educated; the present generation must give place to that now attending the primary schools of the Republic.

* * * * *

With assurances, etc.,

WILLIAM LAWRENCE MERRY.

PANAMA.

ESTABLISHMENT OF RELATIONS WITH THE REPUBLIC OF PANAMA.

[For further correspondence relative to establishment of the Republic of Panama see under Colombia.]

Messrs. Arango, Boyd, and Arias to the Secretary of State.

[Telegram.—Translation.]

PANAMA, *November 4, 1903.*

We take the liberty of bringing to the knowledge of your Government that on yesterday afternoon, in consequence of a popular and spontaneous movement of the people of this city, the independence of the Isthmus was proclaimed, and, the Republic of Panama being instituted, its provisional government organizes an (executive) board consisting of ourselves, who are assured of the military strength necessary to carry out our determination.

JOSÉ A. ARANGO.
FREDERICO BOYD.
THOMAS ARIAS.

Messrs. Arango, Arias, and Boyd to Mr. Hay.

[Telegram.—Translation.]

PANAMA, *November 6, 1903.*

Colon and all the towns of the Isthmus have adhered to the declaration of independence proclaimed in this city. The authority of the Republic of Panama is obeyed throughout its territory.

ARANGO.
ARIAS.
BOYD.

Mr. Loomis to Mr. Buchanan.

No. 1.]

DEPARTMENT OF STATE,
Washington, December 12, 1903.

SIR: The President, desiring to send a special mission to the Republic of Panama, has selected you for the purpose as envoy extraordinary and minister plenipotentiary on special mission.

I inclose herewith your commission and a letter of credence with office copy. You will forward the office copy to the minister for foreign affairs and will ask for an audience with the members of the

junta of the provisional government of Panama for delivery of the original.

Entire confidence is entertained that the mission intrusted to you will be conducted in a manner acceptable to both Governments and conducive to the interests of both countries.

I am, etc.,

FRANCIS B. LOOMIS,
Acting Secretary.

Mr. Buchanan to Mr. Hay.

No. 4.]

LEGATION OF THE UNITED STATES,
(Special Mission) Panama, December 25, 1903.

SIR: I have the honor to advise you of my arrival at Colon on the morning of the 22d. I was met there by Dr. Gonzales Guill, subsecretary for foreign affairs, and Dr. Juan Mendez, private secretary to the junta. A private car was placed at my disposal and every possible courtesy shown me.

I reached Panama at noon and was met at the station by the minister for foreign affairs, and by him escorted to the hotel.

I transmitted the office copy of my credentials to the minister for foreign affairs with a note, a copy of which I inclose, dated the 23d, and handed to the minister early on the morning of the 24th, together with a second note containing a confidential copy of the remarks I proposed to make upon presenting my letter to the junta. A copy of this note, together with its inclosure, will be found herein.

* * * * *

I was notified by the minister for foreign affairs on the 24th that I would be received by the junta to-day at 3 p. m. At that hour I was conducted to the Government house, our carriage passing through two short streets which were lined on both sides with infantry. At the Government house I was awaited by the junta, the cabinet, the supreme court, and all the military officers of high rank in the Republic. My reception was marked by dignity and modest good taste shown by the Government. A military band played the Star Spangled Banner as I entered and when I retired from the Government house.

In response to my remarks, Doctor Arango, for the junta, read a reply; a copy and translation you will find herewith.

The entire consular corps was present at the reception, with the exception of the Central American consuls and those from Chile and the Argentine.

My reception to-day was in every way marked by a dignified, grateful respect and regard for our country, and was therefore very gratifying to me.

I have, etc.,

WM. I. BUCHANAN.

[Inclosure 1.]

Mr. Buchanan to the minister for foreign affairs.

PANAMA, December 23, 1903.

SIR: I have the honor to advise your excellency of my designation by the President as envoy extraordinary and minister plenipotentiary of the United States of America on special mission to your excellency's Government, and to inclose here-

with an office copy of the letter I bear from the President accrediting me in such capacity.

I beg to request your excellency to be good enough to designate a time at which I may have the honor to present the original to their excellencies the members of the junta of the provisional Government of the Republic of Panama.

I have, etc.,

WM. I. BUCHANAN.

[Inclosure 2.]

Mr. Buchanan to the minister for foreign affairs.

PANAMA, December 23, 1903.

SIR: I beg to inclose for your excellency's information a copy of the remarks I shall have the honor to make to their excellencies the members of the junta of the provisional government upon the occasion of my presenting to their excellencies my letter of credence from the President of the United States.

I have, etc

WM. I. BUCHANAN.

[Subinclosure.]

Mr. Buchanan's remarks upon presenting his credentials.

I have the honor to present to your excellencies the letter of credence I bear from the President of the United States of America accrediting me as an envoy on special mission to your excellencies' Government.

I am deeply sensible of the honor thus conferred upon me by the President and profoundly grateful for the opportunity I am thus afforded to meet your excellencies' people and to study the conditions and possibilities of the Republic of Panama.

The advent and the future development and life of this new nation is a subject of keen and kindly interest to the American people, who all wish for your excellencies' people and country that wide progress and advancement which peace, quiet, and economy bring to all countries.

I am charged by the President to express to your excellencies his fervent wish that these benefits shall come to the Republic of Panama, and that happiness, contentment, and prosperity may abide with your excellencies' people.

[Inclosure 3.—Translation.]

Reply of Doctor Arango, on behalf of the junta, to Mr. Buchanan's remarks.

SIR: The junta of the provisional government of the Republic of Panama receives from your hands with lively satisfaction the letter of His Excellency the President of the United States of America which accredits you before this new nation as envoy especial of your Government. By this the greatest of the Republics of the continent dignifies its appreciation of the least as an equal with her sister Republics and gives a manifest proof of the high spirit of justice which animates the great people of the North, in whose favor our people extend their best wishes and their best intentions.

The junta of the provisional government of the Republic of Panama considers the selection by the United States Government of one who, like yourself, unites in himself such marked personal and public qualities as to enable him to duly appreciate the actual conditions of our country as a high mark of deference. Your presence in our midst will be the means, if that be possible, of more closely linking the two nations together in sincere friendship and accord.

Notwithstanding we know that the people of your country are interested in the existence and development of this nation, it has been especially grateful to this junta to hear the fact repeated by the official representative of a people so great, free, and generous. We pray the Almighty that what you have said, the benefits of progress, the advancements from peace and the emoluments of order, the harvest the people of Panama aspire to, might be, if it were possible, as bright as that gathered by your country with marked advantage for humanity.

You can assure His Excellency the President of your nation that the Government and people of Panama thank him for his good wishes for this Republic, and that we in return fervently hope that all good may come to his people and to himself.

PERSIA.

PROTECTION OF AMERICAN INTERESTS BY BRITISH CONSUL-GENERAL AT TABRIZ.

Mr. Tyler to Mr. Hay.

No. 28, Diplomatic series.] LEGATION OF THE UNITED STATES,
Teheran, January 21, 1903.

SIR: I have the honor to transmit inclosed a copy of resolutions drawn up by the members of the American West Persian Mission expressing their cordial and grateful appreciation of the services Mr. Cecil G. Wood, the British consul-general at Tabriz, Persia, has, during the time he has held the appointment in that city, rendered to the mission. Having had considerable correspondence with Mr. Wood for the whole of the period he has been in Tabriz, I have had opportunities of knowing his thoughtful attention to and willing cooperation with the missionaries in all that affects their safety and welfare, and therefore beg most respectfully to inclose the expressions contained in these resolutions.

I have, etc.,

JOHN TYLER,
Vice-Consul-General in Charge.

[Inclosure.]

RESOLUTIONS.

Whereas Mr. Cecil G. Wood, His British Majesty's consul-general, has taken leave of absence with the expectation of not returning to Tabriz:

Resolved, That we missionaries, citizens of the United States of America, place on record our appreciation of and thanks for the assistance and protection Mr. Wood, as consul-general, has always cordially extended to us.

Resolved, That we express our regret at the thought of Mr. and Mrs. Wood leaving Tabriz, and we assure them that our best wishes will follow them wherever they may be assigned.

Resolved, That a copy of these resolutions be sent to the legation of the United States of America and to our mission board.

S. G. WILSON ET AL.

Mr. Hay to Mr. Tyler.

No. 17.]

DEPARTMENT OF STATE,
Washington, February 18, 1903.

SIR: I have to acknowledge the receipt of your dispatch No. 28, diplomatic series, dated the 21st ultimo, inclosing a copy of resolutions drawn up by the members of the American West Persian Mission expressing their cordial and grateful appreciation of the services

rendered by Mr. Cecil G. Wood, the British consul-general at Tabriz, Persia, to the mission during his official residence in that city.

The Department cordially appreciates Mr. Wood's kindly services to American citizens.

I am, etc.,

JOHN HAY.

RESTRICTIONS ON TRAVEL IN PERSIA.

Mr. Tyler to Mr. Hay.

No. 29, Diplomatic series.] LEGATION OF THE UNITED STATES,
Teheran, March 4, 1903.

SIR: I have the honor to transmit inclosed a copy and translation of a note received from the minister for foreign affairs relating to sketching and photographing by travelers and tourists in Persia.

In view of the great increase in this practice by people, quite ignorant of the restrictions and customs prevailing about dwelling houses and religious buildings, traveling in different parts of Persia, some such precautions as those proposed in the note may be the means of preventing insults or even greater indignities.

I am sending copies of the note to the different American missions in Persia for the information of the members and others.

I have, etc.,

JOHN TYLER,
Vice-Consul-General in Charge.

[Inclosure.—Translation.]

Minister for foreign affairs to Mr. Tyler.

MINISTRY OF FOREIGN AFFAIRS,
American Department, Zeekadah 28, 1320 (February 28, 1903).

SIR: In view of reports which have come to the notice of His Imperial Majesty the Shah, it appears that on some occasions certain persons, subjects of foreign states, on the plea of traveling or touring in different parts of Persia, are in the habit of making sketches or taking photographs of places, which have been the cause of suspicion on the part of some people. It is possible, if this be allowed to continue, that trouble and difficulty will arise. I beg, therefore, in conformity with the royal commands, to request that whenever a traveler or tourist, under the protection of your respected Government, desires to visit any part of Persia, notice of his arrival and intention may first be communicated to the ministry for foreign affairs, in order that proper instructions may be issued so as to prevent trouble and opposition.

I take, etc.,

SEAL OF THE MUSHIR-ED-DOWLAH,
Minister for Foreign Affairs.

PERU.

LAW GOVERNING MARRIAGES BETWEEN NON-CATHOLICS.

Mr. Neill to Mr. Hay.

No. 822.]

LEGATION OF THE UNITED STATES,
Lima, November 26, 1903.

SIR: Referring to the communications sent from this legation regarding marriages between non-Catholics in Peru, I have the honor to transmit for your information copies of a recent law on this question.

It appears, according to article 71 of the constitution (mentioned in this new law): "If the Executive does not order the law so passed to be promulgated and complied with, nor make its observations within ten days, according to the terms of article 69, the promulgation shall be made by the president of Congress, and he shall order it to be inserted for its execution in some newspaper."

This new law is as follows: In order to come within the precepts of the law of December 23, 1897, it will be sufficient for the mayor to authorize the marriage, that either of the contracting parties should declare that he or she never belonged to the Catholic community, or that he or she has separated himself or herself from it.

The decree of October 25, 1903, was not opportunely promulgated by the Executive, and in virtue of the said article 71 of the constitution, Señor Nicañor Alvarez Calderón, president of Congress, ordered it to be printed, circulated, and communicated to the bureau of justice, worship, and instruction, in order that the necessary steps be taken for its observation. This on the 23d of November, 1903.

I have, etc.,

RICHARD R. NEILL.

[Inclosure.—Translation]

Non-Catholic marriages.

NICAÑOR ALVAREZ CALDERÓN,
President of Congress:

Whereas Congress has dictated the following law:

Sole article: In order to come within the precepts of the law of December 23, 1897, it will be sufficient for the mayor to authorize the marriage, that either of the contracting parties should declare that he or she never belonged to the Catholic community, or that he or she has separated himself or herself from it.

Let it be communicated to the Executive power in order that it may take the necessary steps for the compliance with it.

Given in the Hall of Congress, while in session in Lima, on the 25th of October, 1903.

ANTEÑOR ASPILLAGA,
President of the Senate.

NICAÑOR ALVAREZ CALDERÓN,
President of the Chamber of Deputies.

GEVERIANO BEZADA,
Secretary of the Senate.

EMESTO L. RAEZ,
Deputy Secretary.

TO HIS EXCELLENCY THE PRESIDENT OF THE REPUBLIC:

Whereas the above law has not been opportunely promulgated by the Executive, in virtue of article 71 of the constitution, I order it to be printed, circulated, and communicated to the bureau of justice, worship, and instruction for the necessary steps to be taken for its observance.

Hall of Congress, in Lima, on the 23d of November, 1903.

NICAÑOR ALVAREZ CALDERÓN,
President of Congress.

VICTOR CASTRO IGLESIAS,
Secretary of Congress.

EMESTO L. RAEZ,
Secretary of Congress.

PORTUGAL.

COURTESIES TO UNITED STATES EUROPEAN SQUADRON AT LISBON.

Mr. Bryan to Mr. Hay.

No. 20.]

LEGATION OF THE UNITED STATES,
Lisbon, August 12, 1903.

SIR: I have the honor to report as most satisfactory the result of the visit to this port of our European Squadron. * * *

The King, Queen, and the other members of the royal family of Portugal were exceedingly gracious to our officers, the sovereigns repeatedly expressing to me gratification at their visit. All the functions in their honor were attended by the entire ministry in a body. The banquet given by the Government was of unsurpassed magnificence.

I have the honor to send herewith a copy of the speech made on that occasion by the minister for foreign affairs, as well as my answer, as given in the Paris edition of the New York Herald.

I have great pleasure in reporting that every act of the commander in chief and of the officers of the fleet in furthering the end for which the visit was planned was such as to reflect credit upon themselves, the Navy, and our country.

Rear-Admiral Cotton and staff, with Captains Knox, Walker, and Cornwell and Commander McCrea worked hard, assisted by all their officers, to make their errand the marked success it has proved in pleasing the Portuguese Government and people. By their dignified, yet cordial, bearing they have won many friends for our nation throughout all Portugal.

I respectfully request that the Navy Department be informed of these satisfactory facts.

I look with confidence to commercial benefits resulting as the practical issue of this increased friendly regard of the two peoples.

I have, etc.,

CHARLES PAGE BRYAN.

[Inclosure 2.]

Speech of Portuguese minister for foreign affairs.

GENTLEMEN: The United States of America are the most extraordinary creation of the spirit of liberty.

Composed of men of intelligent action and energy, they have grappled with labor and conquered.

From their soil and science, art and industry, they have wrested the colossal riches on which is founded the grand economy now the marvel of the world.

In scarcely more than a century they have arisen to the dignity of a great nation, an energetic race, and an economical power of tremendous grandeur, which serenely and quietly assumes its proud position in the government of the world.

The squadron of that powerful nation is now visiting us on a mission of peace and amity, bearing to His Majesty the King the salutations of friendship.

We, likewise representing the ancient civilization of the world, salute the new star which so brilliantly shines upon international policy.

Let it be the sign of peace and concord, light of civilization and of progress.

From the closer blending of the older civilization of Europe with the civilization of America, so fraught with vitality and vigor, we hope for an increase of the treasures of the world and a better distribution of its wealth, and that the union of the energies of the world, old and new, in the same direction of civilization and peace may result in the lessening of social misery—the generous aspiration of the twentieth century.

It was discovering the New World that sounded the death knell of feudalism and prepared the way of individual liberty.

To-day the New World comes to us with tender of pacific understanding for the solution of social problems.

May her entrance into the European concert, which is being converted into a better understanding of the whole world, become the beginning of an era of great prosperity and enterprise throughout all the peoples of the earth.

Were it given to me to describe the people of North America I should say that they are distinguished by their faith and tenacity of purpose, from which they derive their enterprise and grandeur, as well as their inventive faculty and audacity, their joyousness in life, and their sentiment of fraternity and justice, tempering their intense impulses.

And these characteristics of the American people, in their collective psychological attributes, are found embodied, are found incarnated, in the person of one man, in Roosevelt, the President of the North American Republic.

The representative of a nationality, the incarnation of a people, we salute in President Roosevelt, the United States, the great North American people.

[Inclosure 3.]

[The New York Herald, Paris, Tuesday, August 4, 1903.]

American officers fêted in Lisbon—Banquet given by Portuguese minister in honor of Rear-Admiral Cotton and staff—Some cordial eloquence—Speech by minister of marine responded to by Mr. Bryan, the United States minister.

LISBON, Thursday.—The banquet given on Tuesday by the ministry to Rear-Admiral Cotton and the other officers of the American squadron was a most brilliant affair. The banqueting hall, where active preparations for the entertainment had been in progress for upward of a fortnight, presented a strikingly handsome appearance, the walls being half hidden beneath historical naval and military trophies and escutcheons bearing the names of world-famous Portuguese navigators. At one end of the hall, which is over 350 feet in length, a jet of sparkling spray, radiating with all the colors of the prism, shot toward the ceiling from the center of a tiny lake, while myriads of fairy-like electric lights, half concealed among the branches of tropical plants, enhanced the effectiveness of the scene.

At the head of the table, which was beautifully decorated, was Counselor Gorjao, the minister of marine, with Rear-Admiral Cotton on his right and Conde de Paco Vieira, the minister for public works, on his left. Mr. Charles Page Bryan, the United States minister, sat opposite, between Counselor Wenceslau de Lima, the minister of foreign affairs, and Counselor Pimentel Pinto, the minister of war.

Were I to give the names of the 200 distinguished guests who were present I am afraid I would take up more than my allotted share of the columns of the Herald. They included, however, Senhor Luiz Bivar, the president of the House of Peers; Dr. T. de Azevedo, the president of the House of Deputies; Vice-Admiral Conde de Paco d'Arcos, Conde de Sabugosa, lord high chamberlain to the King; Rear-Admiral Moraes e Sousa, commander in chief of the Portuguese naval reserves; Dom Fernando de Serpa, commander of the royal yacht *Amelia*; Duques de Palmella and de Loulé, and Visconde d'Alte, Portuguese minister at Washington.

Among the American officers who were present were Rear-Admiral Cotton, Capt. H. Knox, of the *Brooklyn*; Commander Cornwell, of the *Chicago*; Captain Walker,

of the *San Francisco*; Commander H. McCrea, of the *Machias*; Lieutenant Hussey, Lieutenant-Commanders H. Bailey, J. H. Sears, H. Hodges, Griffin, R. Mulligan, A. N. Wood, J. Carter; Lieuts. C. M. Knepper, W. McGrann, H. Brumby, S. Wood, E. Moale, jr., G. W. Kline, G. Tarbox, J. M. Reeves, G. B. Bradshaw; Ensigns, A. E. Watson, E. L. Arnold, C. Hutchins, H. C. Cocke, G. W. Steele, jr., W. S. Miller, W. M. Hunt, S. W. Bryant; Midshipmen Fretz, Anderson, McNair, W. Pryor, Murdoch, A. Staton, Campbell, Norris, M. Simons, H. Coop; Capts. J. T. Myers and G. C. Thorpe, and Lieut. W. G. Powell, of the United States Marine Corps.

Toward the close of the banquet Counselor Gorjao arose and, in an eloquent speech full of flattering allusions to the American nation, proposed the health of the President of the United States. A part of Mr. Bryan's response was as follows:

"For the peacemaker throughout the world such reunions as this are the consummation of his brightest hopes. In such havens of good will as here exist there is happily found anchorage for friendship, the quest of nations as well as of individuals.

"The modern diplomatist finds no truer ally than the patriot sailor. Portugal has ever been a lover and a master of the sea. Portuguese navigators have left indelible inscriptions on the maps of the world and been recognized as beneficent conquerors. The civilization introduced and fostered by your valiant ancestors has been confined to no one continent, and has proved to be the gentle expression of noble aspirations. Whoever has availed himself of the open latch to contemplate your family life, whether at home or in your colonies, has been gratified with the conviction that there is none sweeter, none purer on this planet. On such a foundation of solid good a nation rises to a plane alike pleasing to God and beneficent to man.

"My seafaring countrymen have come not only to pay respect to your sovereign in grateful recognition of civilities extended to our Navy, but also to offer the sympathy of the true-hearted to the true-hearted. Fresh from generous international courtesies at the north, they are happy to thus bask in the sunshine of southern hospitality. Already the lovers of peace in both continents are rejoicing in the better understanding that admirals and the captains of battle ships are effectively cementing. No one who has dwelt among Portuguese can fail to profit by the lessons they are unconsciously teaching. Even in the midst of America's brilliant, stirring civilization, to which your excellency has so graciously referred, we will look back with unfeigned satisfaction to the contentment of a whole people we have witnessed here.

"We will vividly remember the manly figure of a knightly sovereign passing to and fro among his loving subjects, unguarded and without need of guard, an exemption from danger that is a striking tribute to the character of the ruler and the people alike—happy civilization, happy country, favored with nature's lavished blessings, and with conditions where people and authority are in such accord. To the ruler who knows so to govern, surrounded by cabinet counselors of like administrative ability, I ask you, my countrymen and friends, to join me in pledging health to him and his most gracious consort, the Queen, the revered queen-mother, and the princess, with whom his house is blessed.

"It means you, too, generous Portuguese, whether in this lovely land or in the great colonies, which we hope will become still greater. We bring you all a message of most cordial greetings from our brilliant young President and from all our countrymen, and we toast Portugal forever in that embodiment of what is truly and nobly Portuguese, His Majesty King Carlos."

Other toasts, followed, including one from Counselor Wenceslau de Lima to Rear-Admiral Cotton, which the latter acknowledged in a short speech replete with humor. As the evening wore on all traces of restraint vanished and the utmost cordiality marked the proceedings throughout. Finally, a proof of the unlimited popularity of the American minister was to be found in the fervor with which hosts and guests alike attacked the time-honored refrain, For He's a Jolly Good Fellow, which brought the banquet to a close.

King Carlos is to visit the *Brooklyn* to-morrow, while Mr. Bryan has issued invitations for a garden party, to take place on Wednesday, at his country residence in Cintra.

ROUMANIA.

RECEPTION OF THE UNITED STATES MINISTER TO ROUMANIA.

Mr. Jackson to Mr. Hay.

[Confidential.]

No. 2, Roumanian series.] LEGATION OF THE UNITED STATES,
Athens, February 9, 1903.

SIR: I have the honor to report that soon after my arrival in Athens I addressed a note to the Roumanian minister of foreign affairs, informing him of my appointment and stating that I intended to visit Bucharest at the earliest practicable opportunity and to seek an audience with His Majesty the King of Roumania in order to present to him the President's letter of credence, the office copy of which I duly inclosed. Yesterday I received a call from the Roumanian minister here, who told me that he had been instructed to inform me of the due receipt of my note, and to say that—although that note was the first communication received at Bucharest which contained official information of my appointment, and although the King's "agrément" thereto had not been requested—His Majesty was ready to waive the customary formalities and to receive me, in view of my personality and of the report made about me by the Roumanian minister at Berlin. I replied that, so far as I was aware, it was not the practice of the United States Government to ask for the usual "agrément" in the case of its ministers; that the records failed to show that any request had been made in the case of my several predecessors, and that the American practice was understood and generally reciprocated by those countries which had ministers accredited to the United States residing in Washington. Mr. Ghica, the minister here, said that Mr. Bratiano, the minister of foreign affairs, was probably not acquainted with what I had just told him, and that he would communicate with him at once, but that in my case, in any event, no difficulty would be made.

Mr. Ghica then went on to talk about the general relations between the United States and Roumania. He said that the King was especially desirous to have Americans know his country better and that His Majesty hoped to see more of the American ministers in the future than has heretofore been the case. He referred to the feelings of the King and the Roumanian Government with regard to the American minister being instructed to reside at Athens. I explained that Greece was a maritime country, that American naval and merchant vessels visited Greek ports from time to time, and that Greece was the first of the Balkan States to which an American minister had been sent, and I called attention to the fact that Roumania had no representative, not even a consular officer, in the United States.

Mr. Ghica replied that Roumania's financial condition did not admit of her having a large diplomatic service, while the United States is a rich country. He suggested that some one should be left as a chargé d'affaires at Bucharest whenever the minister was not in the Kingdom, so that the legation might have a more permanent character. In reply I called attention to the fact that, from an American point of view, I was present at my post as long as I was in either Greece, Roumania, or Servia, and that consequently I could not leave a chargé at Bucharest while I was at Athens; that when I went on leave of absence the secretary of legation at Athens became, as far as the United States Government is concerned, chargé d'affaires for all three countries, and that Mr. Boxshall, our vice-consul-general at Bucharest, could not be made a chargé, as he suggested, because he was a consular officer and not an American citizen. Mr. Ghica then urged that a secretary of legation should be appointed to reside at Bucharest.

I told the minister that I would inform you of what he had said, but that I could not hold out any prospect that any change would be made, as present conditions had existed ever since the accrediting of the first United States minister to Roumania. Personally, I am of the opinion that it would be to our commercial advantage to have separate ministers in the several Balkan States, or, if not in all of them, to have a separate representation in Greece. The projected railways connecting Greece with the rest of Europe are still to a great extent on paper, and when the Greek sections are completed, which may be the case in a few years, there will probably be no connecting link through European Turkey for some time to come. Consequently it takes three or four days to get from Athens to Bucharest or Belgrade, and the connections are so bad that no one is inclined to make the trip more often than is actually necessary. The Roumanians are very sensitive; they are proud of their King, and their relatively stable Government has made them feel superior to the other Balkan peoples; their country needs foreign capital to develop its considerable resources, and American commercial interests are increasing all the time. (Only recently I was applied to by the American representative of a New York firm doing business in the Orient to advocate the appointment of an American consular agent at Galatz, where the British have a consul-general.) Several things have occurred during the past year or two which the Roumanians think would not have occurred if we knew their country better or if they had known and seen more of our accredited representative, and I am sure that it would be to our advantage * * * if we had some kind of permanent diplomatic representation at Bucharest.

I have, etc.,

JOHN B. JACKSON.

Mr. Jackson to Mr. Hay.

[Telegram.]

LEGATION OF THE UNITED STATES,

Bucharest, April 7, 1903.

Presented letters. Leave for Belgrade Thursday.

JACKSON.

Mr. Jackson to Mr. Hay.

No. 8, Roumanian series.] LEGATION OF THE UNITED STATES,
Athens, April 13, 1903.

SIR: I have the honor to confirm the telegram sent you from Bucharest on the 7th instant.

I have the honor to report that I left Athens on Friday, March 27, and traveling by the most direct route and with all possible dispatch arrived in Bucharest about noon on Tuesday, March 31. Had it not been for fog in the Black Sea, which prevented our reaching Constantza until after the last train on Monday had left for Bucharest, I might have arrived about twelve hours earlier. On the afternoon of my arrival I called at the foreign office, made the acquaintance of Mr. Bratiano, the minister of foreign affairs, and left a written request for an audience with the King of Roumania, in order to present my own letter of credence and Mr. Francis's letter of recall. * * *

Instead of communicating with the court at once, Mr. Bratiano preferred, for some reason, to wait until Saturday, the day of his regular audience with the King, before informing His Majesty officially of my arrival. On Saturday afternoon, however, I received notification that my audience would take place the following Tuesday. Accordingly, on April 7, I had the honor of being received by His Majesty with the customary ceremonial. As no formal speech was required, I made use of the German language, out of personal compliment to the King, who speaks but little if any English, and in handing him my letters I stated that I had been charged to convey to him the President's greetings and the assurance of the best wishes of the United States for the prosperity of Roumania. I said that I had been instructed to endeavor to advance the interests of both countries, and that it would be my duty and my pleasure to do all in my power to strengthen the good understanding which has heretofore existed between the American and Roumanian Governments. The King, in reply, asked me to transmit his "sympathetic greetings" to the President, and extended to me a cordial welcome to Roumania. In the course of the informal conversation which followed His Majesty made certain pleasant personal remarks, and expressed the hope that there would be opportunity for his becoming better acquainted with me than he had been with my recent predecessors. I replied that it was my intention to pass the greater part of the summer in Roumania, at Sinaia, where the court and diplomatic corps usually spend the summer. At this he seemed much pleased. Subsequently I was received by the Queen and by the Prince and Princess of Roumania with the usual formalities.

In conversation with members of the diplomatic corps and others, I learned that the King had spoken freely about his wish to see more of the American minister and to have him learn to know Roumania better, and had expressed his satisfaction at hearing that it was my intention to see something of the country. * * *

I have, etc.,

JOHN B. JACKSON.

JEWS IN ROUMANIA.^a*Mr. Hay to Mr. Jackson.*

No. 1, Roumanian series.]

DEPARTMENT OF STATE,
Washington, March 5, 1903.

SIR: The Department's instruction No. 14, of July 17 last (Roumanian series), to your predecessor, presented for his guidance in the negotiation of a naturalization treaty with Roumania, certain considerations having special reference to the Jews in that country.

The refusal of the Roumanian King, reported in Mr. Wilson's unnumbered dispatch of August 6 last (Roumanian series), to consider the project of a naturalization treaty with the United States, made that instruction ineffective.

With its No. 15, of August 23 last, same series, the Department inclosed, for the legation's information, a copy of a circular instruction which it addressed, on August 11, 1902, to the diplomatic representatives of the United States to the governments parties to the treaty of Berlin of July 13, 1878, and which they were directed to bring to the attention of the governments concerned, and to commend to their consideration, in the hope that they would take such measures as to them might seem wise to persuade the Government of Roumania to reconsider the subject of the grievances of Jews in that country.

It is the President's desire that you should, on your first visit to Roumania, discreetly and cautiously endeavor to learn whether the considerations so presented to them have resulted in any representations to the Roumanian Government by the powers, either separately or jointly, looking to the amelioration of the oppressed condition of the Roumanian Jews and the observance of the principles of the Berlin treaty.

The matter is one in which the President has deep interest, and the Department would be pleased to have you furnish it with all information in this regard which you may be able to confidentially gather.

I am, etc.,

JOHN HAY.

Mr. Jackson to Mr. Hay.

No. 7, Roumanian series.]

LEGATION OF THE UNITED STATES,
Athens, March 21, 1903.

SIR: I have the honor to acknowledge the receipt, on the 19th instant, of your instruction No. 1, Roumanian series, of March 5.

It so happened that I was in charge of our embassy at Berlin at the time the Department's circular instruction of August 11 last was received, and consequently it fell to me to communicate its contents to the German foreign office. If I remember correctly, Baron Richthofen said that the matter would receive the attention which its importance warranted, or words to that effect. Subsequently I understood that immediately after the same instruction had been communicated to the foreign office at London, the British Government, without in any way making known its own views contained therein, had addressed a com-

^a See Foreign Relations, 1902, page 910 et seq.

munication to the other Governments which were parties to the Berlin treaty of 1878, inquiring what they proposed doing in the matter. So far as I am aware, however, no action was taken by any of these Governments, and the contents of the circular were never formally brought to the attention of the Roumanian Government.

Situated as the country is, between powerful and ambitious neighbors, the efforts of the Roumanian Government have been directed toward keeping the race pure and developing a homogeneous patriotic Roumanian nationality. The Jewish question is one with which Roumania has had to do ever since it became a State, and the course adopted was that which was considered necessary in order to enable it to maintain its independent national existence. Foreigners have never acquired Roumanian nationality merely through having been born in the country, and as long ago as 1878 a commission of deputies appointed to study the question reported that "Roumanian Jews have never existed, but only indigenous Jews—that is to say, Jews born in Roumania without, for that reason, resembling Roumanians either by language, manners and customs, or aspiration."

Prior to the recognition of Roumania as a kingdom its constitution contained the provision that "Foreigners of Christian denominations can alone obtain naturalization," both Jews and Mohammedans being excluded. In 1880, as a result of the Berlin treaty, this was changed and naturalization was placed within the reach of all "foreigners," provided that they could satisfy the legislative body of their acceptability. Under these conditions Roumania was recognized as a kingdom, although it was stated in the British note of February 20, 1880, that—

Her Majesty's Government can not consider the new constitutional provisions which have been brought to their cognizance, and particularly those by which persons belonging to a non-Christian creed domiciled in Roumania and not belonging to any foreign nationality are required to submit to the formalities of individual naturalization, as being a complete fulfillment of the views of the powers signatories of the treaty of Berlin.

As shown, however, by the recently published life and correspondence of Sir William White (John Murray, London, 1902), the difficulties connected with granting political rights (as far as religious rights are concerned there was no question) at one time to at least 300,000 persons who had traditionally been considered as aliens were recognized by the powers. Even those Governments which took an interest in the Jews refrained from using any great amount of pressure, and matters were allowed to assume their present condition.

Practically, it is hardly to be expected that the powers will show any more zeal than they did twenty-odd years ago, and it is not probable that success would accompany an effort to introduce into Roumania, by means of foreign pressure, legislative changes which are unacceptable to the country itself. Neither the King nor the Government has the power to change existing conditions, legislative action being necessary in the case of the naturalization of any "foreigner," no matter of what race or religion, and I have heard it stated that foreign interference has already had an unfavorable effect.

While adding that I plan visiting Bucharest at an early date, and that I shall use my best efforts to inform myself in the premises, I have the honor to be, sir, etc.,

JOHN B. JACKSON.

Mr. Jackson to Mr. Hay.

No. 14, Roumanian series.] LEGATION OF THE UNITED STATES,
Athens, April 18, 1903.

SIR: Referring to my dispatch No. 7, Roumanian series, of the 21st ultimo, I have the honor to report that, after inquiry on the spot, I am still of the opinion that no official representations were made to the Roumanian Government by any of the powers concerned, as a result of the Department's circular instruction of August 11, 1902. During my recent visit to Bucharest no direct reference was made to the Jewish question in official circles, either at the palace, or the foreign office, or in the course of my conversation with Mr. Sturdza. I talked of the matter freely, however, with my diplomatic colleagues and others. My conviction that Germany had made no representations was made a certainty, and I learned that neither France nor Great Britain had taken any formal action. Of late, as heretofore, both at the palace and at the foreign office, the British and French ministers have referred to the subject informally; the former thinks that the instruction was productive of good, the latter thinks that it was not. As a matter of fact, although there were a number of Jewish naturalization cases acted upon in each of the houses of the Roumanian legislative body, during its recent session, only a very few—say three or four—were finally dealt with by both.

* * * In Bucharest itself the Jewish quarter of the city is relatively clean and attractive, and everywhere one sees signs over shops bearing unmistakably Jewish names. Jewish lawyers and doctors occupying good positions are also to be found—it is true only in limited numbers, and these usually actual foreign subjects—and everything seems to indicate that the prejudice is neither against the race nor the individual, but is based upon the genuine fear as to what would result from general naturalization. That the situation of the Jews in Roumania is regrettable can not be denied, but no less can it be denied that their sufferings have been exaggerated. The fact that the place of every emigrant is at once filled by immigration from Galicia, Poland, and Russia speaks for itself. The Government does not favor emigration because, as a general rule, the more competent Jews leave and their places are taken by less intelligent people. As a Jassy shopkeeper, who was closing up his business, recently said to an English merchant of whom he had formerly been a good customer, "There are too many of us here for it to be possible for me to make any money." In parts of Moldavia 60 per cent of the population are Jews, most of whom, it is said, use the "Yiddish" (corrupt German) language, and speak but little Roumanian. * * *

I have, etc.,

JOHN B. JACKSON.

Mr. Jackson to Mr. Hay.

No. 47, Roumanian series.] LEGATION OF THE UNITED STATES,
Sinaia, Roumania, September 7, 1903.

SIR: I have the honor to report that in conversation yesterday Mr. Sturdza, the Roumanian prime minister, spoke at length about the circular "note" of August 11, 1902, and the Jewish question. He said

that there were two kinds of Jews in Roumania, the Spanish Jews, who are of a higher class, and the Jews who are principally found in Moldavia (and the neighboring parts of Austria and Russia), who he claimed are not Israelites at all, but Mongols, who were converted many centuries ago. There were few of this kind in what is now Roumania prior to 1828, and most of those who were in the country up to that time enjoyed either Austrian or Russian protection. Before the treaty of Paris no Jew, Turk, or Armenian could own real estate in the country. In the meantime, however, the Armenians had become Roumanianized, and there was no objection to the change, which was made in 1856, which enabled any Christian to do so. Later, at the time when the country became independent, a further change was made and any "Roumanian" obtained the right to own land. Ultimately, after the treaty of Berlin of 1878, the complete independence of Roumania was recognized by the European powers. At that time there were practically no American interests in the country, yet the United States saw fit to recognize its independence of its own accord in 1880 and to send a diplomatic representative (Mr. Eugene Schuyler) to reside in Roumania. This action was greatly appreciated at the time, and it has not been forgotten. Since that time, however, Roumania has no longer been under the tutelage of the treaty powers, and now she does not recognize their right to intervene. * * *

Mr. Sturdza said that now that I had seen something of Roumania and the Roumanians and now that they had become acquainted with me he was ready to inform me as to his position. He said at first that Roumania had not liberated herself from Turkish sovereignty in order to accept that of the Jews; that she had powerful neighbors and must do everything possible (compare dispatch No. 7) to maintain and develop her own nationality. He said that to grant political rights or to naturalize the Jews en masse, even if this were considered advisable, would necessitate a change in the constitution, and he was not in favor of frequent changes in a thing which should be of a permanent and more or less sacred character. He said that absolutely no question of religious prejudice was involved and cited a number of instances where Jews who had become Roumanians and been naturalized had attained political prominence under both liberal and conservative governments. He referred to one instance where he and other ministers had attended a wedding in the synagogue at Bucharest "in dress clothes and with decorations because of respect for the man whose daughter was being married." He said, however, that the mass of the Jews did not regard themselves as Roumanians; that they spoke of belonging to the "Jewish nation" and considered themselves as of a superior race to the Christians, and that they had their own customs, language, and ambitions, and neither would nor could assimilate with the native Roumanians. They wanted to become naturalized, or rather naturalization was wanted for them, in order that they might secure political rights and own land. Moreover, it is not merely a question of the Jews already in Roumania, as for many reasons their position here is much better than that of their coreligionists in Austria and Russia, and if existing restrictions were to be removed there would be a great influx from those countries. In Roumania there is not the least religious persecution, there have been no massacres, and passports are not necessary to enable one to travel inside the country. Jews generally are not allowed to live in rural districts, because experience has shown

that they rarely if ever become actual farm laborers, but wish to exploit such laborers, as overseers, etc., or to keep inns and drinking places.

After this general statement Mr. Sturdza went on to describe the special circumstances which led to the increased emigration of Jews a few years ago. He said that the Government had never favored such emigration and it had no wish to drive the Jews out of the country. The emigration, he said, was due to bad times, which prevailed for various reasons, but principally on account of drought and the failure of the crops. For more than a year the laboring population of Roumania was unable to support itself. The Government and the owners of private estates did all that was possible, but there was a great deal of suffering. The bad times were felt particularly in the cities, as building practically stopped and as the people had no money to spend in the shops. Naturally many people thought of emigrating, especially among the Jews who had few local attachments, and soon this emigration was given a political character. Instead of going by rail the Jews began making demonstrative marches through the country, singing and otherwise disturbing the peace. Many of them were not permitted to go farther than Budapest and Vienna, and many suffered greatly, but more or less unnecessarily. In the case of those who were turned back, however, the Roumanian Government repatriated them at its own expense, spending several hundred thousand francs for the purpose. The country was in financial straits at the time and certain foreign influences were brought to bear in order to discredit it generally. Had it been forced to grant political rights to the Jews many Roumanians would have been forced to sell their mortgaged estates, but the situation of the Jews in Roumania, especially the poorer classes, would not have been materially improved.

During the summer I have traveled more or less about the country and have visited Jassy, Berlad, Galatz, Braila, and other cities and done my best to inform myself as to the exact situation. * * * The general feeling is that the naturalization of the Jews must be a gradual matter—as they become educated up to being Roumanians.

I have, etc.,

JOHN B. JACKSON.

Mr. Wilson to Mr. Hay.

No. 63, Roumanian series.] LEGATION OF THE UNITED STATES,
Athens, November 15, 1903.

SIR: Referring to previous correspondence on the Jewish question, I have the honor to inform you that I have received a "Report of the Royal Commission on Alien Immigration." This commission was appointed by the King of England in March, 1902, to report upon "the character and extent of the evils which are attributed to the unrestricted immigration of aliens."

In order to make a thorough study of the subject, one of the members of the commission, Major Evans-Gordon, was sent to inquire into the causes of immigration to England from the various countries.

For this purpose he visited Russia and Roumania to study the condition of the Jews, and the part of the report dealing with the latter country has caused a great deal of feeling there, as it has again stirred up the already troublesome Jewish question.

In Russia, it seems, Major Evans-Gordon finds that Jewish emigration is due partly to economic causes and partly to oppressive measures; in Poland, mainly to economic causes, while in Roumania he states:

The expulsive force is undoubtedly the intolerant attitude of the Government toward the Jews and the series of oppressive measures which, contrary to treaty engagements, have appeared upon the statute books of that country.

The Jewish question has been a burning one ever since Roumanian independence was granted, and even long before. At the time of the Berlin conference, in 1878, an attempt was made to place the Jewish subjects of Roumania upon a footing of equality with the other classes of the population.

The evident intention of the powers throughout the negotiations was to establish a complete religious and civil equality for the Jews. The policy of the Roumanian Government was then and is still directly opposed to this intention. Rightly or wrongly, they have always asserted that such equality, if given to the Hebrew race, would end in the subjugation of their country by an alien people, and far from complying with the conditions laid down by the great powers, their policy tends toward the suppression, political extermination, and expulsion of the Jews.

The value of the report of Major Evans-Gordon on the condition of the Jews in Roumania seems to me not to be great, as he spent less than a week in the country, principally in Sinaia, where there are no Jews, and the rest of his time in Bucharest. He did not see the condition of the Jews in the country districts, nor in the cities which are centers of Jewish life. Neither did he attempt to see the King, nor Mr. Sturdza, the prime minister, who from his long public service knows the country and its conditions better than any man in the kingdom. On the contrary, Major Evans-Gordon obtained all the information necessary for his report from Mr. Take Jonesco, the leader of the opposition, and from others of the same party. The opposition in Roumania always uses the Jewish question as a means of attacking the party in power, but, in spite of this fact, have never done anything to improve the condition of the Jews when the opportunity has come to them.

* * * * *

An official report of this nature has caused much indignation, not only in Government circles, but in general, as the numerous newspaper articles showed, for it is felt that this report will have great weight abroad and that the country has been misrepresented. Objection is also made, and very naturally, to the unfavorable comparison between the condition of the Jews in Russia and Poland and those in Roumania. This objection seems well founded, in view of the Jewish massacres in Russia, while in Roumania the Jew is never in danger of personal violence of any sort.

That the condition of the Roumanian Jew is not so bad as it would seem to be from Major Evans-Gordon's report, or as it is generally believed to be, seems to be shown by the fact that, according to statistics, while a certain number of Jews do emigrate from Roumania each year, yet the number in the country is constantly increasing, due to immigration from Russia and Austria.

The report does not take into consideration at all that, in the opinion of Roumanians of all classes, as well as of most foreigners who understand the conditions of the country, the restrictions placed upon the Jew in Roumania are absolutely necessary for their national preservation.

* * * * *

I have, etc.,

CHARLES S. WILSON,
Chargé d'Affaires ad interim.

RUSSIA.

JURISDICTION OF CONSULAR OFFICERS IN DALNY.

Mr. McCormick to Mr. Hay.

No. 6.]

AMERICAN EMBASSY,
St. Petersburg, February 4, 1903.

SIR: I have the honor to transmit herewith a copy and a translation of a note received from the minister for foreign affairs relative to the establishment of foreign consuls at Dalny.

I have the honor, etc.,

ROBERT S. McCORMICK.

[Inclosure.—Translation.]

Count Lamsdorff to Mr. McCormick.

No. 321.]

MINISTRY FOR FOREIGN AFFAIRS,
FIRST DEPARTMENT,
January 17/30, 1903.

MR. AMBASSADOR:

In proceeding to the administrative organization of the territory of Quantoun ceded in usufruct by China to Russia (*cédé en usufruit par la Chine à la Russie*), the Imperial Government has been considering the question of the establishment of foreign consuls at Dalny (Talienwan).

The Imperial Government has decided to admit the presence of consular representatives of the powers in the said town on the following conditions: The exequatur required as a condition precedent to entry upon official duties by such representatives is to be asked for, in the usual way, through the channel of the ministry for foreign affairs at St. Petersburg. The sphere of official activity of these representatives covers all the territory of Quantoun, with the exception of Port Arthur and the other fortified places which will be indicated by the local military authorities. Inasmuch as Russian legislation is in force in the above-mentioned territory and Russian courts are sitting, foreign consuls at Dalny will enjoy only such rights and prerogatives as are accorded to them throughout the Russian Empire. In order to insure good administering of official business these consuls will treat directly with the administrative authorities of the territory on all questions within their jurisdiction. No consular representative of the powers other than the one established at Dalny will be recognized as competent to take charge of his country's interests in the above-mentioned territory.

Please accept, etc.,

COUNT LAMSDORFF.

NEGOTIATIONS CONCERNING RUSSIAN OCCUPATION OF MANCHURIA.

Mr. Hay to Mr. McCormick.

[Telegram.—Paraphrase.]

DEPARTMENT OF STATE,
Washington, April 25, 1903.

(Mr. Hay directs Mr. McCormick to discreetly ascertain the meaning of the first two sections of the proposed Russian-Chinese conven-

tion; and states that the one forbidding the establishment of treaty ports and consulates, and the other excluding all foreigners, except Russians, from employment in the Chinese service, are in opposition to the plans communicated by the United States Government to the Russian Government, and seem injurious to the legitimate interests of the United States.)

Mr. McCormick to Mr. Hay.

[Telegram.—Paraphrase.]

AMERICAN EMBASSY,
St. Petersburg, April 29, 1903.

(Mr. McCormick reports that the Russian minister for foreign affairs categorically denies knowledge of, and disclaims proposed convention between Russia and China, especially the sections referred to in Mr. Hay's telegram of April 25. The minister assures Mr. McCormick that the Russian Government has no intention to exclude other countries from the advantages now enjoyed in Manchuria or to confer monopolies upon Russians; that the United States may be assured that nothing will be done to close the door now open, and that American commerce and American capital are those that Russia most desires to interest.)

Mr. McCormick to Mr. Hay.

No. 37.]

AMERICAN EMBASSY,
St. Petersburg, April 29, 1903.

SIR: I have the honor to acknowledge the receipt of your cablegram of the 25th instant, instructing me to ascertain the meaning of the first two sections of a proposed Russo-Chinese convention, the one forbidding the establishment of treaty ports and consulates, and the other excluding all foreigners, except Russians, from employment in Chinese service, and to confirm my cablegraphic reply of this date.

* * * * *

In accordance with my cablegram above alluded to, Count Lamsdorff denied categorically all knowledge of and disclaimed the alleged, as he termed it, proposed convention between Russia and China, especially the two sections referred to in your cablegram—the one forbidding the establishment of treaty ports and consulates, and the other excluding all foreigners from employment in Chinese service.

His excellency said that the intentions of the Russian Government were exactly the same as they were fourteen months ago; that there had never been any thought of a Russo-Chinese convention excluding other countries from a participation in the advantages they enjoy at present in Manchuria or conferring monopolies upon Russians. He added that, while it must be distinctly understood that Russia admitted no protest on the subject from any power, as two independent nations were at liberty to treat as it suited them without intervention of a third power, he was happy to respond with perfect frankness to a question frankly put by the representative of such a friendly power as America, although confessing that he was somewhat hurt that the only

expression of doubt should come from America. To this expression of feeling I responded that it was because we were such a friendly power that we could be frank, and that I was satisfied with his assurances.

He added that the United States Government could rest assured that nothing would ever be done to close the door now open in Manchuria, and that American commerce and American capital were, of all other countries, the one Russia most desired to attract for the benefit of her Eastern Chinese Railway, which would be rendered more profitable by the opening up of the tributary territory.

He said, however, that the question of final evacuation involved certain details, including among other things the protection of this railway and the interests which it involved—questions which did not concern any other power and were matters of detail.

I did not deem it wise or necessary to ask for particulars, which were not volunteered, especially as Count Lamsdorff had been so positive and had spoken with so much earnestness on the two points which it was my object to have cleared up.

* * * * *

I have, etc.,

ROBERT S. McCORMICK.

Mr. Hay to Mr. Riddle.

[Telegram.—Paraphrase.]

DEPARTMENT OF STATE,
Washington, June 13, 1903.

(Mr. Hay states that the treaty negotiations between the United States and China are substantially terminated, with the exception of the question of localities to be opened to trade in Manchuria; that the Chinese Government still claims that it is prevented from agreeing to this by Russian opposition, although the United States minister at Peking informed the Chinese Government that this is untrue, and has asked the Russian minister at Peking to confirm to the Chinese foreign office Russia's desire that the demand of the United States be complied with.)

Mr. McCormick is directed to ascertain from the Russian minister for foreign affairs if the Russian minister at Peking has been instructed in line with the above, and if not, Mr. McCormick is to urge prompt action in the desired direction.)

Mr. Riddle to Mr. Hay.

[Telegram.—Paraphrase.]

AMERICAN EMBASSY,
St. Petersburg, June 15, 1903.

(Mr. Riddle reports that the Russian minister for foreign affairs requests that the minister of the United States to China communicate to the Russian minister to China the demands of the United States

relative to localities to be opened to trade, and promises that the minister of Russia will be authorized to reply frankly to the minister of the United States and the Chinese Government what the attitude of the Russian Government is. The minister for foreign affairs states to Mr. Riddle that because of the distance, and without knowing what localities are meant, he can not blindly commit himself, as he admits there are some ports whose opening Russia would not favor before the Russian evacuation of Manchuria under satisfactory guaranties is completed.

A frank interchange of views between the two ministers at Peking is recommended by the minister for foreign affairs.)

Mr. Hay to Mr. Riddle.

[Telegram.—Paraphrase.]

DEPARTMENT OF STATE,
Washington, June 24, 1903.

(Mr. Hay states that the United States minister to China was instructed, in accordance with the wishes of the Russian minister for foreign affairs, as expressed in Mr. Riddle's telegram of June 15, and duly communicated with the Russian minister at Peking and was told by him that he had no instructions except to await discussion of the question at Washington, and could make no statement to the Chinese Government nor to anyone concerning Russia's attitude.

Mr. Hay states that the above is not true as regards Washington, as the Russian ambassador at that capital is without instructions.

Mr. Riddle is directed not to bring the subject up, but to make a statement as outlined above if questioned by the minister for foreign affairs.)

[Translation.]

IMPERIAL RUSSIAN EMBASSY, *Washington, July 1/14, 1903.*
(Handed to the Secretary of State July 14, 1903.)

Pro memoria.

The Imperial Government declares that whatever may be the outcome of the negotiations actually in progress between Russia and the Celestial Empire, which have for their only purpose the obtaining of guaranties for the essential interests of Russia in the province occupied by their forces, it has never entered into its views to oppose the opening to foreign commerce by China in the course of the development of its commercial relations of certain cities in Manchuria so long as foreign settlements are not established.

The above declaration does not concern Kharbin, a city situated in the zone allotted to the eastern line of the Chinese railway system, and which is consequently not found in the sphere of the entire and uncontrolled jurisdiction of the Chinese Government. Foreign consuls will not be admitted in this city unless the Imperial Government deems it opportune.

OUTRAGES PERPETRATED ON JEWS IN RUSSIA.

Mr. Hay to Mr. McCormick.

[Telegram.—Paraphrase.]

DEPARTMENT OF STATE,
Washington, April 29, 1903.

(Mr. Hay states that it is persistently reported upon what appears to be adequate authority that there is great want and suffering among the Jews in Kishenev, and that their friends in the United States desire to know if financial aid and supplies would be permitted to reach the sufferers. Mr. McCormick is instructed to obtain the desired information without discussing the political phase of the situation.)

Mr. McCormick to Mr. Hay.

[Telegram.—Paraphrase.]

AMERICAN EMBASSY,
St. Petersburg, May 9, 1903.

(Mr. McCormick reports that it is authoritatively denied that there is any want or suffering among the Jews in southwestern Russia, and that aid of any kind is unnecessary; that while the offer is appreciated in the spirit in which it was made, it is gratefully declined.)

Mr. McCormick to Mr. Hay.

AMERICAN EMBASSY,
St. Petersburg, May 13, 1903.

SIR: Referring to your cablegraphic instruction in the matter of alleged famine conditions among the Jews in Kishenev, I have the honor to inclose herewith a cutting from the London Standard of May 1, * * * which will throw some light on the subject of that instruction.

I have, etc.,

ROBERT S. McCORMICK.

[Inclosure.]

[From The London Standard, Friday, May 1, 1903.]

KISHENEV, *April 24, 1903.*

When I arrived here late last evening, the Bessarabian capital presented all the appearance of a city suddenly evacuated by its inhabitants and committed to the charge of the military. At 11 p. m. not a civilian was to be seen in the streets, but the alternating patrols of infantry and cavalry were met with at intervals of a few hundred yards. Under the terror of the last few days, people of all classes and conditions carefully shutter and bar their windows after nightfall. On crossing the municipal boundary, my coachman was halted by a police inspector, to whom he handed a ticket received at the railway station, showing whence he brought his fare. In the hotel vestibule I find another inspector of police questioning a group of young and middle-aged men, all apparently Jews and refugee guests, who have temporarily deserted their houses for the greater security of the police-guarded hotel. In the cross corridors of the bel-étage I pass two other police inspectors similarly engaged

in cross-examining guests and domestics. Several of the former, I observe, wear head bandages. One of these inspectors follows me to the door of the apartment to which an attendant is conducting me, salutes me respectfully in military fashion, desires to know whence I come, and begs to be favored with a glance at my passport. His examination of my papers being satisfactory, and his demeanor unusually affable for an official of his class, I offer him my cigarette case, and essay, with a pretense of casual curiosity, to elicit some information with regard to the terrible and fatal tumult which has convulsed the city during the last few days—that is, during the Russian Eastertide. The attempt failed. The police inspector lauded the quality of my tobacco, smilingly observed that the discussion of tragic events was a bad soporific, and wished me spokoinoi notch. My room attendant goes about his duties in a curiously dejected and perfunctory manner. I ask if he is fatigued, and then learn that he is a Jew who has lost two relatives in the murderous attack upon his coreligionists.

My early peregrinations of the city this morning were made under the favor of delightfully sunny and genial spring weather, whose brilliance enhanced, indeed, the glaring desolation of the scene of wreck and ruin in the Jewish quarters more especially, and in all the chief thoroughfares generally. I should say, at the outset, that Kishenef is for the nonce in a state of close siege. There are 15,000 troops in the city; 9,000 are kept in barracks under arms, and 6,000 cavalry and infantry are on patrol duty. All the infantry patrols and stationary pickets carry fixed bayonets, and the cavalry carbines are loaded with ball cartridge. These precautions, after the terrible outbreaks of Sunday, Monday, and Tuesday last, appear to be unnecessarily excessive. The popular tumult and outrages ceased simultaneously with the receipt of the order from St. Petersburg authorizing the governor and commandant to fire upon the rioters. As a matter of fact, the military did not fire a shot during the frightful *mélee*. So far as I can gather in the best-informed quarters, there were 56 Jews, including 3 women and 4 children, and 7 Russians killed in the *émeute* between Easter Sunday afternoon and Tuesday evening. There are 339 injured people in hospital, the great majority of whom are Jews and Jewesses, including about 40 young children. About 700 arrests were made. I witnessed this morning the funerals of 5 victims who succumbed to their injuries yesterday. Added to the numbers given above, this makes a total of 68 lives lost, and the fatal record is probably not yet complete.

Altogether, some 2,400 shops, magazines, stores, and booths were wrecked, and the windows of private houses, public buildings, banks, and commercial offices were wholly or partially shattered. Street kiosks were overturned and smashed, and sign-boards torn down and used as battering-rams against shuttered windows and closed doors. The streets are still thickly strewn with the wreckage of all kinds of wares pillaged from the Jewish shops and booths. Desperate attempts were made upon the various banks and banking agencies, but these were saved by the military and are still under armed guards. In such leading and fashionable thoroughfares as the Alexandrofskaya and Pushkinskaya, and in the immediate neighborhood of the official residences of the governor, the mayor, and the commandant, there was any amount of destructive havoc. Every shop in the block in which my hotel is situated is wrecked, and all the front windows of the hotel itself are shattered. It is in the Jewish quarter proper, however—in the bazars and the adjoining streets—that the full fury of the frenzied anti-Jewish rioters has left its desolating mark. Not a house or shop was spared. The battered windows and doors are now roughly nailed up with unsightly boards, which hide the looted interiors. To-day the Jews are venturing out of doors under the ubiquitous and protecting presence of the military. Here and there, at courtyard gates and street corners, one sees small groups of sad and terror-stricken Jews and Jewesses bemoaning their bereavements and material losses. The greater number appear with bandaged heads or arms in splints and slings.

There can be no manner of doubt that the outbreak took the form of a savage and merciless attack upon the Jews. During the Eastertide more especially, the ignorant and fanatic orthodox Slav is prone to revenge the crucifixion of the Saviour upon his Hebrew neighbors; and once his passions, besotted or sober, are fully aroused, he becomes a wild animal. There is just as little doubt, however, that the popular tumult against the Jews was engineered by the organizers of the politically disaffected secret associations of the Russian industrial classes, whose ramifications are taking root all over the country. Their object is not so much a crusade against the Jews—since their "tenets of freedom" are, in principle at least, opposed to such persecution—as a desire to discredit the imperial and local governments. Their guiding hands were certainly revealed on Monday and Tuesday last, when the mob assailed—happily, unsuccessfully—one of the orthodox churches and the offices of the holy consistory of Bessarabia. For three days and nights past, and at the present moment, the cathedral of Kishenef is protected by four companies of infantry.

Although it is scarcely possible to believe that there is the slightest further danger, or even possibility, of a renewal of the disturbances, not more than a score of shops in the whole city are open this afternoon. All the banks, commercial houses, and other places of business remain closed and guarded. The cavalry patrols have each been increased from 30 to 50 troopers, and the infantry patrols from single to double companies. The garrison commandant has had the main thoroughfares paraded at hourly intervals all day by battalions of infantry and half squadrons of cavalry, in addition to the regular patrols. The Bessarabetz, a leading local journal, again publishes yesterday's stringent injunctions from the governor, General Von Raaben, warning the unruly elements that no mercy will be shown to any disturber of the public peace, who is liable to be tried by drumhead court-martial and summarily shot. The ordinary judiciary is suspended for a calendar month and replaced by martial law.

I am this evening credibly informed that 3 of the Russian victims were constables and that 29 members of the force are under hospital treatment for serious injuries. In the thick of the desperate fray in the Jewish quarter on Monday night, 13 cavalry troopers were dragged from their saddles and brutally beaten. The infantrymen came scathless out of their many struggles with the infuriated mobs, thanks to keeping their ranks well closed.

APRIL 25.

The director-general of police, Lieutenant-General Lopuchin, arrived this morning from St. Petersburg. The same special train also brought Major-General Schostak, commander of the Eighth Army Corps, which includes the troops garrisoned in this city.

Two more of the Jews in hospital last night succumbed to their injuries. This brings the death roll to 70, of whom 63 were Jewish victims of the massacre.

Just before nightfall yesterday I had an opportunity of penetrating, unmolested by the police or military patrols and pickets, more closely into the lanes and alleys of the purely Jewish quarters. Whole streets and lanes, throughout their lengths, show nothing but sacked houses, shops, and booths. The open doors and windows gape darkly like those of structures gutted by fire. The contents of the shops and booths have been pillaged, and the furniture and fittings demolished, the private dwellings of the Jews meeting the same fate. It is a mystery to the spectator where the thousands of miserable refugees, thus despoiled, expropriated, and brutally abused, are hiding and herding. Some three or four thousand have fled to Benderi, Tiraspol, and Odessa. Whichever way one turns in the lower part of the city the same scenes meet the eye. There is one somewhat narrow street absolutely blocked between the trottoirs by more than a score of overturned and looted booths. It is curious—although quite customary under similarly terrible circumstances—to observe the anxious solicitude with which the occupants of all the houses and shops left wholly or partially intact have hastened to display ikons and other sacred emblems or pictures conspicuously in every window, or, lacking a sufficient number of ikons, have cut crosses out of white or colored paper, and stuck them on windows, doors, and outer walls. These are the external and visible signs meant to inform the rioters that the inmates are Christians.

I found an opportunity this morning for a brief talk with a member of the medical staff of the city hospital. He substantially confirmed the numbers of killed and seriously injured given in my first dispatch. Concerning the reports of Jewish children having been torn limb from limb by some of the murderers, the doctor could only say that no such case or cases had come under his observation, but he admitted that many of the Jewish victims were massacred outright, and some of those who subsequently died in hospital were badly mutilated. The Russian rioter seldom or never employs the knife. Small hatchets and stout wooden clubs, the latter frequently held by a wrist strap, and stones clutched in the hands and used as battering weapons are the chief features of the ruffian's armory.

The population of Kishenef now approximates 160,000, and includes some 65,000 Jews.

APRIL 27.

I am this morning credibly informed that the governor, Lieutenant-General Von Raaben, as well as the police master, Colonel Khanzheneff, the latter's chief of staff, and two or three other responsible local authorities are to be removed from their posts on account of their lack of promptitude, energy, and decision of action in the early and preventable stage of the dreadful émeute of last week. The minister of the interior, M. Von Plehve, is expected here within the next few days. Notwithstanding the semiofficial assurance given yesterday by the Bessarabetz that there were no more dangerous cases among the injured Jews in hospital, three more have proved fatal within the last twenty-four hours. Altogether some 10,000 Jews have fled from the

city. They are further alarmed, no doubt, by the sinister current reports of an intended and general popular outbreak against the Jews throughout the province. The Roumanian elements of Moldavians and Wallachs are very numerous in this city, and their inimical feelings toward the Jews are quite as rancorous and bitter as those of the lower-class Russians.

RECOGNITION BY RUSSIAN LAW OF JEWISH DIVORCES GRANTED BY JEWISH RABBIS.

Mr. Hay to Mr. McCormick.

No. 56.]

DEPARTMENT OF STATE,
Washington, October 22, 1903.

SIR: To enable the Department to answer several inquiries it has received I shall be pleased if you will ascertain whether Jewish divorces granted by Jewish rabbis are recognized by Russian law. If such a law is in force a translation of its text is desired.

I am, etc.,

JOHN HAY.

Mr. McCormick to Mr. Hay.

No. 62.]

AMERICAN EMBASSY,
St. Petersburg, November 10, 1903.

SIR: With reference to the Department's No. 56, of October 22, 1903, I have the honor to inclose herewith translations from the Russian code pertaining to the recognition by Russian law of Jewish divorces granted by Jewish rabbis, which were made for me by Mr. Berline, an attorney in good standing and by birth himself a Hebrew.

In addition to the memorandum sent to me by Mr. Berline, the translation of which is inclosed, he writes that the Russian law recognizes all certificates of birth, marriage, divorce, and death issued by Jewish rabbis, as well as all certificates given by ministers of the Jewish faith abroad to Russian Jewish subjects.

I have, etc.,

ROBERT S. MCCORMICK.

[Inclosure.—Translation.]

Extracts of law furnished by Mr. Berline, of the St. Petersburg bar.

The principal sections of the Russian law which relate to the marriage, divorce, and separation of non-Christians are as follows:

Article 20 of the Civil Code (Chap. III) official edit. 1887.—Each race and each people, including heathen, are allowed to contract marriage according to the stipulations of their law or in conformity with the customs established, etc., without any participation, whatsoever, of the civil authorities or of the Christian ecclesiastic authorities.

Article 103 (Chapter IV).—Husband and wife must live together, consequently:

1. All acts tending to an arbitray separation of the couple are rigorously prohibited.
2. The wife must follow the husband upon emigration, entrance into service, and likewise upon any change of residence.

Article 1325. (Vol. XI) of the Regulations concerning the Jewish faith (official edition of 1896).—The functions of rabbis consist (1° and 2° unnecessary), 3°, in exercising to the full extent the rite of circumcision, the giving of fore names to the newly born, in celebrating marriages and pronouncing divorces, attending funerals and keeping registers of the civil status of Israelites, presenting them to the proper authorities in conformity with the rules prescribed in the laws on social classes.

SERVIA.

COUP D'ÉTAT OF KING ALEXANDER, HIS ASSASSINATION, AND ACCESSION OF KING PETER TO THRONE OF SERVIA.

Mr. Jackson to Mr. Hay.

No. 4, Servian series.] LEGATION OF THE UNITED STATES,
Athens, April 13, 1903.

SIR: Referring to my dispatch No. 8, Roumanian series, of to-day's date, I have the honor to confirm herewith the text of the telegram sent you from Bucharest, on the 9th instant, as follows:

Belgrade visit deferred. Am returning Athens.

In view of the approach of the orthodox holy week, as well as of the recent political occurrences in Servia, I thought it advisable to inquire in advance as to my chances of being received by the King at an early date, and on April 8 I received a telegram from an official of the Servian foreign office advising me to defer my visit. I shall now probably not go to Belgrade before June or July. I have written informally to ask that proper explanation be made to the minister of foreign affairs and to the King himself, if thought desirable, so that there may be no misunderstanding connected with the delay in the presentation of my credentials. Just at present there is no minister of foreign affairs at Belgrade to whom I can write officially. As he had done on previous occasions, the King has recently executed a coup d'état, having declared the constitution of April 6-19, 1901, ineffective and dismissing, suspending, or pensioning many of the persons holding office thereunder, putting the same constitution into force again, and starting afresh with a lot of new appointments. Among the changes which have taken place is the retirement of the minister of foreign affairs, Mr. Lozanitch, and I have not yet been officially informed as to who is to succeed him.

I have, etc.,

JOHN B. JACKSON.

Mr. Jackson to Mr. Hay.

No. 6, Servian series.] LEGATION OF THE UNITED STATES,
Athens, April 16, 1903.

SIR: Referring to my dispatch No. 4, Servian series, of the 13th instant, I have the honor to report that the legation has now been formally notified of the resignation of Mr. S. M. Lozanitch, and the appointment of Mr. P. Denitch as Servian minister of foreign affairs. Mr. Denitch has already held office and it is not probable that his appoint-

ment will cause any change in Servian foreign policy. As indicated in the King's recent speeches—whatever may be the case at home—Serbia intends to remain a factor for peace and quiet in the Balkans, and will not engage in any adventurous enterprises. At home the coup d'état does not appear to have occasioned any great amount of excitement, * * *

I have, etc.,

JOHN B. JACKSON.

Mr. Jackson to Mr. Hay.

No. 7, Servian series.]

LEGATION OF THE UNITED STATES,
Athens, May 12, 1903.

SIR: Referring to my dispatches Nos. 4 and 6, Servian series, of the 13th and 16th ultimo, respectively, I have the honor to append hereto a memorandum containing certain information of a historical character with regard to the latest Servian coup d'état, and to be, sir, etc.,

JOHN B. JACKSON.

[Inclosure.]

MEMORANDUM.

The Servian constitution now in force is that which was granted the country by King Alexander on April 6–19, 1901.

Under this constitution the influence of the radical party had gradually increased to such an extent that the King thought it was dangerous to the welfare of the country. For some time there were rumors to the effect that a new constitution was in contemplation and would probably be put into force on the anniversary of its predecessor. More or less excitement was caused by these reports, and in consequence the King determined to act at once.

On the afternoon of March 24–April 6 last a royal proclamation was issued to the Servian people, explaining the King's views of the situation, suspending the constitution referred to above, annulling the ukase of April 6, 1901, and all subsequent ukases relating to the election of senators, retiring all the members of the council of state, dissolving the Skupshtina (national chamber of deputies), annulling the election of all senators chosen for the period 1901–1906, annulling various laws relating to the liberty of the press, the election of deputies, etc., and putting into force certain laws which had previously been repealed.

The next morning a second proclamation was issued, putting the same constitution in force again, and directing the life senators to elaborate a provisional law for the election of senators and deputies, who should hold office, respectively, until September, 1909, and May, 1907.

The date for the elections has been fixed for the first part of June. It is considered probable that the Radical members of the Government (four ministers, I believe) will soon withdraw from the cabinet.

J. B. J.

Mr. Wilson to Mr. Hay.

[Telegram.]

Servian series.]

LEGATION OF THE UNITED STATES,
Athens, June 11, 1903.

Consul Belgrade wires military revolution last night. King and Queen shot. Peter Karageorgevitch proclaimed King.

WILSON.

Mr. Wilson to Mr. Hay.

[Telegram.]

Servian series.]

LEGATION OF THE UNITED STATES,
Athens, June 11, 1903.

No new Servian King officially proclaimed. National Assembly decides Monday.

WILSON.

Mr. Wilson to Mr. Hay.

[Telegram.]

Servian series.]

LEGATION OF THE UNITED STATES,
Athens, June 13, 1903.

Belgrade quiet. Ministry formed.

WILSON.

Mr. Wilson to Mr. Hay.

[Telegram.]

Servian series.]

LEGATION OF THE UNITED STATES,
Athens, June 15, 1903.

Peter Karageorgevitch proclaimed King. All quiet Belgrade.

WILSON.

Mr. Jackson to Mr. Hay.

No. 16, Servian series.]

LEGATION OF THE UNITED STATES,
Athens, June 29, 1903.

SIR: As a matter of historical interest in connection with the recent Servian revolution, I have the honor to state that I received four official communications from the Servian ministry of foreign affairs during my sojourn in Belgrade.

The first of these communications was dated May 29-June 11, the morning after the assassination, and was signed by Mr. Kallevitch as minister of foreign affairs in the provisional government. It began by stating that "certain differences which arose at court led to the intervention of the army and a conflict, in which King Alexander and Queen Draga lost their lives," and it continued by saying that in order

to maintain peace the representatives of the various political groups had hastened to organize a provisional government and to reestablish the constitutional situation which had existed until last March, under the constitution of April 6, 1901. A list of the provisional government followed, as well as a statement that the National Assembly had been called together to elect a new sovereign on the following Monday. The communication closed with a statement that, according to the reports received from the military and civil authorities, there had been no disturbances throughout the country, and that the Government was convinced that in pursuing the course adopted it would "assure the sympathies of all the European powers with the new state of affairs."

The second communication was dated June 2-15, and was also signed by Mr. Kallevitch. It contained a statement of the fact that the National Assembly had unanimously chosen Prince Peter A. Kara-georgevitch to be King of Serbia, and requested the legation to communicate this information in the proper quarter.

The third communication was dated June 7-20, and was not signed. It contained the information, communicated by the "royal ministry of foreign affairs," that King Peter I would arrive at Belgrade on Wednesday at 10 a. m.

The fourth communication was dated June 9-22, and it, too, was unsigned. In it the royal ministry of foreign affairs informed the legation that the president of the council of ministers had received a telegram from Geneva stating that the deputation from the National Assembly had been received by King Peter I, and that His Majesty had accepted the document informing him of his election and had declared his willingness to accept the election, "which makes him King of Servia."

During the interval between the election of the King and his acceptance the Servian Skupshtina had voted to put in force the constitution of 1888, with certain changes, making it even more liberal than it had been before, and prescribing an oath of allegiance for military officers to both the constitution and the sovereign, thereby creating a situation which I think is unique. * * *

I have, etc.,

JOHN B. JACKSON.

Mr. Wilson to Mr. Hay.

No. 26, Servian series.]

LEGATION OF THE UNITED STATES,
Sinaia, October 7, 1903.

SIR: I have the honor to report that the elections in Servia passed off quietly and resulted in a victory for the Radicals, and, as anticipated, a new ministry has been formed under the presidency of Mr. Gronitch, the Servian minister at Constantinople. The rest of the cabinet is composed as follows:

Mr. Nicolitch, minister of foreign affairs; Mr. Protitch, minister of interior; Mr. Nikolitch, minister of justice; Mr. Stojanovitch, minister of public instruction; Mr. Radovanovitch, minister of finance; Mr. Todorovitch, minister of public works; Mr. Petkovitch, minister of commerce; Colonel Andrejevitch, minister of war.

Three of the above ministers were in the cabinet of King Alexander formed last October.

The trial of the officers who took part in the conspiracy against the murderers of King Alexander resulted in light sentences being imposed—the longest being two years. Doctor Velikovitch, a former physician, and Captain Lontkyevitch, a former aid-de-camp of the late King, were sentenced to one month each, and other sentences were given varying from three months to one year.

The British minister will probably present his credentials to King Peter very shortly, as he was waiting only until a new ministry should come into power, and the Dutch minister resident (who is also accredited to Roumania) told me to-day that he expected to present his letters of credence early in January, upon his return from leave of absence, so that, with the exception of the United States, all the countries which were represented at Belgrade under King Alexander, will have accredited the same ministers to his successor.

I have, etc.,

CHARLES S. WILSON,
Chargé d'Affaires ad interim.

Mr. Wilson to Mr. Hay.

No. 27, Servian series.] LEGATION OF THE UNITED STATES,
Bucharest, October 15, 1903.

SIR: Referring to my dispatch No. 26, this series, I have the honor to report that the officers who were arrested for conspiracy against the murderers of the late King and Queen appealed to the military court, by which the sentences on four of the officers have been increased from ten to thirteen months' imprisonment, with loss of their commissions. The sentences of the others are confirmed, with the exception of two, who received sentences of one month's imprisonment and who have now been set at liberty.

I have, etc.,

CHARLES S. WILSON.

SPAIN.

TREATY BETWEEN THE UNITED STATES AND SPAIN. FRIENDSHIP AND GENERAL RELATIONS.

Signed at Madrid, July 3, 1902.

Ratification advised by the Senate, December 16, 1902.

Ratified by the President, February 6, 1903.

Ratified by Spain, March 30, 1903.

Ratifications exchanged at Madrid, April 14, 1903.

Proclaimed, April 20, 1903.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Whereas a Treaty of Friendship and General Relations between the United States of America and the Kingdom of Spain was concluded and signed by their respective Plenipotentiaries at Madrid, on the third day of July, one thousand nine hundred and two, the original of which Treaty, being in the English and Spanish languages is word for word as follows:

Treaty of friendship and general relations between the United States of America and Spain.

The United States of America and His Catholic Majesty the King of Spain, desiring to consolidate on a permanent basis the friendship and good correspondence which happily prevail between the two Parties, have determined to sign a Treaty of Friendship and General Relations, the stipulations whereof may be productive of mutual advantage and reciprocal utility to both Nations, and have named with this intention:

The President of the United States of America, Bellamy Storer, a citizen of the United States, and their Envoy Extraordinary and Minister Plenipotentiary to His Catholic Majesty; And His Catholic Majesty the King of Spain, Don Juan Manuel Sanchez y Gutierrez de Castro, Duke of Almodóvar del Rio, Marquis of Puebla de los Infantes, Grandee of Spain, His Most Catholic Majesty's Chamberlain, Knight Professed of the Order of Alcántara, Knight Grand Cross of the Royal Order of Ysabela the Catholic, of the Legion of Honor, of the Red Eagle of Prussia, etc., etc., etc., His Minister of State;

Who having communicated to each other their Full Powers, found to be in good and due form, have agreed upon and concluded the following articles:

ARTICLE I.

There shall be a firm and inviolable peace and sincere friendship between the United States and its citizens on the one part, and His

Catholic Majesty and the Spanish Nation on the other part, without exception of persons or places under their respective dominion.

ARTICLE II.

There shall be a full, entire and reciprocal liberty of commerce and navigation between the citizens and subjects of the two High Contracting Parties, who shall have reciprocally the right, on conforming to the laws of the country, to enter, travel and reside in all parts of their respective territories, saving always the right of expulsion which each Government reserves to itself, and they shall enjoy in this respect, for the protection of their persons and their property, the same treatment and the same rights as the citizens or subjects of the country or the citizens or subjects of the most favored Nation.

They can freely exercise their industry or their business, as well wholesale as retail, without being subjected as to their persons or their property, to any taxes, general or local, imposts or conditions whatsoever, other or more onerous than those which are imposed or may be imposed upon the citizens or subjects of the country or the citizens or subjects of the most favored Nation.

It is, however, understood that these provisions are not intended to annul or prevent, or constitute any exception from the laws, ordinances and special regulations respecting taxation, commerce, health, police, and public security, in force or hereafter made in the respective countries and applying to foreigners in general.

ARTICLE III.

Where, on the death of any person holding real property (or property not personal), within the territories of one of the Contracting Parties, such real property would, by the laws of the land, pass to a citizen or subject of the other, were he not disqualified by the laws of the country where such real property is situated, such citizen or subject shall be allowed a term of three years in which to sell the same, this term to be reasonably prolonged if circumstances render it necessary, and to withdraw the proceeds thereof, without restraint or interference, and exempt from any succession, probate or administrative duties or charges other than those which may be imposed in like cases upon the citizens or subjects of the country from which such proceeds may be drawn.

The citizens or subjects of each of the Contracting Parties shall have full power to dispose of their personal property within the territories of the other, by testament, donation, or otherwise; and their heirs, legatees, and donees, being citizens or subjects of the other Contracting Party, whether resident or nonresident, shall succeed to their said personal property, and may take possession thereof either by themselves or by others acting for them, and dispose of the same at their pleasure, paying such duties only as the citizens or subjects of the country where the property lies, shall be liable to pay in like cases.

In the event that the United States should grant to the citizens or subjects of a third Power the right to possess and preserve real estate in all the States, territories and dominions of the Union, Spanish subjects shall enjoy the same rights; and, in that case only, reciprocally, the citizens of the United States shall also enjoy the same rights in Spanish Dominions.

ARTICLE IV.

The citizens or subjects of each of the two High Contracting Parties shall enjoy in the territories of the other the right to exercise their worship, and also the right to bury their respective countrymen according to their religious customs in such suitable and convenient places as may be established and maintained for that purpose, subject to the Constitution, Laws and Regulations of the respective countries.

ARTICLE V.

The citizens or subjects of each of the High Contracting Parties shall be exempt in the territories of the other from all compulsory military service, by land or sea, and from all pecuniary contributions in lieu of such, as well as from all obligatory official functions whatsoever.

Furthermore, their vessels or effects shall not be liable to any seizure or detention for any public use without a sufficient compensation, which, if practicable, shall be agreed upon in advance.

ARTICLE VI.

The citizens or subjects of each of the two High Contracting Parties shall have free access to the Courts of the other, on conforming to the laws regulating the matter, as well for the prosecution as for the defense of their rights, in all the degrees of jurisdiction established by law. They can be represented by lawyers, and they shall enjoy, in this respect and in what concerns arrest of persons, seizure of property and domiciliary visits to their houses, manufactories, stores, warehouses, etc., the same rights and the same advantages which are or shall be granted to the citizens or subjects of the most favored Nation.

ARTICLE VII.

No higher or other duties of tonnage, pilotage, loading, unloading, lighthouse, quarantine or other similar or corresponding duties whatsoever, levied in the name or for the profit of the Government, public functionaries, private individuals, corporations or establishments of any kind shall be imposed in the ports of the territories of either country than those imposed in the like cases on national vessels in general or vessels of the most favored Nation. Such equality of treatment shall apply, reciprocally, to the respective vessels from whatever port or place they may arrive and whatever may be their place of destination, except as hereinafter provided in Article IX of this Convention.

ARTICLE VIII.

All the articles which are or may be legally imported from foreign countries into ports of the United States, in United States' vessels, may likewise be imported into those ports in Spanish vessels, without being liable to any other or higher duties or charges whatsoever than if such articles were imported in United States vessels; and, reciprocally, all articles which are or may be legally imported from foreign countries into the ports of Spain, in Spanish vessels, may likewise be

imported into these ports in United States vessels without being liable to any other or higher duties or charges whatsoever than if such were imported from foreign countries in Spanish vessels.

In the same manner there shall be perfect equality of treatment in regard to exportation to foreign countries, so that the same export duties shall be paid and the same bounties and drawbacks allowed in the territories of either of the High Contracting Parties on the exportation to foreign countries of any article which is or may be legally exported from the said territories, whether such exportation shall take place in United States or in Spanish vessels, and whatever may be the place of destination, whether a port of either of the Contracting Parties or of any third Power.

It is, however, understood that neither this article nor any other of the articles of the present Convention shall in any way affect the special treaty stipulations which exist or may hereafter exist with regard to the commercial relations between Spain and the Philippine Islands.

ARTICLE IX.

The coasting trade of both the High Contracting Parties is excepted from the provisions of the present Treaty, and shall be regulated according to the Laws, Ordinances and Regulations of the United States and Spain respectively.

Vessels of either country shall be permitted to discharge part of their cargoes at any port open to foreign commerce in the territory of either of the High Contracting Parties, and to proceed with the remainder of their cargo to any other port or ports of the same territory open to foreign commerce, without paying other or higher tonnage dues or port charges in such cases than would be paid by national vessels in like circumstances and they shall be permitted to load in like manner at different ports in the same voyage outward.

ARTICLE X.

In cases of shipwreck, damages at sea, or forced putting in, each party shall afford to the vessels of the other, whether belonging to the State or to individuals, the same assistance and protection and the same immunities which would have been granted to its own vessels in similar cases.

ARTICLE XI.

All vessels sailing under the flag of the United States, and furnished with such papers as their laws require, shall be regarded in Spain as United States vessels, and reciprocally, all vessels sailing under the flag of Spain and furnished with the papers which the laws of Spain require, shall be regarded in the United States as Spanish vessels.

ARTICLE XII.

The High Contracting Parties desiring to avoid all inequality in their public communications and official intercourse agree to grant to the Envoys, Ambassadors, Ministers, Chargés d'affaires and other diplomatic agents of each other, the same favors, privileges, immunities and exemptions which are granted or shall be granted to the

agents of the most favored Nation, it being understood that the favors, privileges, immunities and exemptions granted by the one party to the Envoys, Ambassadors, Ministers, Chargés d'affaires, or any other diplomatic agents of the other party or to those of any other Nation, shall be reciprocally granted and extended to those of the other High Contracting Party.

ARTICLE XIII.

Each of the High Contracting Parties pledges itself to admit the Consuls-General, Consuls, Vice-Consuls and Consular Agents of the other in all its ports, places and cities, except where it may not be convenient to recognize such functionaries.

This reservation, however, shall not be applied by one of the High Contracting Parties to the other unless in like manner applied to all other Powers.

ARTICLE XIV.

Consular officers shall receive, after presenting their commissions, and according to the formalities established in the respective countries, the exequatur required for the exercise of their functions, which shall be furnished to them free of cost; and on presentation of this document, they shall be admitted to the enjoyment of the rights, privileges and immunities granted to them by this Treaty.

The Government granting the exequatur shall be at liberty to withdraw the same on stating the reasons for which it has thought proper so to do. Notice shall be given, on producing the commission, of the extent of the district allotted to the consular officer, and subsequently of the changes that may be made in this district.

ARTICLE XV.

All consular officers, citizens or subjects of the country which has appointed them, shall be exempted from military billetings and contributions, and shall enjoy personal immunity from arrest or imprisonment, except for acts constituting crimes or misdemeanors by the laws of the country to which they are commissioned. They shall also be exempt from all National, State, Provincial and Municipal taxes except on real estate situated in, or capital invested in the country to which they are commissioned. If, however, they are engaged in professional business, trade, manufacture or commerce, they shall not enjoy such exemption from taxes, but shall be subject to the same taxes as are paid under similar circumstances by foreigners of the most favored Nation, and shall not be entitled to plead their consular privilege to avoid professional or commercial liabilities.

ARTICLE XVI.

If the testimony of a consular officer, who is a citizen or subject of the State by which he was appointed, and who is not engaged in business, is needed before the Courts of either country, he shall be invited in writing to appear in Court, and if unable to do so, his testimony shall be requested in writing, or be taken orally at his dwelling or office.

To obtain the testimony of such consular officer before the Courts of the country where he may exercise his functions, the interested party in civil cases, or the accused in criminal cases, shall apply to the competent judge, who shall invite the consular officer in the manner prescribed above, to give his testimony.

It shall be the duty of said consular officer to comply with this request, without any delay which can be avoided. Nothing in the foregoing part of this article, however, shall be construed to conflict with the provisions of the sixth article of the amendments to the Constitution of the United States, or with like provisions in the Constitutions of the several States, whereby the right is secured to persons charged with crimes, to obtain witnesses in their favor, and to be confronted with the witnesses against them.

ARTICLE XVII.

Consuls-General, Consuls, Vice-Consuls, and Consular Agents may place over the outer door of their office the arms of their Nation with this inscription "Consulate," "Vice-Consulate," or "Consular Agency of the United States" or "Spain."

They may also hoist the flag of their country over the house in which the Consular Office is, provided they do not reside in the Capital in which the Legation of their country is established; and also upon any vessel employed by them in port in the discharge of their official duties.

ARTICLE XVIII.

The consular offices and archives shall be at all times inviolable. The local authorities shall not be allowed to enter such offices under any pretext, nor shall they in any case examine or take possession of the official papers therein deposited. These offices, however, shall never serve as place of asylum.

When the consular officer is engaged in trade, professional business or manufacture, the papers and archives relating to the business of the Consulate must be kept separate and apart from all others.

ARTICLE XIX.

In case of death, incapacity or absence of the Consuls-General, Consuls, Vice-Consuls, and Consular Agents, their respective Chancellors or Secretaries whose official character shall have been previously made known to the Department of State at Washington or the Ministry of State in Spain, shall be permitted to discharge their functions *ad interim*, and they shall enjoy, while thus acting, the same rights, privileges and immunities as the officers whose places they fill, under the same conditions prescribed in the case of these officers.

ARTICLE XX.

Consuls-General and Consuls may, so far as the laws of their country allow, with the approbation of their respective Governments, appoint Vice-Consuls and Consular Agents in the cities, ports and places within their consular jurisdiction. These Agents may be selected from among citizens of the United States or among subjects of Spain or those of

other countries. They shall be furnished with a regular commission and shall enjoy the privileges, rights and immunities stipulated for consular officers in this Convention, subject to the exceptions specified in articles XV and XVI.

ARTICLE XXI.

The Consuls-General, Consuls, Vice-Consuls and Consular Agents of the two High Contracting Parties, shall have the right to address the authorities of the respective countries, national or local, judicial or executive, within the extent of their respective consular districts, for the purpose of complaining of any infraction of the treaties or conventions existing between the two countries, or for purposes of information, or for the protection of the rights and interests of their countrymen, whom, if absent, such consular officers shall be presumed to represent.

If such application shall not receive proper attention, such consular officers may, in the absence of the diplomatic agent of their country, apply directly to the Government of the country to which they are commissioned.

ARTICLE XXII.

Consuls-General, Consuls, Vice-Consuls, and Consular Agents of the respective countries or their deputies shall, as far as compatible with the laws of their own country, have the following powers:

1. To take at their offices, their private residence, at the residence of the parties concerned or on board ship, the depositions of the captains and crews of vessels of their own country and of passengers thereon, as well as the depositions of any citizen or subject of their own country.

2. To draw up, attest, certify and authenticate all unilateral acts, deeds, and testamentary dispositions of their countrymen, as well as all articles of agreement or contracts to which one or more of their countrymen are a party.

3. To draw up, attest, certify and authenticate all deeds or written instruments which have for their object the conveyance or encumbrance of real or personal property situated in the territory of the country by which said consular officers are appointed, and all unilateral acts, deeds, testamentary dispositions, as well as articles of agreement or contracts relating to property situated, or business to be transacted, in the territory of the Nation by which the said consular officers are appointed; even in cases where said unilateral acts, deeds, testamentary dispositions, articles of agreement or contracts are executed solely by citizens or subjects of the country to which said consular officers are commissioned.

All such instruments and documents thus executed and all copies and translations thereof when duly authenticated by such Consul-General, Consul, Vice-Consul or Consular-Agent under his official seal, shall be received as evidence in the United States and in Spain, as original documents or authenticated copies as the case may be, and shall have the same force and effect as if drawn up by and executed before a notary or public officer duly authorized in the country by which said consular officer was appointed; provided always that they have been drawn and executed in conformity to the Laws and Regulations of the country where they are intended to take effect.

ARTICLE XXIII.

Consuls-General, Consuls, Vice-Consuls and Consular Agents shall have exclusive charge of the internal order of the merchant vessels of their Nation and shall alone take cognizance of differences which may arise, either at sea or in port, between the captains, officers and crews without exception, particularly in reference to the adjustment of wages and the execution of contracts. In case any disorder should happen on board of vessels of either party in the territorial waters of the other, neither the Federal, State or Municipal Authorities in the United States, nor the Authorities or Courts in Spain, shall on any pretext interfere, except when the said disorders are of such a nature as to cause or be likely to cause a breach of the peace or serious trouble in the port or on shore, or when in such trouble or breach of the peace, a person or persons shall be implicated not forming a part of the crew. In any other case, said Federal, State or Municipal Authorities in the United States, or Authorities or Courts in Spain, shall not interfere, but shall render forcible aid to consular officers, when they may ask it, to search for, arrest and imprison all persons composing the crew, whom they may deem it necessary to confine. Those persons shall be arrested at the sole request of the Consul addressed in writing to either the Federal, State or Municipal Authorities in the United States, or the Authorities or Courts in Spain, and supported by an official extract from the register of the ship or the list of the crew, and the prisoners shall be held during the whole time of their stay in the port at the disposal of the consular officers. Their release shall be granted at the mere request of such officers made in writing. The expenses of the arrest and detention of those persons shall be paid by the consular officers.

ARTICLE XXIV.

The Consuls-General, Consuls, Vice-Consuls and Consular-Agents of the two countries may respectively cause to be arrested and sent on board or cause to be returned to their own country, such officers, seamen or other persons forming part of the crew of ships of war or merchant vessels of their Nation, who may have deserted in one of the ports of the other.

To this end they shall respectively address the competent national or local authorities in writing, and make request for the return of the deserter and furnish evidence by exhibiting the register, crew list or other official documents of the vessel, or a copy or extract therefrom, duly certified, that the persons claimed belonged to said ship's company.

On such application being made, all assistance shall be furnished for the pursuit and arrest of such deserters, who shall even be detained and guarded in the gaols of the country pursuant to the requisition and at the expense of the Consuls-General, Consuls, Vice-Consuls or Consular Agents, until they find an opportunity to send the deserters home.

If, however, no such opportunity shall be had for the space of three months from the day of the arrest, the deserters shall be set at liberty, and shall not again be arrested for the same cause. It is understood that persons who are citizens or subjects of the country within which the demand is made shall be exempted from the provisions of this article.

If the deserter shall have committed any crime or offence in the country within which he is found, he shall not be placed at the disposal of the Consul until after the proper Tribunal having jurisdiction in the case shall have pronounced sentence, and such sentence shall have been executed.

ARTICLE XXV.

In the absence of an agreement to the contrary between the owners, freighters and insurers, all damages suffered at sea by the vessels of the two countries, whether they enter port in the respective countries voluntarily, or are forced by stress of weather or other causes over which the officers have no control, shall be settled by the Consuls-General, Consuls Vice-Consuls and Consular Agents of the respective countries; in case, however, any citizen or subject of the country to which said consular officers are commissioned, or any subject of a third Power be interested and the parties cannot come to an amicable agreement, the competent local authorities shall decide.

ARTICLE XXVI.

In case of the death of a citizen or subject of one of the parties within the territories or dominion of the other, the competent local authorities shall give notice of the fact to the Consuls or Consular Agents of the Nation to which the deceased belongs, to the end that information may be at once transmitted to the parties interested.

ARTICLE XXVII.

The Consuls-General, Consuls, Vice-Consuls or Consular Agents of the respective High Contracting Parties shall have, under the laws of their country and the instructions and regulations of their own Government so far as compatible with local laws, the right of representing the absent, unknown or minor heirs, next of kin or legal representatives of the citizens or subjects of their country, who shall die within their consular jurisdiction; as well as those of their countrymen dying at sea whose property is brought within their consular district; and of appearing either personally or by delegate in their behalf in all proceedings relating to the settlement of their estate until such heirs or legal representatives shall themselves appear.

Until such appearance the said consular officers shall be permitted, so far as compatible with local laws, to perform all the duties prescribed by the laws of their country and the instructions and regulations of their own Government for the safe-guarding of the property and the settlement of the estate of their deceased countrymen.

In every case the effects and property of such deceased citizens or subjects shall be retained within the consular district for twelve calendar months by said Consuls-General, Consuls, Vice-Consuls or Consular Agents or by the legal representatives or heirs of the deceased during which time the creditors, if any, of the deceased shall have the right to present their claims and demands against the said effects and property, and all questions arising out of such claims or demands shall be decided by the local judicial authorities in accordance with the laws of the country to which said officers are commissioned.

ARTICLE XXVIII.

The Consuls-General, Consuls, Vice-Consuls and Consular Agents, as likewise the Consular Chancellors, Secretaries or Clerks of the High Contracting Parties shall reciprocally enjoy in both countries all the rights, immunities and privileges which are or may hereafter be granted to the officers of the same grade of the most favored Nation.

ARTICLE XXIX.

All treaties, agreements, conventions and contracts between the United States and Spain prior to the Treaty of Paris shall be expressly abrogated and annulled, with the exception of the Treaty signed the seventeenth of February 1834 between the two countries, for the settlement of claims between the United States of America and the Government of His Catholic Majesty, which is continued in force by the present Convention.

ARTICLE XXX.

The present Treaty of Friendship and General Relations shall remain in full force and vigor for the term of ten years from the day of the exchange of ratifications. Notwithstanding the foregoing, if neither Party notifies to the other its intention of reforming any of, or all, the articles of this Treaty, or of terminating it twelve months before the expiration of the ten years stipulated above, the said Treaty shall continue binding on both Parties beyond the said ten years, until twelve months from the time that one of the Parties notifies its intention of proceeding to its reform or of terminating it.

ARTICLE XXXI.

The present Convention shall be ratified and the ratifications thereof shall be exchanged at the City of Madrid as soon as possible.

In witness whereof the respective Plenipotentiaries have signed the same and have affixed thereto the seal of their arms.

Done in duplicate at Madrid this third day of July in the year of Our Lord one thousand nine hundred and two.

[SEAL.]
[SEAL.]

BELLAMY STOREY
EL DUQUE DE ALMODÓVAR DEL RIO.

And whereas the said Treaty has been duly ratified on both parts, and the ratifications of the two governments were exchanged in the City of Madrid, on the fourteenth day of April one thousand nine hundred and three;

Now, therefore, be it known that I, THEODORE ROOSEVELT, President of the United States of America, have caused the said Treaty to be made public, to the end that the same and every article and clause thereof may be observed and fulfilled with good faith by the United States and the citizens thereof.

In testimony whereof, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

Done at the City of Washington, this twentieth day of April, in the year of our Lord one thousand nine hundred and three, and of the Independence of the United States the one hundred and twenty-seventh.

[SEAL]

THEODORE ROOSEVELT

By the President:

JOHN HAY *Secretary of State.*

SWEDEN AND NORWAY.

THANKS FOR ASSISTANCE RENDERED BY UNITED STATES CITIZENS TO FAMINE SUFFERERS IN SWEDEN.

Mr. Thomas to Mr. Hay.

No. 306.]

LEGATION OF THE UNITED STATES,
Stockholm, March 20, 1903.

SIR: I have the honor to inclose herewith, in English translation, copy of a letter received by me from Hon. Karl J. Bergström, governor of the province of Norrbotten, the most northern and territorially the largest province of Sweden. It is also the province which has suffered most from the failure of the crops of last year.

In this letter Governor Bergström extends to me, as the representative of America, an expression of the warm and profound sentiments of heartfelt gratitude of the inhabitants of Norrbotten for the generous contributions to famine sufferers received from Swedish-Americans and from American citizens generally.

As Governor Bergström desires that a knowledge of the feelings of gratitude which fill the breasts of the famine sufferers of Norrbotten should be communicated to the American people, I would suggest that the widest publicity be given to his letter.

In transmitting these honorable sentiments, I embrace the opportunity personally to testify that the noble donations of American citizens to the famine-stricken people of northern Sweden, in this time of their greatest need, have drawn more closely together the strong bonds of friendship and good will that have always united America and Sweden.

I have, etc.,

W. W. THOMAS.

[Inclosure.—Translation.]

Mr. Bergström to Mr. Thomas.

SIR:

* * * * *
I am very anxious, Mr. Minister, to extend to you, as the representative of the United States of America, an expression of the warm and profound sentiments of heartfelt and devoted gratitude which fill the souls of the inhabitants of the province of Norrbotten, so severely afflicted by failure of crops, for the gifts which they have already received from the noble and warm-hearted people of the United States. Although the first gifts to the sufferers came from the sons and daughters of Sweden, who in the New World have won respected and economically independent positions, it seems that now the whole great and free American nation has with sympathy and brotherly love taken in hand those here in the lofty north who are so cruelly visited by severe misfortunes.

For the ample proofs of noble self-sacrifice and magnanimous generosity toward the people of Sweden, Finland, and Norway, of which Norrbotten will doubtless receive a portion, the Swedish people and the inhabitants of the province of Norrbotten can not feel sufficiently grateful.

For Norrbotten it has been a great comfort to feel the interest which has been shown this remote part of the world by the people of America and its influential newspapers, two of which have sent to Sweden special correspondents to investigate the situation.

The esteem which the Swedish people have always cherished and evinced for the American people will, through the sympathy now shown, be still more confirmed and united with grateful feelings.

It would be exceptionally dear to my heart if the American people could be given a knowledge of these feelings of gratitude, so feebly interpreted by me, which fill the breasts of the famine sufferers in the province of Norrbotten.

I wish to avail myself of this opportunity to express to you, Mr. Minister, my recognition of the great zeal and self-sacrificing work which Mr. D. O. Bell, in your service, has laid down for the sufferers in Norrbotten. I feel that I am deeply indebted to him for all that he has done for the famine sufferers.

With great respect, etc.,

KARL J. BERGSTRÖM,
Governor of the Province of Norrbotten.

TURKEY.

ATTACK ON H. C. SHIPLEY, AMERICAN CITIZEN, BY POLICEMAN AT SMYRNA, AND REPARATION MADE THEREFOR.

Mr. Eddy to Mr. Hay.

No. 341.]

LEGATION OF THE UNITED STATES,
Constantinople, January 20, 1903.

SIR: I have the honor to inform you that on August 5 last a certain Doctor Shipley, an American citizen visiting Smyrna, was wantonly attacked by a member of the Turkish police in broad daylight within the city limits of the above town. He was knocked down, wounded, and robbed, while a second member of the police looked on and offered no assistance.

Doctor Shipley's assailant was afterwards identified, and the authorities of Smyrna stated that the value of the property stolen from Doctor Shipley would be refunded to him, but that nothing could be done by way of an apology from the commandant of the gendarmerie.

The legation brought the matter to the attention of the ministry for foreign affairs by a note verbal, dated August 13, 1902, which read as follows:

The United States legation has the honor to inform the Imperial ministry for foreign affairs that on Saturday, August 2, at 3 o'clock in the afternoon, Mr. H. C. Shipley, a citizen of the United States, while walking in the ruins of the ancient castle at the back of the city of Smyrna, was assaulted, knocked down, and robbed by an officer of the Turkish police. This disgraceful affair happened in broad daylight and within the city limits.

This officer of the law was afterwards arrested, and identified by Mr. Shipley and by two witnesses of the assault; but although arrested and imprisoned, the stolen property has not been returned.

The legation of the United States has, therefore, the honor to lodge a claim herewith against the Turkish Government for the sum of Lt. 10.74, this being the estimated loss sustained by Mr. Shipley, and to request its immediate settlement.

The legation has also the honor to inclose, for the information of the Ottoman Government, a copy of the formal claim lodged by Mr. Shipley with this legation.

On the 21st of October last I received a reply from the Porte, a translation of which I give herewith:

The ministry for foreign affairs has received the note verbal of August 13 last, which the legation of the United States of America has kindly addressed to the ministry relative to the aggression of which Mr. Shipley has been the object at Smyrna, and to the indemnity which he claims for the objects taken away from him.

The Imperial department of the interior, to whom this document was communicated, states in reply that, according to information furnished by the governor-general of the vilayet of Aidin, the policeman who had been designated as the author of this act of aggression having been acquitted by the proper tribunal, the police are actively searching for the true culprit.

While awaiting his arrest and the restitution by him of the stolen objects, the local authority has caused to be sent to the United States consul at Smyrna the sum of Lt. 10. and 70 piasters, claimed by Mr. Shipley, in order to be sent to the latter, who has already returned to his country, but the above-mentioned agent has declared that he can not accept it before receiving from the commandant of the gendarmerie an apology for the incident concerned.

This unjustified pretension being inadmissible, the Imperial ministry has the honor to beg the United States legation to kindly request its above-mentioned agent not to maintain it, and to receive the said sum without further delay in order to cause it to be transmitted to the claimant.

As this reply was in no way satisfactory, and as I had already seen both the minister for foreign affairs and the grand vizier personally with regard to the matter, I thought best to transmit a rather stronger note verbal, which read as follows:

The legation of the United States has received the note verbal from the ministry for foreign affairs, dated October 21, 1902, relative to the outrage committed on Doctor Shipley at Smyrna, in which outrage the gentleman referred to was assaulted, wounded, and robbed in broad daylight within the city limits of Smyrna.

The serious part of this matter is that the assault was committed by a member of the police, in the presence of other policemen, who, according to the custom of most countries, are supposed to be placed in their office for the upholding of law and order and not (as one would suppose from this case) in order to commit felonious assaults upon peaceful visitors.

That the Lt. 10.70 which were stolen by this officer of the law are returned to Mr. Shipley, goes without saying. Had they not been returned to him it would have been another extraordinary action in this more than extraordinary case.

The United States legation can not agree with the opinion offered by the ministry for foreign affairs that the demand for an apology from the commandant of gendarmerie is a pretension *injustifiable*, and therefore I must emphatically request that such an apology be made as soon as possible to the United States consul at Smyrna, who, in demanding the above-mentioned apology, is acting upon instructions from this legation.

If the commandant of the gendarmerie at Smyrna is unfitted for his post, in that he has no control whatever over his subordinates, who seem to conduct themselves in a reprehensible manner, it would seem justifiable that he be dismissed and his post refilled by some one capable of filling it. The fact of this legation merely requesting an apology from him is a sufficiently mild course to pursue, and one which, by bringing to the commandant some adequate idea of his negligence in his duties, may cause more effective measures to be taken by him in the future for the protection of peaceful and harmless foreigners who are passing through his district.

* * * * *

A most complete and formal apology has (since) been received from the commandant of the police at Smyrna, both by the United States consul and by Doctor Shipley. Moreover, Doctor Shipley's claims were paid in full.

* * * * *

I have, etc.,

SPENCER EDDY.

Mr. Hay to Mr. Leishman.

No. 303.]

DEPARTMENT OF STATE,
Washington, February 13, 1903.

SIR: I have to acknowledge the receipt of Mr. Eddy's dispatch, No. 341, of the 20th ultimo, reporting that he has obtained from the Turkish Government full payment of Dr. H. C. Shipley's claim for the value of property robbed from him by a member of the Turkish police when he was assaulted by the policeman at Smyrna on August 2 last, and that a most complete and formal apology for the robbery and assault has been received from the commandant of police at Smyrna, both by the United States consul at that place and by Doctor Shipley.

In reply I have to say that the incident may be regarded as closed.

I am, etc.,

JOHN HAY.

**NEGOTIATIONS WITH TURKISH GOVERNMENT WITH REFERENCE
TO OFFICIAL RECOGNITION OF AMERICAN EDUCATIONAL, CHAR-
ITABLE, AND RELIGIOUS INSTITUTIONS IN TURKEY, AND OTHER
PENDING QUESTIONS.**

Mr. Hay to Mr. Leishman.

[Telegram.—Paraphrase.]

DEPARTMENT OF STATE,
Washington, February 2, 1903.

(Mr. Hay states that the attention of the President has recently been called, by a numerous delegation of prominent citizens, to the embarrassments of American educational and religious institutions in the Turkish Empire. He has personal knowledge from visits made to some of these institutions of their useful and disinterested work. He is assured that the American citizens conducting them are loyal to the Sultan and desire the peace and prosperity of his dominions.

The President directs that as soon as practicable Mr. Leishman will ask an audience of the Sultan, to deliver to him a personal message from the President of good will and assurances of his hearty desire to cultivate and maintain the most cordial relations of friendship; after which Mr. Leishman will say to His Majesty that he has been instructed by the President to bring in his name these embarrassments to the personal and direct attention of His Majesty, with the full assurance that he will cause the proper steps to be taken to remedy them.

What the President desires and expects is, first, that the Sultan will grant to American citizens and institutions the same guarantees and privileges given to France in November, 1901, and which have since been conceded to Russia, Germany, and Italy. He can not believe, in view of treaty stipulations and international comity, that the Sultan will refuse to the United States the treatment extended to the nations named. Second, he asks that the same treatment be extended to the Protestant Medical College at Beirut respecting examinations and right of graduates to exercise their profession as is now extended to the French medical school at Beirut. He does not see such material difference in the schools as to warrant the discrimination practiced. The difference is chiefly in the system of government of France and the United States. The Protestant College has official authorization from and supervision of the State of New York, from which it received its charter, and should be regarded as a national institution as much as the French school.

The President is deeply in earnest in this matter, and while Mr. Leishman will approach the Sultan in the utmost spirit of friendship and good will, he will impress upon him the fixed desire and expectation of the President that this country and its citizens will be treated on the same terms as the most favored nation, and especially that the two objects noted will be promptly secured.

The President relies upon Mr. Leishman's discretion and diligence to obtain favorable action.)

Mr. Leishman to Mr. Hay.

[Telegram.—Paraphrase.]

LEGATION OF THE UNITED STATES,
Constantinople, February 3, 1903.

(Mr. Leishman, replying to Mr. Hay's telegram of February 2, reports that he has already taken up the matters specially referred to, together with other cases, very actively with the Sublime Porte; that the minister for foreign affairs fully recognizes the justice and reasonableness of the demands and also the fact that the United States Government had waited long enough for patience to cease to be a virtue, and promised an answer not later than the end of the current week.)

Mr. Leishman inquires if, under the circumstances named, he shall make an immediate demand for audience with the Sultan, or if he shall wait until the first of the coming week.)

Mr. Adee to Mr. Leishman.

[Telegram.—Paraphrase.]

DEPARTMENT OF STATE,
Washington, February 3, 1903.

(Mr. Adee instructs Mr. Leishman to wait until Monday before making demand for audience with the Sultan, and meanwhile to judiciously press the minister for foreign affairs, reporting to the Department whatever progress is made with him.)

Mr. Leishman to Mr. Hay.

No. 346.]

LEGATION OF THE UNITED STATES,
Constantinople, February 3, 1903.

SIR: I have the honor to acknowledge receipt of your cable of yesterday instructing me to demand a personal audience with the Sultan in order to present the President's message to His Imperial Majesty in accordance with your cable.

As I had taken the matters referred to up promptly with the Sublime Porte upon my return, and had the promise of the minister for foreign affairs that he would use his best endeavors to have the several matters acted upon favorably and give me an answer not later than end of present week, I ventured to intimate to the Department by cable that under the circumstances it might be desirable to postpone any further action until I found whether the promised decisions were forthcoming.

Little complaint could be made of delay as far as the school question is concerned, as the petition was only filed a few days prior to my departure for America in September, which is not an unreasonable length of time for questions of this character to be decided by the Turks, especially as all the other powers have waited a longer period before securing action; nor have I any particular reason to expect any great amount of trouble in finally securing favorable action.

The discrimination in the matter of the American medical college at Beirut, however, has been a most exasperating and flagrant case of discrimination, and has been continuously brought to the attention of the Porte by the legation for the past five or six years.

Last summer I finally succeeded in having it favorably acted upon, and it was then sent to the palace, where it now rests, no doubt under the mountain of unfinished business.

* * * * *

I am at the same time pressing Doctor Bank's petition for permission to make excavations, and several other smaller matters that have been hanging for some time, including the prohibition of American pork, which in reality has only been nominal for several years, for, while there have been no direct importations, American pork is continuously being brought into Turkey through English and German houses.

The Sultan very courteously accorded me an audience when I called to pay my respects upon my return, but the interview was confined to complimentary remarks and a half hour's conversation on general matters, as without special arrangement any one but an ambassador who ventured to talk business would be sure to meet with a polite rebuff and forever after find it a most difficult task to secure an audience.

* * * * *

I have, etc.,

JOHN G. A. LEISHMAN.

Mr. Leishman to Mr. Hay.

[Telegram.—Paraphrase.]

LEGATION OF THE UNITED STATES,
Constantinople, February 6, 1903.

(Mr. Leishman reports that the minister for foreign affairs begs to be accorded a few days' grace, which Mr. Leishman has declined to do, but could not refuse to submit the request to the Department.

Mr. Leishman adds that he may possibly find it politic to grant two or three days' extra time at the last moment, but without authorization would not feel warranted in so doing.)

Mr. Hay to Mr. Leishman.

[Telegram.—Paraphrase.]

DEPARTMENT OF STATE,
Washington, February 7, 1903.

(Mr. Hay states that Mr. Leishman is the bearer of a friendly message from the President to the Sultan, the delivery of which should not be unnecessarily delayed, and inquires if an audience can not be arranged without appearing to override the minister for foreign affairs, but rather in furtherance of Mr. Leishman's negotiations with the minister.)

Mr. Leishman to Mr. Hay.

[Telegram.—Paraphrase.]

LEGATION OF THE UNITED STATES,
Constantinople, February 9, 1903.

(Mr. Leishman reports that, judging from the tenor of an interview he has just had at the Porte, he is inclined to believe that a few days' more patience may bring about the desired result.)

Mr. Leishman to Mr. Hay.

No. 352.]

LEGATION OF THE UNITED STATES,
Constantinople, February 10, 1903.

SIR: I beg to confirm the cablegram forwarded to the Department last evening, and await your further instruction in regard to American schools in Turkey, etc.

It has embarrassed me considerably not to be able to literally carry out instructions, but I deemed it my duty to first present the case as it appeared to me, feeling certain that the Department would appreciate the delicate position in which I found myself placed and consider the motive and not the act.

As I have written the Department on numerous occasions, it is generally a very difficult matter for a minister to secure an audience with His Majesty to discuss affairs, and particularly so at the present time, when even the ambassadors find it difficult, as the Sultan is so busily occupied with internal matters, owing to the congested state of affairs and the spirit of revolution that disturbs the Empire—especially in Macedonia, where the situation is really critical—that he really has very little time to devote to other matters; and this condition was very vividly brought to my attention when His Majesty told me during a recent interview that he was so busy that he scarcely even had time to take a walk in the palace grounds, and was sometimes confined so closely to his bureau examining papers, etc., that he scarcely knew whether it was morning or evening.

I believe the Ottoman Government is gradually awaking to the fact that the United States is a great and powerful country—slow to take offense, but quite capable of enforcing its just demands when occasion demands; and the events of the past few years have not tended to lessen this in any way, and I am quite of the opinion that the Turkish Government would go a long distance to avoid any serious friction with the American Government.

It would be difficult for me to give a tangible reason for believing that the Porte is really in earnest and acting in good faith this time, as, generally speaking, I pay little or no attention to promises, but there appears to be an indefinable undercurrent as if they realized that something must be done, and unless I am very much mistaken, I believe that all, or at least the greater part, of the questions under immediate discussion will be favorably disposed of by the Porte without my having to resort to forcible measures at the palace.

In dealing with the Beirut Medical School matter I have dwelt particularly on the failure to properly acknowledge the President's personal message of August last, construing failure as a slight, if not an

insult. This appears to upset them very much, as it is altogether probable that the fault lies entirely with the palace officials as His Majesty is too polite to willingly permit such a discourtesy, and I am quite convinced that this line of action will bring about a prompt settlement of this particular case.

The prompt settlement of the general school question is the only one in which I am in doubt—not that I doubt the eventual settlement for a moment, as I do not believe the Ottoman Government would venture to decline to deny American institutions equal treatment in principle, but as there are a great many schools, etc., established under various conditions, they may insist on taking up the schools, hospitals, etc., in detail, which would necessarily take considerable time; and this is why I have endeavored to avoid filing our list of schools, etc., in advance, which the Porte claims has been done by the other powers, preferring if possible to have the matter decided first in principle; and the following extract from one of my notes to the Sublime Porte will indicate more clearly the line I am pursuing:

What the American Government now desires and expects is that any and all of the American educational, charitable, and religious institutions throughout the Ottoman Empire be granted the same rights, privileges, and immunities that have or may be granted to similar institutions under the protection of any other nation. Once this principle is established and put into force by Imperial edict, the question of the individual institution becomes a matter of mere detail, and the legation will then be only too happy to furnish the Imperial Ottoman Government with a full and complete list of American institutions for which Imperial sanction has not yet been granted.

I have, etc.,

JOHN G. A. LEISHMAN.

Mr. Leishman to Mr. Hay.

[Telegram.—Paraphase.]

LEGATION OF THE UNITED STATES,
Constantinople, February 13, 1903.

(Mr. Leishman reports that matters are certainly receiving more than usual attention, if one can judge from apparent activity and from promises, as the Porte has even gone so far as to state that Mr. Leishman could consider the Beirut matter closed, as the firman has been sent to the palace for his Imperial Majesty's signature; but, as many other promises remain unfulfilled, he does not feel warranted in reporting anything accomplished until he is in actual receipt of the official documents.)

The minister for foreign affairs reports to-day that the general school question is being considered by the council of state, and asks for a detailed list of schools, which Mr. Leishman has indorsed to avoid filing in advance of settlement of question in principle, fearing it might possibly be used as an excuse for delay, adhering to his demand that what the American Government now desires and expects is that any and all of the American educational, charitable, and religious institutions throughout the Ottoman Empire be granted the same rights, privileges, and immunities that have been or may be granted to similar institutions under the protection of other nations. The settlement of this general principle Mr. Leishman considers much more important than individual firmans for the different institutions, and is strongly of the opinion that a settlement on this point should be insisted on, and states that while he has no particular reasons to doubt

being able to secure a satisfactory settlement eventually through the Sublime Porte, it may require some time, and of course there is always the possibility that in the end it may have to be taken to the palace, where all real power is centered. Consequently, in the absence of further instructions he does not feel warranted in longer delaying his request for a personal audience with His Imperial Majesty in order to make proper demands for the settlement of pending questions. Once this is done, however, it is Mr. Leishman's opinion that negotiations with the Porte on these questions should be dropped, and not only the audience with the Sultan insisted upon, but also the prompt and absolute settlement of pending questions, for unless this stand be taken the audience, even if granted, would in all probability only result in having the matter referred back to the Porte with favorable recommendation, which, in reality, would mean nothing, as interminable delay would follow by questions and examinations by different incompetent departments, to be reexamined by others of the same sort. There is no doubt but that the Sultan and the Porte are unusually busy at the present time, being very much occupied and worried over internal affairs, especially the critical condition in Macedonia, and urgent necessity for completing arrangements for unification of debt and making a new loan, but as no action is ever taken by the Turkish Government until the last ditch has been reached, Mr. Leishman can not recommend much further indulgence on this score.

Although there is no doubt that the Ottoman Government is laboring under very heavy pressure at the present time, Mr. Leishman can only add that he is still strongly of the opinion that unless the Government of the United States is prepared to take a strong and determined stand at the palace it would be better to pursue matters quietly but persistently with the Porte, the palace being the only power that could be depended upon to absolutely bring about an immediate settlement.)

Mr. Leishman to Mr. Hay.

No. 356.]

LEGATION OF THE UNITED STATES,
Constantinople, February 13, 1903.

SIR: I beg to confirm my cablegram sent you this day in regard to the settlement of pending questions.

The general school question is the one that is apt to prove the most difficult to settle, especially if the absolute acknowledgment of the principle of equal treatment be insisted upon, as I know from actual data that the English Government at least did not press this point too hard or insist upon an official and positive acknowledgment, merely having accepted the decree agreeing to grant the necessary firman for schools, hospitals, etc., already established, and even a few of these were held under advisement.

Nor has the legation any particular reason to complain of an unreasonable delay in settlement of this question, which is important to the Turks as well as to the missionaries. The English embassy waited nearly eight months for a reply to their note, which was accompanied by a detailed list of their educational and charitable institutions, a very small list compared to ours; they having filed their note on June 2, 1902, and only received reply on January 24, 1903, after a lapse of

nearly eight months, while the legation's note was only addressed to the Porte under date of September 2, 1902—a little over five months ago—not an unreasonable length of time for Turkey to settle an important question, as they frequently take much longer time to settle very trifling affairs, and this, coupled with other facts already mentioned, and the apparent disposition on the part of the Ottoman Government to adjust matters, has made me rather loath to recommend overriding the Sublime Porte, by insisting upon His Imperial Majesty settling the matter direct, an action which might irritate the Sublime Porte and possibly cause complications, as I am of the belief that this action should only be taken when all peaceable means have been exhausted through ordinary channels, and the point reached when patience has ceased to be a virtue.

* * * * * * *

The situation in Macedonia is critical, but not alarming for the immediate present, despite the inflammatory reports that are daily circulated. It is true that the corps d'armée in Macedonia is being brought up to a more efficient standard, but there is no truth in the reports that the entire force is being mobilized and put upon a war footing. Actual fighting may take place, as soon as the good weather sets in, between the troops and the armed bands of Macedonian revolutionists and their fellow Bulgarian sympathizers, which may even lead to conflict between Bulgaria and Turkey; but it is to be hoped that these fears may not be realized, and in any event it would be premature to venture a positive opinion on this subject.

I have, etc.,

JOHN G. A. LEISHMAN.

Mr. Leishman to Mr. Hay.

No. 359.]

LEGATION OF THE UNITED STATES,
Constantinople, February 18, 1903.

SIR: Referring further to my cablegram of the 13th instant, I beg to inclose copy of note to Sublime Porte, requesting an audience with His Imperial Majesty in order to present the President's message and at same time endeavor to secure a settlement of pending questions, having refrained from presenting demand for audience for three days after forwarding cable at the earnest solicitation of the minister for foreign affairs, who assured me that both the general school question and the examination of students at Beirut Medical College had been favorably acted upon and papers sent to palace for the Sultan's approval.

This I have no reason to doubt, but as nothing can be considered finished here until an imperial decree has been issued and official notification received, I did not feel warranted in accepting the statement of the minister for foreign affairs that I could consider these two matters settled; consequently I advised his excellency that it would be impossible for me to longer delay the demand for an audience.

I think the minister for foreign affairs fully appreciated the courtesy that has been shown him, and that he has done everything in his power to hasten a settlement. I have endeavored to make the demand

for personal audience with His Majesty in as polite a manner as possible. As the Sultan is always averse to discussing business direct with the legation whenever possible, it is quite probable that every effort will be made to avoid the audience.

In addition to the two questions particularly referred to in the President's message, I have been pressing the Porte to settle a number of others which have been the subject of controversy between the Sublime Porte and the legation for many months. The list includes Doctor Banks's petition for permit to make excavations near Bagdad, emigration of wives and minor children of naturalized American citizens of Ottoman origin, the removal of prohibition of American pork which has existed for a number of years, permission for extension and new buildings at Robert College, etc., several smaller questions, such as the detention by the custom-house of safes imported by the Singer Sewing Machine Company, etc., having been satisfactorily adjusted since my return.

It is my intention to insist upon a prompt settlement of all these questions, and, unless otherwise instructed by the Department, will pursue the matter on lines indicated in my previous communication.

I have, etc.,

JOHN G. A. LEISHMAN.

[Inclosure.]

Mr. Leishman to the imperial ministry for foreign affairs.

Note verbale.]

UNITED STATES LEGATION,
Constantinople, February 16, 1903.

The minister of the United States of America presents his compliments to the imperial minister for foreign affairs and begs his excellency to kindly demand for him an audience with His Imperial Majesty in order that the minister may convey a personal message from the President of the United States and at the same time bring to the attention of His Imperial Majesty some questions that have been pending for some time past, which the American Government is desirous of having settled.

The American minister ventures to hope that His Imperial Majesty will graciously grant this audience at the earliest date possible.

Mr. Leishman to Mr. Hay.

[Telegram.—Paraphrase.]

LEGATION OF THE UNITED STATES,
Constantinople, February 24, 1903.

(Mr. Leishman reports that as he has received no reply to his formal demand for audience with the Sultan, he has again brought the matter to the attention of the Sublime Porte, and states that unless the demand is granted within a reasonable length of time it would seem to him almost a necessity to take other action, as the failure to even reply can only be viewed as disrespectful to the President and at the same time undignified treatment to the American Government.)

Mr. Leishman states that he is pushing the particular cases mentioned in the President's message, as well as other matters, as energetically as possible.)

Mr. Hay to Mr. Leishman.

[Telegram.—Paraphrase.]

DEPARTMENT OF STATE,
Washington, February 25, 1903.

(Replying to Mr. Leishman's telegram of February 24, Mr. Hay states that the Government of the United States recognizes the established right of the diplomatic representative of a foreign Government to ask audience of the President in order to present a personal message from his sovereign, and claims the same right for its envoys abroad. This right pertains to the comity of direct intercourse between the chiefs of sovereign States and does not depend on the grade of the diplomatic representative who conveys the message. Bearing such a message the agent has the ambassadorial right of audience to present it. It can not be denied without giving grave cause of offense to the sender.

Mr. Leishman is therefore instructed to demand audience of the Sultan to deliver a personal message from the President.)

Mr. Leishman to Mr. Hay.

[Telegram.—Paraphrase.]

LEGATION OF THE UNITED STATES,
Constantinople, February 28, 1903.

(Mr. Leishman reports that no exception has been taken by the Sublime Porte to the propriety of his repeated demand for audience with the Sultan in order to deliver the President's message, but that failure to comply or even to reply must at least be construed as a deliberate attempt to avoid an interview, and as Mr. Leishman does not feel warranted in treating the present question with the usual unlimited amount of patience or permitting delay beyond the point that would be compatible with the dignity of the American Government and its honored Chief, he would be pleased to have the Department of State instruct him as to how long it deems it proper for him to wait, and what further action it desires him to take.)

Mr. Hay to Mr. Leishman.

[Telegram.—Paraphrase.]

DEPARTMENT OF STATE,
Washington, February 28, 1903.

(Mr. Hay inquires if Mr. Leishman has made renewed formal demand for an audience with the Sultan as instructed in Mr. Hay's telegram of February 25; and if so, when?)

Mr. Leishman to Mr. Hay.

[Telegram.—Paraphrase.]

LEGATION OF THE UNITED STATES,
Constantinople, March 1, 1903.

(Mr. Leishman reports that his first formal demand for audience with the Sultan was made in writing on February 16 and a note sent on February 24 asking for a reply. Upon receipt of Mr. Hay's telegram of February 25 Mr. Leishman personally called the attention of the minister for foreign affairs to the gravity of failure to comply, but did not mention the question of procedure, merely maintaining the position assumed from the beginning, that his right to demand an audience to deliver a personal message from the President was unquestionable, which right has not been questioned by the Porte, nor has Mr. Leishman any reason to believe that it will be.

Mr. Leishman does not believe that any disrespect is intended, but that the delay is merely due to Turkish methods; that they read the message, which was sent open, and his opinion is that an effort is being made to defer the audience until after matters are adjusted with the hope that the audience will not be insisted upon and even if the demand is adhered to that only the complimentary part of the message will be presented with added thanks for favors granted.

The minister for foreign affairs is always most polite in stating that a reply from the palace has not yet been received.)

Mr. Leishman to Mr. Hay.

No. 364.]

LEGATION OF THE UNITED STATES,
Constantinople, March 1, 1903.

SIR: I beg to acknowledge receipt of your cablegram of February 28, and have just forwarded my reply.

As indicated in cable, I am quite of the opinion that no disrespect is meant, and no real intention exists to refuse audience, and were it not for the fact of the President being personally interested I would have ventured to recommend a little more grace, as in addition to the congested state of affairs and pressing financial needs, the Sultan has been busily occupied for the past two weeks considering the demand made by the powers for reforms in Macedonia; but having made the demand for audience in the President's name I could not treat the matter on general lines, as I could accept no excuse for the failure to at least reply to the President's communication, and even prior to your cable I had brought the matter very forcibly to the personal attention of the minister for foreign affairs, impressing upon him the grave position that the President would be warranted in assuming in the event of the demand which has been made in his name not receiving prompt and proper attention.

An audience is seldom granted, even to an ambassador, except on Friday after the Salamlik ceremony, and as several of the ambassadors generally attend the Salamlik and must be accorded an audience, the

Sultan seizes upon the excuse of prior engagement, or fatigue, etc., to avoid an audience with others. * * *

Pending further instructions from the Department I shall continue to press the minister for foreign affairs for a reply to my demand for audience, and will keep you fully posted by cable of any change in the situation.

I have, etc.,

JOHN G. A. LEISHMAN.

Mr. Hay to Mr. Leishman.

[Telegram.—Paraphrase.]

DEPARTMENT OF STATE,
Washington, March 3, 1903.

(Mr. Hay instructs Mr. Leishman to make a paraphrase of the Department's telegram of February 25, which states the position of the United States Government in regard to the delivery of the President's message to the Sultan, to read it to the minister for foreign affairs and give him a copy, giving him also a memorandum in writing stating that if audience is not granted within three days Mr. Leishman will be constrained to report to his Government and act upon its definite instructions.)

Mr. Leishman is instructed to make it clear to the minister for foreign affairs that the President deems it due to right and comity that his message should be received without delay.)

Mr. Leishman to Mr. Hay.

[Telegram.—Paraphrase.]

LEGATION OF THE UNITED STATES,
Constantinople, March 4, 1903.

(Mr. Leishman reports that he has formally presented the matter to the minister for foreign affairs in accordance with telegraphic instruction of March 3.)

Mr. Leishman to Mr. Hay.

[Telegram.—Paraphrase.]

LEGATION OF THE UNITED STATES,
Constantinople, March 4, 1903.

(Mr. Leishman reports that he has received no reply about an audience, but that from information received through a very reliable source he is more inclined to credit the statement made by the minister for foreign affairs several weeks ago that Beirut and general school affairs could be considered settled, as his informants state that papers are being prepared and that official confirmation may reasonably be expected within a few days.)

Mr. Leishman to Mr. Hay.

No. 367.]

LEGATION OF THE UNITED STATES,
Constantinople, March 4, 1903.

SIR: I beg to acknowledge receipt of your cable of yesterday instructing me to present another formal demand for audience, which has been done both by personal call upon the minister for foreign affairs and in writing as per memorandum hereto attached.

The minister for foreign affairs thoroughly appreciates the situation and the correctness and justice of the demand, and is apparently doing everything in his power to facilitate a settlement and secure desired audience, but unfortunately he is absolutely without independent power to act.

I have, etc.,

JOHN G. A. LEISHMAN,

[Inclosure 1.]

Mr. Leishman to Tewfik Pasha.

LEGATION OF THE UNITED STATES,
Constantinople, March 4, 1903.

YOUR EXCELLENCY: Referring to my note of February 16, requesting an audience with his Imperial Majesty in order to present a personal message from the President of the United States, and to my subsequent appeals that this matter be given the consideration due to the dignity of the President of the United States of America, in accordance with the rights and comity existing between friendly nations.

In the absence of any reply to above-mentioned demand I now feel myself obliged to advise your excellency that unless an audience be granted within the next three days in order to enable me to present to his Imperial Majesty the personal message from the President, I shall be constrained to report to my Government and act upon its definite instructions.

With the hope that I may be favored with an early reply, I take this occasion, etc.,

JOHN G. A. LEISHMAN.

[Inclosure 2.—Memorandum.]

The American Government recognize the established right of the diplomatic representative of a foreign government to demand an audience of the President in order to present a personal message from his sovereign, and claims the same right for its envoys abroad bearing such a message. The agent has the ambassadorial right to present it, and this right can not be denied without giving grave cause of offense to the sender.

Mr. Hay to Mr. Leishman.

[Telegram.—Paraphrase.]

DEPARTMENT OF STATE,
Washington, March 5, 1903.

(Mr. Hay states that the fixation of a reasonably near date for audience will suffice; that his instruction contemplates arrangement within three days.)

Mr. Leishman to Mr. Hay.

[Telegram.—Paraphrase.]

LEGATION OF THE UNITED STATES,
Constantinople, March 5, 1903.

(Mr. Leishman reports that the statement made by the minister for foreign affairs several weeks ago to the effect that the question of

examinations of the students of American medical school at Beirut had been favorably acted upon is officially confirmed by a note verbale, dated March 5, advising that an Imperial iradé has been issued authorizing the sending of a special jury to Beirut to participate in the examinations.)

Mr. Hay to Mr. Leishman.

[Telegram.—Paraphrase.]

DEPARTMENT OF STATE,
Washington, March 5, 1903.

(Mr. Hay directs Mr. Leishman to express to the Sultan, when granted an audience, the President's gratification at the issuance of iradé in regard to Beirut examinations.)

Mr. Leishman to Mr. Hay.

[Telegram.—Paraphrase.]

LEGATION OF THE UNITED STATES,
Constantinople, March 6, 1903.

(Mr. Leishman reports that Yussuf Bey, secretary of the ministry for foreign affairs, has just called to inform him that His Imperial Majesty regrets exceedingly not having been able to accord the desired audience ere this, explaining the circumstances that prevented it, and at the same advising Mr. Leishman that an audience would be granted him as soon after the Coorban Bairaj ceremonies as possible, presumably on Friday next, but that the exact date would be notified later.)

Mr. Leishman to Mr. Hay.

No. 370.]

LEGATION OF THE UNITED STATES,
Constantinople, March 7, 1903.

SIR: I beg to inclose herewith copy of correspondence between Messrs. Post and Peet and the legation in regard to the general school question, also copy of note to the Porte accompanying list of schools.

It has been my endeavor from the beginning to secure, if possible, a definite acknowledgment of the principle of equal treatment rather than accept firmans for the schools already established, with merely implied or tacit acceptance on the part of the Ottoman Government of the principle.

* * * * *

Of course it would be much more satisfactory to have a clear and definite expression from the Ottoman Government acknowledging the principle *in toto*, and I am still using every effort to secure this, but it is always very difficult to get a clear and unqualified expression from the Ottoman Government on any subject, and should the Porte fail to comply and merely send a note similar to that sent in the English case, granting imperial recognition to the schools, hospitals, etc., already established, as per list furnished by the missionaries, which is supposed to cover each and every institution, I would not feel warranted

in pressing my demand further for recognition of the question in principle without special instruction from the Department, for, while I have assumed that the Department would approve my endeavoring to secure more, I would not feel warranted in carrying this assumption to the extent that it would sanction my pressing a demand for more than what has been accorded to others.

Consequently I have only felt justified in assuring the representatives of the missionaries in Turkey, Messrs. Post and Peet, that all I could guarantee was that the Government would not accept less than what had been granted to similar institutions under the protection of other nations.

I have found it rather difficult at times to carry out the wishes of the Department and at the same time please the missionaries and keep on friendly terms with the Turks, but I am still in hopes of being able to secure an adjustment that will prove satisfactory to all parties.

With the hope that my line of action will continue to meet with your approval,

I have, etc.,

JOHN G. A. LEISHMAN.

[Inclosure 1.]

Mr. Leishman to the imperial ministry of foreign affairs.

Note verbal.]

LEGATION OF THE UNITED STATES,
Constantinople, February 25, 1903.

In reply to the note verbale which the Sublime Porte has had the kindness to address, under date of February 24, the legation of the United States of America begs to advise the ministry of foreign affairs that, while it can not change from the position assumed in its note of February 6, it begs to inclose herewith as complete a list as it has in its possession of the American educational, charitable, and religious institutions established in the Ottoman Empire which would be covered by the settlement in principle that the Imperial Government recognizes and grants to any and all American educational, charitable, and religious institutions throughout the Ottoman Empire the same rights, privileges, and immunities that have or may be granted to similar institutions belonging to or under the protection of any other nation.

The legation is under the impression that the list inclosed is quite complete, with proper allowance for any error or omission, but if, after the settlement of the principle involved, the Sublime Porte should desire any further detailed information, the legation will be most happy to place itself at the disposition of the ministry of foreign affairs, and in case of any omission in the said list the legation reserves the privilege to supplement and complete it later.

[Inclosure 2.]

Messrs. Post and Peet to Mr. Leishman.

OFFICE OF W. W. PEET,
TREASURER OF THE AMERICAN MISSIONS IN TURKEY,
Bible House, Stamboul, March 3, 1903.

SIR: We have your communication of the 25th instant, in which you say that you have filed at the Porte a list of American institutions in Turkey "in response to the further request evidenced in the note verbale of the ministry of foreign affairs of the 24th instant," and in view also of the fact that you have ascertained that both the French and English embassies filed a list at the time of making their demand.

We also note that you continue to maintain your demand, "that we desire the matter settled in principle."

The filing of the list has always been associated in our minds with the procuring of permits for individual institutions, a step subject to all the delays that the procuring

of information from the various localities entails. If, therefore, our attention and that of the legation, so far as it is bestowed upon this case, is now directed to this feature, the greater and more important question will be likely to be obscured or wholly lost sight of. So great is our anxiety on this point, in view of our instructions from our committee in the United States, that we can not refrain from pointing out that the demand as embodied in your note to the Porte of September 26, 1902, in which the case was opened, and your subsequent note of February 6, 1903, in which the former demand is reiterated, makes no request for permits or concessions for individual institutions, but simply asks for the grant in general terms, like, for example, that accorded to France in November, 1901.

We have been assured by competent authority that all the then existing French institutions in Turkey were on a certain day in November, 1901, by a single Imperial edict, transformed from unauthorized institutions to those recognized as fully authorized and legally established. These same institutions were the day before wholly lacking in the eyes of the Government any form of authorization whatever.

To obtain a recognition and legalization at all commensurate with that which was then conferred is usually attended with great expense and vexatious delays covering years in duration. Regulations and laws, so called, are cited as requiring fulfillment, local bureaus and departments require to be consulted and satisfied, but in the case referred to we see all these requirements overridden and Imperial recognition granted, and a legal status admitted to all the institutions of a nation "en bloc" when at the time these same institutions we know were wholly lacking any form of local or governmental authorization whatever.

The test for admission into the category of institutions so recognized as legal by the highest authority in the Empire was simply that of existence at the moment as a French institution.

Whether or not the Porte was in possession of a complete list of the institutions on which His Majesty the Sultan was conferring a peculiar and unique rank, and from a governmental standpoint, a legal existence which hitherto had been unrecognized, it is certain that the grant refers to no detailed list of the individual institutions to which it applies, but comprehends all existing French institutions. And furthermore, the terms of the grant show that on its issuance the provincial authorities were notified to the effect that all French institutions had had their disabilities removed and were henceforth to be reckoned as legally established.

The grant as it has been officially confirmed to us is in substance as follows:

"By a letter written in virtue of an Imperial Iradé mentioned in that letter, the Ottoman minister for foreign affairs declares that the Porte, after having acceded to our first demands accepts the new demands of France, viz:

"(1) Recognizes the legal status of our existing schools, and grants them the customs immunities stipulated in the treaties and conventions in force.

"(2) Recognizes the legal existence of our present charitable and religious establishments, and grants them exemption from the land tax, and the customs immunities stipulated in the treaties and conventions in force.

"(3) Authorizes the construction, repair, or enlargement of the scholastic, charitable, or religious establishments damaged or destroyed during the events of 1894, 1895, and 1896 in Asiatic Turkey and at Constantinople.

"(4) Undertakes to regard as fully and legally authorized the foundations, enlargements, constructions, and repairs we may desire in the future to effect, if, after being warned of our intention, the Imperial Government has not raised objections within the delay of six months."

"Moreover, the documents proving that the decisions enumerated above are put into execution have been communicated to the French embassy in Constantinople."

To obtain for the American institutions in the Turkish Empire a grant equal to that conferred by His Majesty upon the similar institutions of France in November, 1901, is to our minds the first step to be taken in this matter. We have, therefore, learned with satisfaction through your note to Doctor Post, February 20, that the council of ministry has passed favorably upon this matter, sending their decision to the Palace for Imperial sanction, and that you have asked for an audience of His Majesty.

Will it not be possible to hasten this and to make it, when obtained, the opportunity for asking that this feature of the case be satisfactorily completed? We have good reason for asserting our belief that our Government will extend to you in the endeavor to obtain this its powerful influence and help, and to secure this end we will continue to use what influence we can command through our friends at home.

Yours, faithfully,

GEORGE E. POST.
WILLIAM W. PEET.

[Inclosure 3.]

*Mr. Leishman to Mr. Peet.*LEGATION OF THE UNITED STATES,
Constantinople, March 4, 1903.

SIR: I am just in receipt of the joint letter of Mr. Post and yourself, dated March 3, in regard to the demand which has been made for the imperial recognition of American educational, charitable, and religious institutions in Turkey.

The suggestions contained in your letter (being practically a copy of the French demands) have already been incorporated in the demand submitted by the legation to the Sublime Porte, and although the list of American institutions prepared by Doctor Post and yourself was finally submitted to the Porte in accordance with established precedent, care was taken by the legation to protect as far as possible the settlement of the question in principle.

Every effort is being made to secure the realization of your utmost desires and also a prompt settlement, but possibly the Ottoman Government may set up the claim that the legation is asking for more than what has been conceded to the French and other embassies, in which event, should the claim prove to be well founded, the American Government may not consider itself warranted in supporting a demand for more than that has been accorded to others.

One thing, however, you may rest assured of, and that is that the American Government will not accept less than what has been granted to similar institutions of other nations.

I am, etc.

JOHN G. A. LEISHMAN.

Mr. Loomis to Mr. Leishman.

No. 320.]

DEPARTMENT OF STATE,
Washington, March 12, 1903.

SIR: I have to acknowledge the receipt of your No. 359, of the 18th ultimo, inclosing copy of your note requesting an audience with the Sultan to present the President's message respecting the Medical College at Bêirut, and relative to the settlement of pending questions between the legation and the Sublime Porte.

Your action in pressing for a prompt and favorable decision in regard to these questions is approved.

I am, etc.,

FRANCIS B. LOOMIS,
*Acting Secretary of State.**Mr. Leishman to Mr. Hay.*

[Telegram.—Paraphrase.]

LEGATION OF THE UNITED STATES,
Constantinople, March 21, 1903.

(Mr. Leishman reports that no date has yet been fixed for audience, and inquires what action the Department wishes him to take.)

Mr. Leishman to Mr. Hay.

[Telegram.—Paraphrase.]

LEGATION OF THE UNITED STATES,
Constantinople, March 26, 1903.

(Mr. Leishman states that he felt compelled during an interview with the grand vizier and the minister for foreign affairs to-day to

intimate quite plainly that further delay could not be tolerated, as he found traces of considerable apathy owing to the fact that the weight of his efforts had been considerably neutralized by the statement made to the Sublime Porte by the Turkish minister at Washington, based on an alleged interview with the President and Mr. Hay, to the effect that owing to certain explanations made by the Turkish minister no great urgency for audience exists.)

Mr. Leishman to Mr. Hay.

No. 378.]

LEGATION OF THE UNITED STATES,
Constantinople, March 26, 1903.

SIR: I beg to confirm cablegram sent you this day in regard to audience with the Sultan in order to present the President's message.

As I have already advised the Department, I do not believe the delay has been caused by any discourteous intent, but merely with a view to avoid discussing business, as it is quite certain that an audience would be cheerfully granted if the business which I am pressing at the Porte was out of the way.

As I gave the minister for foreign affairs a very broad hint that the limit of patience had been reached and that unless prompt action was taken he would be apt to hear from me in the course of a very few days in a more pronounced and emphatic manner, I am inclined to believe that a definite date for audience will be promptly fixed, and in the meantime every effort will be made to adjust pending questions, so that I will have thanks instead of demands to present to the Sultan.

I have, etc.,

JOHN G. A. LEISHMAN.

Mr. Hay to Mr. Leishman.

[Telegram.—Paraphrase.]

DEPARTMENT OF STATE,
Washington, March 27, 1903.

(Mr. Hay states that he has impressively informed the Turkish minister of the displeasure and amazement of the President at the manner in which his minister's request for an audience with the Sultan has been treated.)

Mr. Leishman to Mr. Hay.

[Telegram.—Paraphrase.]

LEGATION OF THE UNITED STATES,
Constantinople, April 3, 1903.

(Mr. Leishman reports that he to-day had the honor of presenting, in private audience, the personal message of the President to His Imperial Majesty the Sultan, who requested Mr. Leishman to assure the President that his requests would receive personal consideration and that instructions would be issued to the proper departments to expedite matters.)

Mr. Hay to Mr. Leishman.

[Telegram.—Paraphrase.]

DEPARTMENT OF STATE,
Washington, April 4, 1903.

(Mr. Hay states that the audience granted by the Sultan and the assurances given to Mr. Leishman are gratifying.)

Mr. Leishman to Mr. Hay.

No. 387.]

LEGATION OF THE UNITED STATES,
Constantinople, April 5, 1903.

SIR: I beg to confirm cablegram announcing audience with the Sultan.

Late on Thursday night I received a verbal communication from the minister for foreign affairs to the effect that His Imperial Majesty would receive me the next day after the ceremony of Salamlik, but on condition that I would not discuss business.

Early the next morning I visited the minister for foreign affairs at his house and informed him that I could not accept an audience with such a condition attached, as the object of the interview was to present a personal message from the President, and at the same time bring certain matters to the personal attention of His Imperial Majesty which the United States Government was desirous of having settled, and that the only concession I could make would be to agree that after presenting the demands I would not attempt to enter into any discussion. And the audience was arranged for on this basis.

I then proceeded to the palace, and after waiting for nearly five hours I was finally admitted. The Sultan, after his return from the mosque, was first compelled to successively receive the Austrian, Russian, and English ambassadors.

* * * * *

Besides the general school matter, I submitted the questions of emigration, excavations, insurance, and prohibition of American pork, * * * and I can only hope that the matters will be favorably acted upon and Imperial orders issued to put them into execution.

I have, etc.,

JOHN G. A. LEISHMAN.

Mr. Leishman to Mr. Hay.

No. 389.]

LEGATION OF THE UNITED STATES,
Constantinople, April 9, 1903.

SIR: Referring to my audience with the Sultan, while I have nothing absolute to report I was informed to-day by the minister for foreign affairs, during a personal interview, that immediately after the audience His Imperial Majesty had given orders to finish the different matters as quickly as possible.

The school question is the most difficult, as it is necessary to first secure official confirmation of the list, which requires correspondence

with many distant vilayets, and it is much more of a task to check up the 300 American institutions than it was to verify the 10 or 12 in the case of the Germans and Italians.

Trusting I may be able to report a definite settlement of the different matters at an early date,

I have, etc.,

JOHN G. A. LEISHMAN.

Mr. Leishman to Mr. Hay.

No. 419.]

LEGATION OF THE UNITED STATES,
Constantinople, May 21, 1903.

SIR: Although it is close on to two months since I received His Imperial Majesty's promise that the general school and other matters would be promptly settled, no conclusion has yet been reached, except upon the question of removing the prohibition on pork.

As far as the school question is concerned the delay so far could not be regarded as unreasonable, as it requires considerable time to investigate the large number of institutions located in all parts of the Empire, and I know from the reports received through the consulates and the missionaries that the different valis received telegraphic instructions from the Porte to investigate and make their reports at the earliest date possible, a number of which having already reached Constantinople.

The question of securing the right for Doctor Banks to make excavations near Bagdad has been particularly troublesome—as besides the fact that no real right exists, except an acquired one based upon the Sultan's promise. * * * I have never experienced so much difficulty or as many annoyances in getting even the most difficult matter settled; all I can do is to refuse to listen to the numerous objections raised and stolidly maintain the position that, having the promise of His Imperial Majesty, no obstacles can be permitted to stand in the way.

The emigration of the wives and minor children of naturalized American citizens seems to be progressing very favorably, and I do not anticipate any great amount of trouble in getting all off for whom permission has been requested. One case at Bitlis has developed, where permission has been granted to Mrs. Saroyan, who is unable to take advantage of the privilege for the present, as the funds which were originally sent to cover her expenses were ordered to be returned by the sender some months ago.

* * *
I have, etc.,

* * *
JOHN G. A. LEISHMAN.

Mr. Hay to Mr. Leishman.

No. 376.]

DEPARTMENT OF STATE,
Washington, June 9, 1903.

SIR: Your No. 419, of the 21st ultimo, in which you report the progress made in the settlement of various questions pending with the Turkish Government, has been received.

I regret especially to note that the school question still remains unadjusted and that the Government is postponing a friendly settlement until reports are received which may be indefinitely delayed.

You will recall that on February 2 last I sent you an urgent telegraphic instruction to communicate a personal message from the President to the Sultan on this subject, in which a demand was made that American citizens and institutions should be granted the same privileges given to France in November, 1901, and later conceded to Russia, Germany, and other nations. The object of this somewhat unusual method of communication was to impress the Turkish Government with the deep interest which the President felt in this question, in the confident expectation that it would bring about an early acquiescence in the reasonable demand made by him. Much of the force of the message was lost by the delays interposed by the Porte in its delivery and the conditions attached to the manner of its presentation. It is possible also that the presentation of a number of other matters at the same audience may have detracted somewhat from the special importance which the President sought to attach to it.

The conduct of the negotiations on the subject has been left to your discretion. It may be that it would have been wiser to have followed the course which at first occurred to you of securing a definite acknowledgment of the principle of equal treatment, as indicated in your dispatch No. 370, of March 7 last; but having selected the other method of filing a list of the institutions and schools, the Turkish Government should not be allowed, if possible to prevent it, to make that a pretext for delay. I can not add anything to the language of the telegraphic instruction of February 2 to express the interest felt by our Government in the early settlement of the matter. I may state, however, that the President was surprised at the manner in which his message was delayed and the little influence it seems thus far to have had, and he relies upon your earnestness and sound discretion in bringing this long-pending question to an early and satisfactory conclusion.

I am, etc.,

JOHN HAY.

Mr. Leishman to Mr. Hay.

No. 444.]

LEGATION OF THE UNITED STATES,
Constantinople, June 16, 1903.

SIR: I beg to inclose herewith copy of two notes which I have found necessary to address to the Sublime Porte respecting the school and other matters, for which the legation has been pressing for settlement for some time past.

There is not the slightest indication of an antagonistic feeling existing against putting these matters into execution, either upon the part of the Palace or the Porte, and if the numerous promises and statements can be relied upon, the different matters will be favorably acted upon as soon as the strained and congested state of affairs will permit.

The difficulties experienced by the legation of late in securing action upon even the most trifling and unimportant matter are shared alike by all the foreign missions, and the fact that the unsettled business at present in the hands of the legation is not of a serious or necessarily urgent character only renders it more difficult to obtain a settlement, as practically everything must be submitted to the Sultan, who is, in consequence of the present system, greatly overworked, and very

naturally finds himself unable to consider anything except matters of the greatest importance—to His Imperial Majesty.

While good foundation exists for a general complaint, there is no reason to suppose that the American Government is suffering from any particular discrimination, as the European powers are experiencing an equal amount of trouble, mitigated to some extent by their ability to bring the cases to the personal attention of His Imperial Majesty.

I am in hopes that the action which I have now taken may result in forcing a settlement of a number of the pending cases within the next few weeks, but if not I will have to ask the Department for further instructions, as I consider that I have gone as far as my ordinary instructions will permit.

Trusting that my present action will meet with the Department's approval,

I have, etc.,

JOHN G. A. LEISHMAN.

[Inclosure 1.]

Mr. Leishman to the Sublime Porte.

LEGATION OF THE UNITED STATES,
Constantinople, June 10, 1903.

YOUR EXCELLENCY: I regret the necessity of being compelled to file a most solemn protest against the nonfulfillment of certain agreements concluded between the Sublime Porte and the American legation.

The questions immediately at issue, as cited below, are beyond controversy, having been amicably adjusted between your excellency and myself, and instructions having been issued by the Imperial ministry for foreign affairs to the proper departments to put them into execution.

The first is the case of the Rev. Mr. Shismanian, a naturalized American citizen of Ottoman origin, about whose nationality no question can arise, as he was naturalized in America prior to the promulgation of the Ottoman law of 1869, and whose change in nationality has been officially recognized by the Imperial Ottoman Government. Notwithstanding this fact, Mr. Shismanian has experienced more or less trouble during the past year, his nationality having been questioned upon several occasions by the local authorities in the vilayet of Harpoot and Diarbekir, much to the embarrassment of Mr. Shismanian.

About six weeks ago Mr. Shismanian reached Diarbekir on his way to Hailey and other points in the quiet and peaceful pursuit of inspecting the churches and schools in his missionary district, but was detained at Diarbekir where he still remains, having been restrained from proceeding to Hailey.

Upon learning these facts I immediately called to see your excellency and was informed that instructions would be sent at once to the vali at Diarbekir to recognize Mr. Shismanian as an American missionary and permit his free travel to Hailey and other points, which decision was transmitted to Mr. Shismanian through the American consul. Despite this fact and the repeated assurances that your excellency has given me during the past few weeks that renewed instructions had been given to the proper departments to carry out the agreement, Mr. Shismanian was not permitted to proceed on his journey, and now I am advised by the American consul that not only have the instructions of the Imperial ministry for foreign affairs been disregarded, but that the vali of Diarbekir makes the statement that he has received orders from the ministry of the interior prohibiting Mr. Shismanian from going to preach at Hailey and other points, at the same time charging Mr. Shismanian with having been associated with the troubles at Koum-Capou.

This latter charge Mr. Shismanian most emphatically denies, and it seems somewhat queer that such a charge should be advanced at this late date about an inoffensive missionary who has been prosecuting his religious work in the Ottoman Empire for many years past without the slightest charge of any kind having been made against him.

If it can be proven that Mr. Shismanian was connected in any way with the Armenian revolutionary movement and that his presence is inimical to the interests

of the Imperial Ottoman Government, the legation will not hesitate to request him to leave the country, but it can not permit him to rest under such a charge, and must insist upon the necessary proofs being furnished, and in the meantime that he be permitted to proceed on his tour of inspection as per agreement.

The second question is the case of Abdul Kader Mathaney, a naturalized American citizen of Ottoman origin, at present imprisoned in the Turkish jail at Tripoli.

It is scarcely necessary to enter into details, as the correspondence between the Sublime Porte and the legation fully explains the case. It is sufficient to say that said Mathaney, after having been arrested by the American consul and after trial imprisoned for six months in the American jail at Smyrna for an assault upon a woman at Tripoli, was, after his release, rearrested by the Turkish authorities at Tripoli and condemned to three years' imprisonment in the Turkish jail, where he is still confined in defiance of the protest of the American consul.

On April 9 last the undersigned had an interview with your excellency upon this subject, and it was finally agreed that your excellency's Government would send instructions to the local authorities to let Mathaney free and place him in the custody of the American consular agent upon the understanding that Mathaney would be notified that unless he carried out his promise of returning to the United States before the expiration of his present passport, which expires on the 7th of October, 1903, further recognition would be denied him.

This was at once communicated to the consul, but notwithstanding the repeated instructions issued by your excellency the local authorities have refused to comply with the orders and Mathaney is still detained in prison, and I must now insist upon the agreement concluded between your excellency and myself being carried out without further delay.

The third question is the case of Madam Soolookjian, the wife of a naturalized American citizen of Turkish origin residing in the United States, for whom permission to emigrate has been requested.

Mrs. Soolookjian came under the head of immediate families (i. e., wives and minor children) whom His Imperial Majesty the Sultan has granted permission to emigrate, but notwithstanding the repeated assurance of the Imperial ministry for foreign affairs that orders had been issued to the local authorities to facilitate her departure, the vali at Samsoun continues to withhold the necessary *teskereh*, and I must ask that this be corrected at once and the vali instructed to allow her to depart without further delay.

These questions can not be treated on the same basis as unfinished business, and I must insist upon their immediate settlement, for unless I can have the assurance that the Sublime Porte has the power to put its agreements into execution it would seem useless for the legation to attempt to continue conducting its negotiations in the customary manner.

With hope that I may be favored with a prompt reply, I take this occasion to renew, etc.,

JOHN G. A. LEISHMAN.

[Inclosure 2.]

Mr. Leishman to the Sublime Porte.

LEGATION OF THE UNITED STATES,
Constantinople, June 15, 1903.

YOUR EXCELLENCY: It is now almost three months since I had the honor of presenting to His Imperial Majesty a list of certain pending cases which the Government of the United States was desirous of having settled, and was authorized by His Imperial Majesty to inform the President that in response to his personal request orders would be issued to the proper departments to promptly conclude a settlement of the school and other matters, which promise I immediately communicated to the President.

A few days later I was informed by your excellency that instructions had been received from the palace to favorably adjust the pending questions with the legation without further delay.

Since that time I have been hoping from day to day that a settlement would be concluded, but despite the oft-repeated assurances that the affairs would be finished next council day, practically nothing has been done up to the present time, and I have recently discovered that not only has the council failed to take the slightest steps toward putting the different matters into execution, but that a decided disposition exists upon the part of certain officials to annul and render void the gracious act

of His Imperial Majesty granting permission to the representatives of certain American universities to prosecute research excavation work in the neighborhood of Bagdad.

Under these circumstances only one of the two alternatives appears open to me, i. e., either to notify my Government that having exhausted every ordinary means to have the agreements put into execution I am compelled to report that I deem it useless to attempt to prosecute the matters further through the ordinary channel or to pursue the only other practical course left open, of appealing the matter once more to His Imperial Majesty.

The high respect which I bear toward His Imperial Majesty and the very friendly relations existing between the Sublime Porte and the legation prompts me to adopt the latter course.

Consequently I pray your excellency to make known the contents of this note to His Imperial Majesty the Sultan and beg His Imperial Majesty to graciously grant me an audience in order that I may be enabled to more clearly present the matter for his imperial consideration.

With the hope that this interview may be arranged for at an early date, I take this occasion to renew the assurance of my high, etc.,

JOHN G. A. LEISHMAN.

Mr. Leishman to Mr. Hay.

No. 463.]

LEGATION OF THE UNITED STATES,
Constantinople, June 25, 1903.

SIR: Replying to your No. 376, of June 9, 1903, I think the President and the Department can safely dismiss any apprehension with reference to the procedure in the schools question, for I am quite convinced that neither the delay in securing audience to formally deliver the President's message nor the fact that other unsettled business was brought to the attention of the Sultan during the interview detracted from the force or importance of the President's message. * * * Nor can I assume for a moment that the President's message failed in its influence, as the minister for foreign affairs informed me a few days after my audience that the Sultan had issued an iradé directly after my interview instructing the Sublime Porte to conclude the school question and all other matters at the earliest possible date.

No question has ever been raised as to the correctness of our demands, and both the grand vizier and the minister for foreign affairs have repeatedly assured me that I could consider the school question settled, the delay in concluding the matter being caused by the necessary investigation and examination by the interior departments of the large number of institutions distributed throughout the Empire; and certainly no particular importance attaches to the failure to carry out the Sultan's promise more promptly, as I could cite numerous instances where months and even years have gone by without the embassies being able to have the promises of the Sultan to the heads of foreign powers put into execution.

It is needless to say that it is equally difficult to secure a fulfillment of the promises made by the Porte. The greatest difficulty is not to adjust matters satisfactorily, but to have the agreements which are reached put into execution. * * *

It is to be regretted that my efforts to have the school question settled first in principle proved to be impracticable, but this should give the missionaries no cause for complaint, as their original idea was to take the matter up in detail. They delayed the presentation of the original demand for seven or eight months, preparing the list of schools, etc., which, when furnished, was so incomplete, owing to

the difficulties experienced in securing proper information from the different religious and educational bodies, that I concluded it was best to make an effort to get the matter settled in principle before submitting the list, especially as I had discovered that at least one-half the schools were without American teachers, being officered entirely by native teachers, which placed them on a somewhat different footing from other foreign schools.

This position, however, proved to be untenable, and I was compelled to submit to the repeated demands of the Porte that a list be furnished, especially as I found that this course had been followed by the other powers, and I consequently did not feel warranted in demanding different treatment to that accorded other nations.

My previous dispatches upon this subject will have given the Department some idea of the difficulties experienced by the legation in its efforts to secure an amicable settlement. * * *

I fully appreciate the interest our Government takes in the settlement of the school question, and I shall continue to use every effort to secure an early settlement. No stone has been left unturned and every peaceable means has been exhausted to force an amicable adjustment, and if the present line of action fails to bring about a settlement within a reasonable length of time, I will be compelled to ask the Department for further instructions.

I have, etc.,

JOHN G. A. LEISHMAN.

Mr. Loomis to Mr. Leishman.

No. 408.]

DEPARTMENT OF STATE,
Washington, July 7, 1903.

SIR: I have to acknowledge the receipt of your No. 444, of the 16th ultimo, reporting the difficulties experienced by your legation in transacting business at the Sublime Porte.

The Department approves your course in addressing to the Porte a protest against the nonfulfillment of certain agreements concluded between the Sublime Porte and your legation.

You will continue to press for the fulfillment of cases like these which have been settled by the solemn promise of the Porte.

I am, etc.,

FRANCIS B. LOOMIS,
Acting Secretary.

Mr. Leishman to Mr. Hay.

[Telegram.—Paraphrase.]

LEGATION OF THE UNITED STATES,
Constantinople, July 31, 1903.

(Mr. Leishman reports that after exhausting every ordinary means to force the Sublime Porte to conclude the promised settling of the school and other matters he feels compelled to ask the Department of State for further instructions, as it appears useless for him to attempt to prosecute matters further on present lines, and unless some more forcible measure be adopted he fears the promised settlement of the school question will drag on indefinitely.)

Mr. Loomis to Mr Leishman.

[Telegram.—Paraphrase.]

DEPARTMENT OF STATE,
Washington, August 5, 1903.

(Mr. Loomis states that Mr. Leishman has already accomplished much, and instructs to continue to press for settlement of remaining matters, making some one school license a test case.)

Mr. Hay to Mr. Leishman.

[Telegram.—Paraphrase.]

DEPARTMENT OF STATE,
Washington, September 8, 1903.

(Mr. Hay states that Mr. Leishman should not treat failure to reply in regard to schools question as a refusal estopping further demands for fulfillment of pledges.)

Mr. Leishman to Mr. Hay.

[Telegram.—Paraphrase.]

LEGATION OF THE UNITED STATES,
Constantinople, September 15, 1903.

(Mr. Leishman reports that during a conversation on September 14 the grand vizier showed quite plainly a determination to resist, as far as possible, the settlement of any cases except the Beirut affair under pressure of presence of the United States squadron.)

Mr. Leishman states that he will continue gentle but firm pressure, but that it may become necessary to resort to sterner language in order to bring the Ottoman Government to a fuller realization of their obligations.)

Mr. Leishman to Mr. Hay.

No. 575.]

LEGATION OF THE UNITED STATES,
Constantinople, September 21, 1903.

SIR: I am very sorry to report that very slow progress is being made in the matter of settlement of the different claims, despite the apparent desire of the minister for foreign affairs to arrive at a speedy adjustment.

* * * * *

The minister for foreign affairs appears to be in earnest, and, despite present troubles, shows the most friendly spirit, so much so that I ventured to again request him to reconsider the decision made by his Government last December against being represented officially at the St. Louis Exposition.

This he decided to do, and promised me that he would arrange to have an Imperial commission appointed (probably the Turkish minister

at Washington), and I have arranged a meeting for Mr. Cridler, who is now here, in order that he may be able to take the matter up in detail, and I can only rest in the hope that the minister for foreign affairs will be able to put this promise into execution.

I have, etc.,

JOHN G. A. LEISHMAN.

Mr. Leishman to Mr. Hay.

[Telegram.—Paraphrase.]

LEGATION OF THE UNITED STATES,
Constantinople, October 21, 1903.

(Mr. Leishman reports that the schools matter is meeting with very strong opposition on account of the great majority of the teachers being native, who are always suspected of secretly preaching seditiously, and fears this idea has been encouraged by foreign intrigue.)

Mr. Leishman states that he has refrained from assuming too aggressive an attitude, and still has the hope that quiet, unwavering, and determined stand will force a settlement within the next ten days.)

Mr. Leishman to Mr. Hay.

[Telegram.—Paraphrase.]

LEGATION OF THE UNITED STATES,
Constantinople, October 29, 1903.

(Mr. Leishman states that as even the congested state of affairs and the existing political complications have ceased to furnish sufficient excuse for the prolonged delay in settling the pending questions, he has somewhat strained his instructions and has ventured pretty close to a threat that unless the matters are settled without further delay something disagreeable may happen.)

Mr. Leishman to Mr. Hay.

[Telegram.—Paraphrase.]

LEGATION OF THE UNITED STATES,
Constantinople, November 6, 1903.

(Mr. Leishman reports that he has received two notes from the Sublime Porte, one with reference to American consular protection of Cuban citizens, and the other with reference to the insurance question. He has notified the Sublime Porte that unless the schools and other matters are settled within the next few days he will feel compelled to press the Beirut matter, intimating at the same time that if all other pending questions are satisfactorily settled, he will endeavor to smooth over the Beirut trouble.)

Mr. Leishman to Mr. Hay.

[Telegram.—Paraphrase.]

LEGATION OF THE UNITED STATES,
Constantinople, November 15, 1903.

(Mr. Leishman states that as the Mohammedan lent commences on November 20 and lasts thirty days, during which period all business at the Porte is practically suspended, more drastic measures should be resorted to in order to force prompt settlement, as the Porte appears to be absolutely incapable of carrying out its numerous promises. The Sultan, whom Mr. Leishman has been unable to see personally, has allowed himself to be influenced into the belief that American schools are hotbeds of sedition, and he has taken a strong stand against complying with the demands of the Government of the United States, resting under the impression that no forcible action can be taken without Congressional authority.)

Mr. Leishman is satisfied that the minister for foreign affairs has made an earnest and honest effort to have his promises put into execution, but being without any real power and not even enjoying the right of direct access to the Sultan, his efforts have proved futile against the fanatical palace clique, whose advice has undoubtedly been stimulated by foreign influence.

The Porte has acted favorably upon all pending questions, but is absolutely incompetent to complete them, and several matters recently adjusted have not as yet been put into execution.

Mr. Leishman states that as Turkish affairs generally are in a rather unsettled condition, owing to complications arising out of the Macedonian trouble, he would feel disposed to recommend further patience if he thought it would be of the very least benefit, but is quite convinced that longer delay would prove injurious rather than helpful, being satisfied that patience has ceased to be a virtue.

JOHN G. A. LEISHMAN.

Mr. Leishman to Mr. Hay.

No. 653.]

LEGATION OF THE UNITED STATES,
Constantinople, December 13, 1903.

SIR: Referring further to my telegram of November 15 last, I am unable to report any material change in the situation of school and other unsettled questions.

The grand vizier and the minister for foreign affairs spend very little time at the Porte these days, and when I do succeed in seeing them I am politely put off on the score that nothing can be done until after Ramazan.

In the absence of any instruction from the Department I continue the patient but persistent rôle I have been playing since January, at same time exerting every effort to preserve the friendly relations which, I am happy to say, remain unchanged, despite the rather complicated and disturbed conditions. So that I am in position to pursue any line of policy that the Department may dictate.

I have, etc.,

JOHN G. A. LEISHMAN.

INSURRECTION AND OUTRAGES IN MACEDONIA.

Mr. Leishman to Mr. Hay.

No. 524.]

LEGATION OF THE UNITED STATES,
Constantinople, August 15, 1903.

SIR: The political situation in Macedonia continues to grow worse each week. The revolt has become much more general and the outrages committed by the revolutionists more barbarous and on a much larger scale than heretofore, the bands having increased both in size and number.

The delicate situation has been further strained during the past week by the death of the Russian consul at Monastir who was shot by a Turkish sentinel.

* * * * *

Up to the present time the Turkish Government has acted with commendable patience and forbearance and have prevented both the non-Bulgarian population and the troops from making reprisals for the numerous depredations committed by the bands, such as blowing up bridges and buildings with dynamite, destruction of crops, burning of villages, and the killing of hundreds of inoffensive people, including women and children.

The fear of massacres and possible consequent intervention of the European powers is no doubt largely responsible for the great forbearance shown by the Turks so far, but should the outrages continue, which is altogether likely, it is only reasonable to suppose that sharp reprisals will occur, which, in all probability, would result in open hostilities.

* * * * *

The reports from Armenia are somewhat disquieting, but if there should be a sympathetic outbreak I am inclined to believe that it will be confined to certain spots and not a general uprising, and while reprisals by the Turks would no doubt follow, I do not share the belief of many that a repetition of the massacres of 1896 is imminent. * * *

While there is no evidence at present to warrant any fear of harm befalling American citizens, I have deemed it prudent to warn the missionaries in the interior to exercise care, a copy of my note to Mr. Peet being inclosed herewith.

I also inclose copy of a dispatch just received from our consular agent at Salonica reporting upon the local situation.

I have, etc.,

JOHN G. A. LEISHMAN.

[Inclosure 1.]

*Mr. Leishman to Mr. Peet.*LEGATION OF THE UNITED STATES,
Constantinople, August 14, 1903.

SIR: While I have no particular reason to feel alarmed in regard to the personal safety of American citizens in Macedonia, in view of the fact that the insurrectionary movement is becoming more general and outrages and assaults on villages a daily

occurrence, it would be well for you to advise the missionaries in Macedonia to exercise extra care and to avoid taking any unnecessary risks.

The quiet and patient behavior of the troops and Mussulman population, under the greatest provocation, warrants the belief that the Ottoman Government will do all in its power to prevent any harm befalling foreign subjects, but it would be difficult if not impossible for any power to guarantee freedom from injury by such acts as the wild and random outrages committed by the revolutionists, commencing with the dastardly affair at Salonica.

It might also be wise for you to caution our people in Armenia, where occasional small outbreaks warrant the suspicion that a slumbering sympathetic movement exists, and the fact that the missionaries at Van requested the legation's aid some months ago to secure Turkish protection against the Armenians lends additional color to this suspicion.

I merely make this suggestion as a precautionary measure, believing prudence to be the better part of valor.

I am, etc.,

JOHN G. A. LEISHMAN.

[Inclosure 2.]

Mr. Lazarro to Mr. Leishman.

UNITED STATES CONSULAR AGENCY,
Salonica, August 13, 1903.

SIR: I beg to submit some facts, mostly relating to the political situation in western Macedonia, where the revolutionary movement has taken quite a new aspect and considerably increased, especially during the last fortnight.

The information has been obtained from reliable sources, but I can not vouch for the exactitude of all the details. On August 2, 200 rebels engaged in a fight about Resen, a small town near Monastir, seem to have been destroyed by the Turkish troops. The Turkish quarter in Resen was burned by the Bulgarians.

On August 3, 1,500 Bulgarians entered the Greco-Wallack town of Krushevo, four hours to the northwest of Monastir, near Prilep, and after firing the public buildings and killing all the Turkish inhabitants and garrison (about 50) they took possession of the place and hoisted the rebel flag, which is black with two white "C," meaning "liberty or death." Up to the present, although Krushevo has been bombarded by artillery from the plain beneath, it is still in the hands of the insurgents. The rebels have also taken and are still holding Smilievo, a large Bulgarian village near Krushevo, also the Greco-Wallack town of Klissura and village of Neveska, both in the Florina district to the southeast of Monastir.

One hundred wounded soldiers and the bodies of 2 officers killed in encounter about Smilievo were brought to Monastir on August 5. In the same region the rebels are said to have killed 70 soldiers at Gopech and 2 Albanian beys with their retinue at Presba.

Forty Turkish villagers from Germany, while on their way to the Castoria market, were killed by the rebels and their village burned.

The Turkish villages of Budakli, Mosintza, Elekler, Kanaklar, Kachani, accepted the protection of the insurgents and gave up their arms to representatives of the revolutionary committee. Excepting two, all of the villages of the Kichevo district have been abandoned. Bolne and Krusne, Bulgarian villages 3 miles from Resen, have been burned by the Turks.

As rebel bands were approaching the town of Ochrida the Turks fell on the Christian quarter, killing everybody, and set fire to the place. The Bulgarians retaliated by burning and massacring various Turkish villages of the Ochrida district. In the Florina district 600 rebels camp in the mountains in a position considered impregnable. There they have ovens for baking biscuit, a clothing depot, and ammunition stores.

One thousand soldiers, who were sent to take the place, had to retreat after severe losses. Several bridges were blown up on the Monastir and Uskup Railroad. The largest of these bridges was blown up on the night of the 12th instant near Florina. The bridge was 15 meters long. The attempt to wreck the Uskup train on the 9th instant did not succeed. The infernal machine which should have been on board the train exploded at the depot of Zibefteche-Servian frontier.

The assassination by a Zaptieh of the Russian consul at Monastir has caused considerable excitement. The post-mortem examination proves that the victim received several shot wounds after his death, and it seems that, at least this time, there was no further provocation on the part of Mr. Rostkowsky than his insistence to be saluted by the Turkish guards.

As there was a rumor of a possible attempt of the Bulgarians to throw bombs against the Turkish mosques and provoke a general massacre of the Christians in Salonica, I saw the military governor and arranged that extra patrols should be kept night and day around the residence of the American mission here.

The plan of the insurgents seems to be to draw away the Turkish troops from Albania and the Bulgarian frontier (sixteen battalions have already been sent to the Monastir vilayet from Albania), gather them toward western Macedonia, then cut the communications by destroying the railroads, and start the movement on the eastern border nearer Bulgaria.

I have, etc.,

HDGI LAZARRO,
United States Consular Agent.

Mr. Leishman to Mr. Hay.

No. 554.]

LEGATION OF THE UNITED STATES,
Constantinople, September 8, 1903.

SIR: * * * The troubles in Macedonia assume a wider range and more serious aspect each week, and everyone is fearful that the Turks who have so far been held in very good subjection will break loose and massacre the Bulgarian population.

Fortunately we have very few American citizens in Macedonia, mostly missionaries who are comparatively free from danger, as the Turks will use great care to protect them from harm, if from no higher reason than interested motives; and the Bulgarians will certainly not harm them. * * *

The Bulgarians are no doubt resorting to barbarous acts in order to goad the Turks into committing an overt act, such as a great massacre or entering Bulgarian territory, while the Turks, on the other hand, appreciating the fact that in either of these events the powers are apt to intervene, are calmly and patiently waiting, as in the Greek trouble, for the Bulgarians to openly espouse the insurrectionary movement in Macedonia and make the first break, when the Turkish troops would immediately be let loose, as they could do much more effective work on the plains between the frontier and Sofia than it would be possible for them to do in the mountainous district of Macedonia. I do not consider the situation here at present particularly alarming, but it is in that delicate condition that almost anything could happen, and consequently considerable uneasiness prevails.

I have, etc.,

JOHN G. A. LEISHMAN.

Mr. Leishman to Mr. Hay.

No. 576.]

LEGATION OF THE UNITED STATES,
Constantinople, September 19, 1903.

SIR: The troubles continue to multiply, and I very much fear that ere this reaches you the outbreak in Macedonia will have assumed rather alarming proportions.

As precautionary measures, I have addressed a note to the representatives of the missionaries and the American Tobacco Trust, the only two interests that I have any knowledge of as having American citizens located in the Macedonian district, advising the withdrawal

of all those who are not actually needed to safeguard their interests until peace and order be again restored.

Fortunately there are less than twenty people, all told, at present, and as far as the missionaries are concerned it would in any event be practically impossible for them to prosecute their educational work during the present crisis.

* * * * *

Many overt acts are no doubt daily committed by both sides, but little reliance can be placed in the exaggerated reports of massacres that are circulated by interested parties.

* * * * *

The developments of the next few weeks will make an interesting history and I can only hope that the great necessity that exists will develop some plans that will correct the present trouble and prevent the otherwise inevitable destruction of many thousands of lives and an incalculable amount of property.

I have, etc.,

JOHN G. A. LEISHMAN.

[Inclosure 1.]

Mr. Leishman to Mr. Peet.

LEGATION OF THE UNITED STATES,
Constantinople, September 18, 1903.

SIR: As the trouble in Macedonia appears to be spreading and becoming more intense each day and may break forth with increased violence at any time, it seems to me that it would be wise for your board to promptly take into consideration the advisability of sending the missionaries out of Macedonia until peace and order has again been restored, as it is impossible for the Government to guarantee absolute security as long as present conditions prevail.

I have, etc.,

JOHN G. A. LEISHMAN.

[Inclosure 2.]

Mr. Leishman to Mr. Straus, agent American Tobacco Trust.

LEGATION OF THE UNITED STATES,
Constantinople, September 18, 1903.

SIR: In view of the disturbed condition of affairs in Macedonia, which may assume more alarming proportions at any time, I would strongly recommend your instructing all American citizens in your employ to exercise the greatest care, as it is impossible for the American Government to guarantee its citizens absolute security in the Macedonian district as long as the present revolution, which has brought the country into a state of anarchy, exists.

I do not wish to be considered an alarmist, but it would be a wise precautionary measure if all those whose services are not absolutely needed to safeguard your interests were sent out of the disturbed district until such time as peace and order shall again be restored.

I have, etc.,

JOHN G. A. LEISHMAN.

Mr. Leishman to Mr. Hay.

[Telegram.—Paraphrase.]

LEGATION OF THE UNITED STATES,
Constantinople, October 6, 1903.

(Mr. Leishman reports that the outlook in Macedonia continues gloomy, and that daily attacks by the bands and reprisals by the troops is rapidly decimating the border districts, causing untold misery,

although reports of massacres and numbers killed are grossly exaggerated; that the American missionaries are anxious for him to request the President to make an appeal to the public for subscriptions, but that he is of the opinion that such action would be premature at present and should be postponed until order has been restored, as action now might be construed as assisting the revolutionists and meet with ill feeling and obstruction.)

Mr. Leishman to Mr. Hay.

No. 596.]

LEGATION OF THE UNITED STATES,
Constantinople, October 6, 1903.

SIR: There is no material change in the situation in Macedonia. The troops have been more active of late, but so have the bands, and individual acts of barbarism are a daily occurrence on both sides.

Many villages have been destroyed, but comparatively few people killed, as the insurgents are well informed, and after an attack upon the Turks generally flee to the mountains, where the troops are unable to pursue them, leaving as a rule few people in the villages, which, in most cases, the troops find practically deserted, so that the greatest distress is caused by the destruction of houses and crops.

So much allowance must be made for exaggerations that it is difficult to estimate the number of people who are without homes and are now living in the recesses of the mountains, where cold weather and short supply of food will soon render their position very grave; but I think it fair to assume that the number can not be far short of 30,000.

The greatest distress is sure to prevail throughout northern Macedonia this winter, and as soon as it is practicable to do so it would be a humane and charitable move to solicit aid from generous-hearted people in America; but, as I cabled you this morning, I am of the opinion that such a move at the present time would be premature, and as open warfare has not been declared it would even be difficult to introduce the Red Cross Society, as the conditions in Macedonia are quite different from those existing in Armenia in 1896, immediately following the massacre, as only one class was in distress and the trouble practically over when England induced the Turkish Government to allow the Red Cross to enter, while in Macedonia all classes have suffered equally—Bulgars, Moslems, Greeks, and other races alike—and the insurrectionary movement continues.

Any relief movement made at the present time would no doubt be resisted by the Turks, and premature action might be misconstrued.

I have explained this matter fully to the American mission board here, and they are quite of the same opinion, and regret the hasty action taken by some of their overzealous members in the disturbed district in making appeal to the English and American public, which the board realizes is apt to cause trouble to the missionary interests, and the petition mentioned in the appeal which was to have been presented to the English ambassador and myself has been held in abeyance by the head officers here.

I inclose copy of recent reports from our consular agent at Salonica in reference to the political situation.

I have, etc.,

JOHN G. A. LEISHMAN.

[Inclosure 1.—Telegram.]

*Mr. Lazarro to Mr. Leishman.*UNITED STATES CONSULAR AGENCY,
Salonica, October 3, 1903.

Many threatening insurgents crossed frontier. Serious engagement took place Razlog. Many villages burning.

LAZARRO.

[Inclosure 2.]

*Mr. Lazarro to Mr. Leishman.*UNITED STATES CONSULAR AGENCY,
Salonica, October 4, 1903.

SIR: I beg to confirm my telegram of October 3 and to acknowledge the receipt of your telegram received on the 3d instant reading as follows:

"Continue sharp lookout and keep me fully posted."

It seems that the number of insurgents who crossed the frontier was over 3,000, and that they attacked villages of mixed Mussulman and Greek population, making also use of bombs. It seems that in various serious encounters which the Turkish troops had with these bands the latter were temporarily checked and dispersed. The Turks, however, lost a large number of men—according to some reports very near 1,000.

I have, etc.,

H. P. LAZARRO,
*United States Consular Agent.**Mr. Leishman to Mr. Hay.*

No. 617.]

LEGATION OF THE UNITED STATES,
Constantinople, October 29, 1903.

SIR: The revolutionary movement in Macedonia continues, but the attacks by the bands have become less frequent and of less magnitude. Occasional conflicts between the troops and the bands occur, and dynamite outrages are not infrequent.

Mr. Lazarro, our consular agent at Salonica, has just wired that an attempt was made last night to blow up the European mail on the line between Salonica and Üskub, but fortunately no one was killed, although considerable damage was done to the line.

The European powers have presented an enlarged scheme for reforms, which for the moment has had a decided tendency to check the revolutionary movement, but unless modified considerably it will be seriously objected to by the Ottoman Government, as an acceptance would practically mean the entering wedge for autonomy, which, even if the Sultan was disposed to grant it, would be quite sure to be resented by the troops and the Mussulman population generally, and the mere suggestion has caused an increased feeling of antagonism against all foreigners which is quite noticeable.

* * * * *

Just what the final outcome will be is difficult to foresee.

I have, etc.,

JOHN G. A. LEISHMAN.

Mr. Leishman to Mr. Hay.

No. 644.]

LEGATION OF THE UNITED STATES,
Constantinople, November 28, 1903.

SIR: As the trouble in Macedonia appears to have quieted down, with little prospect of any fresh outbreak before spring, if then, I have

5. Mixed commissions, composed of an equal number of Christians and Mohamedan delegates, are immediately to be appointed in the chief towns of the vilayets to investigate the political and other crimes committed during the disturbances. The Austro-Hungarian and Russian consuls will take part in these commissions.

6. The Turkish Government is to be requested to set apart special sums—

a. For the repatriation of the Christian inhabitants who have fled to Bulgaria and elsewhere.

b. For the support of Christians who have lost their property and homes.

c. For the rebuilding of the houses, churches, and schools destroyed by the Turks during the insurrections.

Commissions, to which Christian notables will belong, are to settle the distribution of these sums. The Austro-Hungarian and Russian consuls will watch over their application.

7. The repatriated Christian inhabitants of the Christian villages burned by the Turkish troops and bashi-bazouks will be exempted from all taxes for one year.

8. The Ottoman Government will again undertake to apply without the slightest delay all the reforms enumerated in the project of last February and all such reforms as may subsequently prove necessary.

9. Since most of the excesses and cruelties have been committed by the second-class reserves, or ilavehs, and by bashi-bazouks, it is urgent that the former be dismissed and the formation of bands of bashi-bazouks be absolutely prevented.

[Inclosure 2.]

Reply of the Sublime Porte to the Austro-Russian demands.

The Sublime Porte has received and examined the memorandum which their excellencies the ambassadors of Austro-Hungary and Russia transmitted to it on November 10, 1903.

It takes note of the assurances which have been given it regarding the full safeguarding of the sovereign rights of His Imperial Majesty the Sultan and the maintenance of the statu quo which respect for the authority and prestige of the Empire requires, as well as of the succeeding declarations of their excellencies relative to the provisional character and to the limitation to two years of the additional provisions proposed with a view to assuring the accomplishment of the reforms which the Imperial Government adopted last February on the proposition of the two Governments—measures which it continues to faithfully execute.

The Sublime Porte hastens to declare that it accepts in principle the nine points enumerated in the previous memorandum of their excellencies, reserving to itself the right to enter into negotiations relative thereto in order to reach an understanding as to the details of their application, reconciling the first and second points with the independence, the sovereign rights, and the prestige of the Imperial Government, and with the statu quo.

NOVEMBER 24, 1903.

ATTEMPTED ASSASSINATION OF UNITED STATES VICE-CONSUL AT BEIRUT.

Mr. Leishman to Mr. Hay.

[Telegram.—Paraphrase.]

LEGATION OF THE UNITED STATES,
Constantinople, August 27, 1903.

(Mr. Leishman reports that he has just received a telegram from the United States consul at Beirut advising that the vice-consul was assassinated the preceding Sunday night while driving in a carriage; that the murderer was unseen and unknown; no explanation given for delay in reporting the case, but the consul adds that the reply of the local governor is unsatisfactory.)

Mr. Leishman has asked for further particulars, and will at once make vigorous representations at the Sublime Porte.)

Mr. Leishman to Mr. Hay.

[Telegram.—Paraphrase.]

LEGATION OF THE UNITED STATES,
Constantinople, August 27, 1903.

(Mr. Leishman reports that he has made proper representations to the Sublime Porte with reference to the assassination of the United States vice-consul at Beirut, but pending the reception of fuller details and also of instructions from the Department, he has made no demands other than asking for investigation and explanation, which the minister for foreign affairs assures will be given immediate attention.)

Mr. Loomis to Mr. Leishman.

[Telegram.—Paraphrase.]

DEPARTMENT OF STATE,
Washington, August 27, 1903.

(Mr. Loomis states that the fact of Vice-Consul Magelssen being a native citizen of the United States makes the case extremely grave, and instructs Mr. Leishman to press his representations vigorously, demanding instant correction of any hesitancy or inefficiency of local authorities.

Mr. Loomis adds that failure of justice in this case would deepen the painful impression already caused by Turkish indifference to our just demands in other matters.)

Mr. Leishman to Mr. Hay.

[Telegram.—Paraphrase.]

LEGATION OF THE UNITED STATES,
Constantinople, August 27, 1903.

(Mr. Leishman reports that he has just received word from the minister for foreign affairs stating that the reported assassination of the United States vice-consul at Beirut is entirely false, and adding that security in the Beirut district is perfect.

Mr. Leishman is without further advices from the consul at Beirut and is unable to account for such conflicting statements. He will report further as soon as he can obtain necessary information.)

Mr. Loomis to Mr. Leishman.

[Telegram.—Paraphrase.]

DEPARTMENT OF STATE,
Washington, August 28, 1903.

(Mr. Loomis states that the United States European Squadron has been ordered to Beirut.)

Mr. Leishman to Mr. Hay.

[Telegram.—Paraphrase.]

LEGATION OF THE UNITED STATES,
Constantinople, August 28, 1903.

(Mr. Leishman reports that Vice-Consul Magelssen was not shot; that the affair was only an attempted assassination; that the consul's telegram reporting the matter was in error, caused by the use of the wrong code; that the consul has just sent the following telegram:

"Vice-consul not assassinated; shot at, ball passing close. Governor called last evening offering profuse regrets. Due to your action governor will now act; earnestly endeavor to find and punish would-be assassin. Several consulates have reported to their Governments unsafe condition of city at present moment. Outrage involving consular officer may bring reform.")

Mr. Leishman to Mr. Hay.

[Telegram.—Paraphrase.]

LEGATION OF THE UNITED STATES,
Constantinople, August 30, 1903.

(Mr. Leishman reports that the governor at Beirut and the Turkish Government continue to treat the attempted assassination of the United States vice-consul lightly, but that news of the coming of the United States squadron will probably move them to action.)

Mr. Leishman to Mr. Hay.

[Telegram.—Paraphrase.]

LEGATION OF THE UNITED STATES,
Constantinople, August 31, 1903.

(Mr. Leishman reports that he has just received the following telegram from Admiral Cotton, dated Geneva, August 30:

"*Brooklyn* and *San Francisco* sail to-day Beirut. Expect arrive there Friday. *Machias* from Port Said yesterday."

Mr. Leishman inquires if the Department wishes him to communicate the above information officially to the Sublime Porte.)

Mr. Hay to Mr. Leishman.

[Telegram.—Paraphrase.]

DEPARTMENT OF STATE,
Washington, September 1, 1903.

(Mr. Hay states that the United States war ships started for Beirut upon the receipt of news of the assassination of the United States vice-consul, and can not now be stopped; that they will be at Beirut the

last of the present week. He asks if Mr. Leishman can not have all pending questions settled before their arrival, and states that he has urged this on the Turkish minister in Washington.

Should the indicated arrangement be made, the war ships will make a brief visit and depart whenever Mr. Leishman says they are no longer needed.)

Mr. Leishman to Mr. Hay.

[Telegram.—Paraphrase.]

LEGATION OF THE UNITED STATES,
Constantinople, September 4, 1903.

(Mr. Leishman reports that he is satisfied that some of the pending questions between the Governments of the United States and Turkey are receiving active consideration at the palace; that the Sublime Porte is adopting the usual tactics and appears to treat the expected arrival of the United States fleet as a friendly visit, and will no doubt attempt to show the Admiral the same attentions that would ordinarily be extended on a complimentary visit.

Mr. Leishman advises patience for the time, awaiting overtures from the other side.

Mr. Leishman is of the opinion that a stay of the United States fleet in Turkish waters of reasonable length may have the effect of settling many if not all of the long-standing questions.)

Mr. Leishman to Mr. Hay.

No. 548.]

LEGATION OF THE UNITED STATES,
Constantinople, September 4, 1903.

SIR: I beg to inclose herewith copy of report made to the consulate-general by the consul at Beirut in reference to the attempted assassination of Mr. Magelssen.

Up to the present time the real culprit has not been arrested, and the farcical arrest of suspects has only been done by the governor with a view of supporting the theory which he advanced, that the shooting was merely the innocent celebration act on the part of some drunken wedding guests.

While nothing in the nature of a revolt or insurrection exists in the Beirut district, there is no doubt about the general condition of the city being bad and the police surveillance very lax. Murders, assaults, and robberies are practically a nightly occurrence, and for a long time past it has not been considered safe to walk about at night.

The governor bears a bad reputation, and several efforts have been made during the past year to have him removed, but without success, as he is capable although unscrupulous, and has influential friends at the Palace who have so far been able to prevent the demand of several of the ambassadors from being favorably acted upon.

I have, etc.,

JOHN G. A. LEISHMAN.

[Inclosure 1.]

Mr. Ravndal, consul at Beirut, to Mr. Smith-Lyte, acting consul-general at Constantinople.

CONSULATE OF THE UNITED STATES,
Beirut, August 28, 1903.

SIR: I have the honor to report that Vice-Consul Magelssen last Sunday evening was attacked by an unknown person standing under a street gas light near the consulate, who fired at the carriage in which Mr. Magelssen was riding, at such close range that it seemed to Mr. Magelssen as if the whole carriage were ablaze. Nobody was injured, however. Frightened, the horses dashed forward, and before they could be controlled and the carriage stopped the assailant had disappeared. Mr. Magelssen reported the incident at once to the nearest police station, and the next day a complaint was filed with the local authorities.

I beg to inclose copy of the vali's reply, also copy of our reply thereto.

Our telegram (in cipher) to the legation read as follows:

"Our vice-consul in carriage shot at Sunday evening near consulate by unseen person, obviously in earnest. Reply of governor unsatisfactory. No regrets offered. Situation in city very bad. Murder and robbery common thing. Governor seems indifferent."

Yesterday at 5 p. m. the following cipher reply was received from his excellency the minister:

"Your telegram reporting the assassination of Vice-Consul Magelssen Sunday night only this day received. Insist in the most vigorous manner upon the governor taking proper measures to arrest murderer and wire me full details. In meantime accept no apology that will commit our Government in any way.

"LEISHMAN."

Another telegram was received at 1 a. m. to-day, reading as follows:

"The imperial minister for foreign affairs states most emphatically that the reported assassination of American vice-consul at Beirut entirely false and that the security of the district is perfect. Telegraph me immediately. Explain the exact situation.

"LEISHMAN."

At 5 a. m. we received the following cipher telegram from the legation:

"Accept no excuse or apology from local authority, as the assassination of a consular agent is too serious a matter to be settled otherwise than through the legation. I have made proper representation to the Porte, but in order to act intelligently it is necessary that I be fully informed in regard to the matter. Telegraph all details in your possession.

"LEISHMAN."

I was not in the office when the first telegram above referred to arrived, being with my family at Alieh, a Lebanon mountain village, one and one-half hours distant. Mr. Magelssen telegraphed me to come down if possible that night. The telegram reached me at 8.30 p. m. In the meantime the vali's representative (the political director of the vilayet) had appeared in my tent to offer regrets, etc., and I was thus detained until late. Before 6 a. m. the following morning I was on my way to Beirut, and by 9 I was able to send off my reply (in cipher) to the minister's telegrams as follows:

"Vice-consul not shot, but shot at. Evident attempt on his life; bullet missed; close call. Governor last evening offered profuse regrets, due to your action. Governor will now act earnestly and endeavor to find and punish would-be murderer. Several consulates have reported to their Governments unsafe condition of city. Present outrage may bring reform.

"RAVNDAL."

At 4.30 p. m. to-day I received from the legation the following message:

"I sent you urgent telegram about 11 o'clock Thursday morning and two others later in the day. It is now 9 o'clock, Friday morning, and I am without any reply. Wire me the exact hour you received these messages, so that I can take necessary steps to correct the trouble.

"LEISHMAN."

To which I replied as follows:

"Your three telegrams concerning attempt on Magelssen's life were received here at 5 p. m. yesterday, at 1 a. m. and at 5 a. m. to-day, respectively. Our reply, marked urgent, was sent at 9 this morning.

"RAVNDAL."

In my five and one-half years' experience in Beirut, though there have been times when murders and robberies and the like seemed to be the order of the day, the city never before approached the present standard, because foreigners are now affected as well as natives. My Italian colleague the other night was robbed in his own bedroom. No foreigners have been murdered so far this season, but an unusual number of murders have recently occurred among the natives. Beirut is unsafe, and the local government, being implicated with law breakers (smugglers, brigands, etc.), as most people believe, Moslems as well as Christians being compelled to obtain money somehow to satisfy demands from above, is powerless to correct abuses, if not indifferent. If I am correctly informed the German, Austrian, Italian, and British consuls-general here, and most likely other consuls, have reported on these conditions to their embassies very recently. The attack on Mr. Magelssen has stirred the city from center to circumference. It is considered more or less as the climax.

Last year as Mr. Magelssen returned from his lunch to the office, between two cactus hedges behind the consulate, he was set upon by two natives, who evidently thought they could hold him up. Instead of submitting to this kind of treatment, Mr. Magelssen hit one of the aggressors in the eye and kicked the other one. We complained to the vilayet and a dozen natives, more or less, were arrested. It is said that one of them was imprisoned, perhaps wrongfully, for the assault and that he was only recently released. Some people think that he was the assailant of last Sunday evening. I improved the opportunity last year and got a police station established near our consulate.

We, however, do not know where to put the blame except on the local government, which is so utterly lax as to allow almost any miscreant to pose as the cock of the walk.

To-morrow the political director of the vilayet is expected here at our office to look for evidence. He told me last night, after presenting the vali's regrets, that they had heard from the grand vizier, and that although there was a misunderstanding regarding the attack on Mr. Magelssen they were prepared to go to the bottom of things. They were bound to be on friendly terms with the American consulate, etc. The minister's intervention has had a wholesome effect, which is recognized by people generally in Beirut to-day. I do not expect any results from the investigation as far as the Magelssen case is concerned, but I believe the general effect of the minister's vigorous action will prove most gratifying. It may not result in the vali's recall, which is earnestly desired by a large majority of the people of Beirut, but it will probably at least frighten him into a policy of cautious circumspection.

Incidentally the political director of the vilayet practically admitted by inference that the arrest of a miserable poor Christian boy of 15, who never owned a pistol in his life, as the one who fired on Mr. Magelssen's carriage was purely perfunctory.

I am, etc.,

G. BIE RAVNDAL,
United States Consul.

[Subinclosure 1.—Translation.]

Vali of the Beirut Vilayet to United States consulate.

HIGHLY HONORED AND ESTEEMED SIR: We received your note of August 24, 1903, and upon referring the case to the police department, we received a reply to the effect that while a certain Wadia, son of Youseph, was coming back from a wedding in an intoxicated condition he shot a firearm into the air without any premeditated intention. At any rate the said Wadia has been arrested, and he will be most severely punished (chastised).

We seize, etc.,

RASHID,
Vali of the Beirut Vilayet.

[Subinclosure 2.]

Mr. Magelssen to the Governor-General.

CONSULATE OF THE UNITED STATES,
Beirut, Syria, August 26, 1903.

EXCELLENCY: In reply to your letter of the 11th August, I beg to state that the report submitted to your excellency by the police department appears to me to be

farcical. As the revolver was discharged directly against my carriage and within very close range, the boy, Wadia, son of Youseph, can not be the guilty party. Such a bold and unusually daring attempt as was made on my life Sunday evening could only be planned and carried into effect by a desperate character.

The reply received was most unsatisfactory and the incident has been reported to our honorable legation at Constantinople.

I seize, etc.,

WILLIAM C. MAGELSSSEN,
United States Vice and Deputy Consul.

Mr. Leishman to Mr. Hay.

No. 551.]

LEGATION OF THE UNITED STATES,
Constantinople, September 5, 1903.

SIR: I beg to inclose herewith copy of notes exchanged between the Sublime Porte and the legation in reference to the attempted assassination of Mr. Magelssen and the general insecurity of Beirut.

As previously advised, upon receipt of telegram reporting the attack upon Mr. Magelssen, which led me to believe that he had been killed, I immediately went to the Porte and showed the minister for foreign affairs the telegram from Consul Ravndal and demanded that an immediate investigation be made and proper explanation given, which resulted in receipt of telegram a few hours later denying murderous attack on vice-consul and insecurity of the city.

* * * * *

The Porte has abandoned the fairy story advanced at the time that the shooting was done by a party of wedding guests returning from a feast, who had no felonious intention. This was simply an absurd theory advanced by the governor to justify his indifference and inactivity.

Since the attempted assassination of Mr. Magelssen the house of the Italian consul has been broken into and robbed and the consul himself is reported to have providentially escaped an assault.

Will keep you fully advised by cable of any new developments.

I have, etc.,

JOHN G. A. LEISHMAN.

[Inclosure 1.]

Mr. Leishman to Tewfik Pasha.

LEGATION OF THE UNITED STATES,
Constantinople, August 28, 1903.

YOUR EXCELLENCY: I beg to acknowledge receipt of the telegram which your excellency forwarded to me last evening in response to the personal representation which I had the honor to make to your excellency yesterday in reference to the murderous attack made upon the American vice-consul at Beirut, the message reading as follows: "Beirut. The death of the American vice-consul entirely false. Safety of the city of Beirut perfect."

It is true that the vice-consul was not injured, but the ball passed very close to his head and it was no fault of the would-be assassin that the vice-consul was not killed.

Our consul reports that since my visit to the Sublime Porte the governor of Beirut has changed his careless and indifferent attitude and has since expressed regrets and caused an effort to be made to arrest the would-be assassin, but the consul repeats his former assertion that the security of the city is far from perfect and has been for some time past.

I can not refrain from expressing my surprise at the light manner in which this as well as other demands of the American Government is treated, and I must insist upon the most energetic measures being taken to arrest and punish the would-be assassin and that proper steps be taken to guarantee the life and property of American citizens.

With the assurance of my high consideration, etc.,

JOHN G. A. LEISHMAN.

[Inclosure 2.—Translation.]

Tewfik Pasha to Mr. Leishman.

MINISTRY FOR FOREIGN AFFAIRS, *August 31, 1903.*

MR. MINISTER: I have received the note that your excellency was good enough to address me the 28th instant concerning the aggression of which the United States vice-consul at Beirut was the victim.

As I have had the honor of informing you, no attempt has been made upon this agent, and order as well as tranquillity are perfect at Beirut. The latest information furnished the Sublime Porte by the governor-general of this province explains the fact which caused the above-mentioned agent to suppose that his life had been attempted.

Some people were coming back during the night from a wedding, when one of them, according to the custom of the country, fired a shot into the air. The vice-consul, who was passing by at that moment, thought that the shot was directed against him.

It is this very simple fact which has caused such a regrettable misunderstanding.

The imperial authorities have nevertheless arrested and kept for trial the above-mentioned people.

I feel confident, Mr. Minister, that you will, after having been made aware of the above facts, acknowledge that the matter in question should not be considered as an assault on the above-mentioned agent, and send off to Washington the necessary telegrams to reestablish things under their proper color.

I am, etc.,

TEWFIK.

[Inclosure 3.]

Mr. Leishman to Tewfik Pasha.

LEGATION OF THE UNITED STATES,
Constantinople, September 2, 1903.

YOUR EXCELLENCY: I have received the note which your excellency had the kindness to address to me under date of August 31, in which it is stated that no attempt has been made upon the life of the American vice-consul at Beirut and that the security of Beirut is perfect.

This statement is in direct contradiction to the reports made by our consul, who repeats his statements that the shot was directed point-blank at our vice-consul by a man who was standing on the sidewalk as the carriage in which he was seated was passing. The horses becoming frightened at the explosion, bolted, preventing the vice-consul from jumping from the carriage to grapple his assailant, and the would-be murderer consequently escaped.

The consul also repeats his statement in regard to the general insecurity of the city, which he maintains is supported by the other consuls, and upon inquiry among my colleagues I find this to be the case.

Under the circumstances I must again ask your excellency to cause additional orders to be issued directing that prompt and energetic steps be taken to arrest the would-be murderer and also that proper measures be taken to more fully protect the lives and property of American citizens.

I take, etc.,

JOHN G. A. LEISHMAN.

Mr. Leishman to Mr. Hay.

[Telegram.—Paraphrase.]

LEGATION OF THE UNITED STATES,
Constantinople, September 8, 1903.

(Mr. Leishman reports the receipt, on September 8, of the following telegram from the United States consul at Beirut:

Riot yesterday. Seven Christians and 4 natives killed; several wounded. Two Christian houses pillaged by soldiery. Panic general. Consulate occupied by officer and signal men from admiral's ship. Ready to land 500 marines. Investigation of conditions at Beirut made by flag lieutenant, our vice-consul, and other consular officers.

Mr. Leishman states that the consul fails to report the cause of the trouble; that the Sublime Porte claims the city is quiet again, and that the number of troops stationed at Beirut is sufficiently large to guarantee security.)

Mr. Leishman to Mr. Hay.

[Telegram.—Paraphrase.]

LEGATION OF THE UNITED STATES,
Constantinople, September 8, 1903.

(Mr. Leishman transmits the following report from the consul at Beirut:

Situation continues grave. Disturbances largely due to acute dissatisfaction with weak and corrupt administration, and a number of consuls have telegraphed their embassies urging that the present governor be removed.

Mr. Leishman adds that the action of the admiral in command of the United States fleet in agreeing to comply with the request of the consular body to land marines in case of need has been very favorably commented on.)

Mr. Hay to Mr. Leishman.

[Telegram.—Paraphrase.]

DEPARTMENT OF STATE,
Washington, September 8, 1903.

(Referring to Mr. Leishman's recent telegrams, Mr. Hay states that the disquieting situation at Beirut shows the inefficiency of the present authorities to preserve order and insure safety, and instructs Mr. Leishman to act in harmony with the Italian ambassador, urging change of governor at Beirut, supporting the demand by whatever considerations affect American citizens and interests.

Mr. Hay requests Mr. Leishman's views as to how long the United States war ships now in Turkish waters should remain.)

Mr. Leishman to Mr. Hay.

No. 554.]

LEGATION OF THE UNITED STATES,
Constantinople, September 8, 1903.

SIR: The advices sent you by cable will have given a fair idea of the condition of affairs at Beirut.

* * * * *

The general conditions prevailing in Beirut are favorable to troubles of this kind, as the Christian population outnumbers the Moslem, and it is highly probable that many of the outrages are committed with the knowledge, if not sanction, of the authorities with a view of cowering the Christian population, which is not any too good, into subjection, and being so close to the Lebanon, where the people are much more free, it is highly probable that the Christian element contributes largely to keeping up the excitement with the hope that Beirut may eventually be included in the Lebanon.

The best of governors would have a difficult task in maintaining peace and quietness, and from all reports the present governor is far from being a model executive officer. For many months past few people have been hardy enough to venture to walk out at night, and recent developments would indicate that it was not even safe to drive. Our people speak very highly of many of the local governors, such as at Harput, Diarbekir, and Damascus, but no one, not even the better class of Turkish officials, has a good word to say about the governor at Beirut, and I am quite certain that the present grand vizier did his best to have him removed some time ago. * * *

Desirous as I am to get matters adjusted in order that the fleet may be sent away, * * * I am waiting patiently from day to day and hour to hour to receive overtures from the Sublime Porte, and under all the circumstances I can see no other policy at present to pursue.

The presence of our ships in the harbor at Beirut is undoubtedly very opportune for both the native Christian and foreign population, and even if they were to leave before the present trouble is settled, France or some other power would send ships. * * *

There is no great change in the general situation except a very noticeable increased feeling of antagonism to foreigners in general.

* * * * *

I have, etc.,

JOHN G. A. LEISHMAN.

Mr. Leishman to Mr. Hay.

[Telegram.—Paraphrase.]

LEGATION OF THE UNITED STATES,
Constantinople, September 9, 1903.

(Mr. Leishman reports that ten days ago he intimated discreetly to the grand vizier the necessity of changing the governor at Beirut, but that he did not feel warranted in making formal demand without Department's approval; that he will now make formal demand in compliance with instructions, and endeavor to have same supported by Italian and other colleagues.

Mr. Leishman thinks that even if the present governor of Beirut is removed and security reestablished, the United States squadron should remain in Turkish waters until the settlement of pending questions.

Mr. Leishman to Mr. Hay.

[Telegram.—Paraphrase.]

LEGATION OF THE UNITED STATES,
Constantinople, September 9, 1903.

(Mr. Leishman reports that he called upon the Turkish minister for foreign affairs on September 9 and made a formal demand that the present governor of Beirut be removed on the ground that it was deemed impossible to secure proper protection for the lives and property of American citizens under his administration. Mr. Leishman is inclined to believe that the demand will receive prompt and favorable consideration.)

Mr. Adee to Mr. Leishman.

[Telegram.—Paraphrase.]

DEPARTMENT OF STATE,
Washington, September 9, 1903.

(Mr. Adee states that the minister of Turkey on September 8 informed the Secretary of State that the Turkish Government considered the presence of the United States squadron in Turkish waters a cause of excitement and asked its withdrawal. Mr. Hay told him we failed to share this view; that the entire consular body regarded it as a protection; that we considered that our representations had not received the friendly attention we had a right to expect, and that compliance with the request for withdrawal, leaving all pending questions unsettled and interests unprotected, would have an unfortunate effect on the relations of the two countries.

Mr. Leishman's report on the situation, and particularly as to the movements of the squadron, will be awaited.)

Mr. Leishman to Mr. Hay.

[Telegram.—Paraphrase.]

LEGATION OF THE UNITED STATES,
Constantinople, September 10, 1903.

(Mr. Leishman reports that the French ambassador has demanded the removal of the governor of Beirut, and that others will no doubt take similar action.)

Mr. Leishman to Mr. Hay.

[Telegram.—Paraphrase.]

LEGATION OF THE UNITED STATES,
Constantinople, September 10, 1903.

(Mr. Leishman states that the firm stand taken by the Department will undoubtedly have good effect. * * * The policy of the

Sublime Porte from the beginning has been to make light of the visit of the United States squadron, and Mr. Leishman is strongly of the opinion that it would be a mistake to permit the squadron to depart before pending questions are settled and the demand for the removal of the governor at Beirut complied with.

Mr. Leishman states that if the Turkish Government finds the presence of the United States fleet objectionable they know an easy way of getting rid of it, and the more objectionable it proves the quicker they are likely to comply with the demands made of them.

* * * * *

Mr. Leishman states that the Sublime Porte has been using every effort to create the impression that the troubles in Beirut are the result of the presence of the squadron instead of being merely the culmination of what has been going on for months.)

Mr. Leishman to Mr. Hay.

[Telegram.—Paraphrase.]

LEGATION OF THE UNITED STATES,
Constantinople, September 10, 1903.

(Mr. Leishman states that Consul Ravndal reports that Beirut is quiet, but that many of the shops are still closed, as the people have not entirely recovered from their fright of last Sunday.)

Mr. Leishman to Mr. Hay.

No. 555.]

LEGATION OF THE UNITED STATES,
Constantinople, September 10, 1903.

SIR: As advised by wire I made the demand yesterday morning that the governor of Beirut be dismissed on the ground that it was deemed impossible to secure proper security for life and property of American citizens under his administration, and this evening the local journals publish articles announcing his dismissal.

The official organ merely announces the fact that Nazim Pasha, governor-general of Damascus, has temporarily taken over the administration at Beirut, but this is no doubt done with a view of preventing their own people as far as possible from learning that the old governor was dismissed through foreign interference.

The article referred to in the local papers can be regarded as semi-official, as everyone here understands that articles referring to Government matters are always inspired, as otherwise no journal would venture to make any observations, as the press censorship is very close and rigid; and, besides, the minister for foreign affairs has confirmed the dismissal.

Nazim Pasha, the new governor, is reputed to be a very capable man, and is the one that our people at Beirut desire, and, in fact, the great majority of the native population as well as the foreign element desire his permanent appointment. From all reports he is an intelligent and well-educated man.

His promises to our consul to institute reforms and reorganize the police force indicate very plainly the necessity of changing the old governor, and I know that he has already reported the bad condition

of the city to headquarters and that the Porte was very much surprised to find that they had been so badly deceived and so badly informed, and I am sure that there is a secret rejoicing at the Porte over the dismissal of one whom everyone now recognizes as a very bad governor.

The President's action in this case will increase American prestige generally and particularly in the Beirut district, where we have a great many citizens and large educational interests, and my colleagues are rejoicing over the dismissal of a man that they have been endeavoring for months to have removed.

I am quietly but firmly pressing the minister for foreign affairs to adjust our school and other matters, and I think he is at last alive to the situation and is doing his best to settle the different questions without further delay.

I have, etc.,

JOHN G. A. LEISHMAN.

Mr. Leishman to Mr. Hay.

[Telegram.—Paraphrase.]

LEGATION OF THE UNITED STATES,
Constantinople, September 11, 1903.

(Mr. Leishman reports that the following proclamation has been published by the local papers:

By command of His Imperial Majesty the Sultan, Reshid Bey, governor-general of Beirut, has been dismissed. Nazim Pasha, governor-general of Damascus, has been appointed acting governor-general of Beirut.

Mr. Leishman states that the consul at Beirut reports that the situation is much better; that the new governor called very shortly after taking charge and stated with much earnestness his desire to arrange the Magelssen case promptly in a manner satisfactory to the American Government, expressing his intention to introduce reforms and promising to reorganize the entire police force. The new governor enjoys the reputation of being very capable, and the people of Beirut appear delighted with his nomination.)

Mr. Leishman to Mr. Hay.

[Telegram.—Paraphrase.]

LEGATION OF THE UNITED STATES,
Constantinople, September 12, 1903.

(Mr. Leishman states that the consul at Beirut reports that confidence is being slowly restored; that he is confidentially informed that the report of the new governor to the Sublime Porte more than confirms the claims made by the consular body of bad and unsafe conditions of the city.

Mr. Leishman has received nothing from the Sublime Porte as yet in regard to pending questions except the usual promises.)

Mr. Leishman to Mr. Hay.

[Telegram.—Paraphrase.]

LEGATION OF THE UNITED STATES,
Constantinople, September 14, 1903.

(Mr. Leishman states that the consul at Beirut reports that, owing to the vigorous action of the new governor-general, confidence is being gradually restored; that the chief of police and also the police officer who made the false report on the attempted assassination have been dismissed.)

Mr. Leishman to Mr. Hay.

[Telegram.—Paraphrase.]

LEGATION OF THE UNITED STATES,
Constantinople, September 18, 1903.

(Mr. Leishman reports that the acting governor of Beirut has not been permanently appointed, and that Haleb Pasha, governor of Broussa, has exchanged places with the dismissed governor of Beirut; that objections were made to Reshid Pasha being reappointed under-secretary of the interior, but no objection will be made to his appointment to Broussa.)

Mr. Adee to Mr. Leishman.

[Telegram.—Paraphrase.]

DEPARTMENT OF STATE,
Washington, September 24, 1903.

(Mr. Adee states that the removal of the governor of Beirut was all the United States Government asked, and commends Mr. Leishman's disinclination to oppose his appointment to Broussa.)

Mr. Leishman to Mr. Hay.

[Telegram.—Paraphrase.]

LEGATION OF THE UNITED STATES,
Constantinople, September 25, 1903.

(Mr. Leishman reports that matters at Beirut remain unsettled; that the consul goes so far as to state that further riots are not unlikely, and Mr. Leishman is half inclined to believe that the Turks are secretly glad to have the United States squadron remain, as it exerts a good moral effect.)

While strictly adhering to the noninterference policy in Turkish internal affairs, which the Department approved, Mr. Leishman has discreetly pointed out the danger of not having a proper governor at Beirut and the bad effect produced by the nomination of the dismissed

governor to another important post, and states that it is quite within the range of probabilities that the objectionable nominations will be withdrawn and the present acting governor at Beirut given a permanent appointment, which would strengthen his hands and largely assist in establishing peace and security.)

Mr. Leishman to Mr. Hay.

No. 611.]

LEGATION OF THE UNITED STATES,
Constantinople, October 21, 1903.

SIR:

* * * * *

Matters at Beirut appear to have assumed a normal condition. The city is quiet and in a much safer condition than it has been for months, and both the admiral and the consul, in reply to my inquiry, have advised that the presence of the squadron is no longer necessary to guarantee the safety of the American interests, so that I will feel at liberty to advise withdrawing the ships as soon as our questions are settled.

Of course, there are many people in Beirut who are not satisfied with the new governor or with the local administration, but this will always be the case as long as the Christians outnumber the Moslems three to one and are inspired by the desire to have Beirut attached to the Lebanon. This underlying source of trouble is apt to cause fresh outbreaks among the native population at any time, and my anxiety to get the ships away as soon as possible is stimulated by the knowledge of this possible complication.

* * * * *

I have, etc.,

JOHN G. A. LEISHMAN.

Mr. Leishman to Mr. Hay.

No. 630.]

LEGATION OF THE UNITED STATES,
Constantinople, November 13, 1903.

SIR: I beg to inclose herewith for your information copies of notes exchanged with the Sublime Porte in reference to the attempted assassination of Mr. Magelssen.

As the notes are self-explanatory, no further comment is necessary.

I have, etc.,

JOHN G. A. LEISHMAN.

[Inclosure 1.—Translation.]

The Sublime'Porte to Mr. Leishman.

Notice.]

SUBLIME PORTE,
MINISTRY FOR FOREIGN AFFAIRS,
October 22, 1903.

The two individuals arrested on the charge of having fired shots while the United States vice-consul at Beirut was passing have been the recipients on this charge of an "ordonnance de non lieu" of the examining magistrate, this deed not having been proved; but they have been condemned by the tribunal to a term of imprisonment, to a fine, and to the costs for having broken the police regulations during a wedding.

[Inclosure 2.]

Mr. Leishman to the Sublime Porte.

Notice.]

LEGATION OF THE UNITED STATES,
Constantinople, October 23, 1903.

In reply to the notice of the Imperial department for foreign affairs dated October 22, 1903, and informing this legation that the two individuals arrested on the charge of having shot at the United States vice-consul at Beirut have received from the inquiring magistrate an "ordonnance de non lieu," because the fact of their having shot at the vice-consul was not proved. The United States legation, supposing that said magistrate acted in a proper and upright manner, has the honor to take note of the sentence of the magistrate, and arrives at the conclusion that the real culprit or culprits were not arrested, and therefore has the honor to repeat its demand that the local authorities be instructed at once to use all means at their disposal to find the real culprit or culprits and punish them in conformity with law and justice.

[Inclosure 3.—Translation.]

The Sublime Porte to Mr. Leishman.

Notice.]

SUBLIME PORTE, MINISTRY OF FOREIGN AFFAIRS,
November 12, 1903.

The ministry for foreign affairs has received the notice of the United States legation dated the 23d of October, concerning the shots fired while the United States vice-consul was passing through one of the streets of Beirut.

In answering, the Imperial ministry feels itself obliged to point out that the information contained in its notice of October 22 had been supplied by the Imperial authorities of Beirut from the judicial investigation carried out in conformity with the prescriptions of law. It goes without saying, nevertheless, that if a fresh investigation should establish the fact that there existed some culprits, these will be punished with all the rigors of the law.

Whatever may be the case, the Sublime Porte wishes to express to the United States legation its lively regrets for the incident in question which has given rise to such contradictory interpretations.

[Inclosure 4.]

*Mr. Leishman to the Sublime Porte.*LEGATION OF THE UNITED STATES,
Constantinople, November 13, 1903.

YOUR EXCELLENCY: I hasten to return the notice which the Sublime Porte addressed to the legation late last evening in reference to the attempt made against the life of the American vice-consul at Beirut.

This notice must have been forwarded in error as the circumstances demand a different reply, both in form and contents.

I take this occasion, etc.,

JOHN G. A. LEISHMAN.

Mr. Leishman to Mr. Hay.

[Telegram.—Paraphrase.]

LEGATION OF THE UNITED STATES,
Constantinople, November 15, 1903.

(Mr. Leishman reports that he has returned a note from the Sublime Porte, relative to the Beirut trouble, which was most unsatisfactory in character, and has filed protest against the manner in which his complaints in reference to these troubles have been treated, including the promoting of the governor, dismissed on account of the action of the

United States Government, besides complimenting and rewarding him instead of condemning, as the following telegram sent at the time to the governor from the Palace will indicate:

“Your excellency’s fidelity being well established in the eyes of His Most Sacred Majesty the Caliph, you should not allow yourself to be in the least affected by the fact of your dismissal. It is His Majesty’s Imperial will that you should return at once to Constantinople in order to be the recipient of the royal favors.”)

Mr. Leishman to Mr. Hay.

No. 641.]

LEGATION OF THE UNITED STATES,
Constantinople, November 15, 1903.

SIR: I beg to inclose copy of a note addressed to the Sublime Porte in reference to the Beirut matters.

This note, although dated November 2, was practically only delivered last night, as I had agreed to withdraw it in case all our matters were satisfactorily adjusted and proper apologies made in the Beirut affair, the minister for foreign affairs having begged me to hold off from day to day, hoping to be able to induce the Sultan to issue the necessary imperial irade.

This he has failed to do, and from the best information obtainable is not likely to succeed even if further delay were granted, and consequently I was forced to the conclusion that the time had come for more forcible action.

* * * * *

I have, etc.,

JOHN G. A. LEISHMAN.

[Inclosure.]

Mr. Leishman to the Sublime Porte.

LEGATION OF THE UNITED STATES,
Constantinople, November 2, 1903.

YOUR EXCELLENCY: I can not refrain from expressing my surprise at the continued light and trifling manner in which the murderous attack upon the American vice-consul at Beirut is being treated, as evidenced in a recent communication of the governor at Beirut to the American consul at that point.

I have formally to complain that, although the attempted assassination occurred over two months ago, the would-be murderer or murderers have not yet been arrested, nor are they likely to be, as long as the local authorities continue to pursue the unfounded theories advanced by the former governor, that the shooting was done by a party of wedding guests, who were merely firing their guns in the air in sportive way without any evil intention.

A similar complaint must also be lodged against the reports that have been so actively circulated by the local officials, denying the fact of the insecurity and misgovernment of the city under the old régime.

The Government of the United States can not afford to allow these statements to go unchallenged, and is quite prepared to defend its claim that the attack upon Mr. Magelssen was clearly a deliberate attempt at murder, and that the condition of the city of Beirut for many months was in a state of insecurity and the local administration both inefficient and bad, and that, despite the denials, this fact was well known, and that numerous complaints of the bad and insecure condition had been filed by the other consuls and also transmitted to the Sublime Porte through the several embassies.

The mere fact of Rechid Bey having been recalled can not be looked upon for a moment as proper redress, for it can only be considered as nominal in view of the fact that instead of being dismissed he was actually promoted to a larger and more important vilayet, besides being complimented for his previous services.

Such action can only be regarded as discourteous treatment to my Government, and I am satisfied that when the real facts are submitted to His Imperial Majesty the slight will be immediately remedied by the prompt and permanent dismissal of Rechid Bey, whose maladministration of Beirut reduced the city to such a deplorable and insecure condition that the United States Government, in order to secure proper protection for the lives and property of American citizens, was forced to demand the dismissal and punishment of the man who was primarily responsible for such conditions.

I therefore beg your excellency to bring the above facts to the attention of His Imperial Majesty the Sultan, in which case I assume confidently that the just demands of the United States Government will be fully satisfied.

I take, etc.,

JOHN G. A. LEISHMAN.

Mr. Leishman to Mr. Hay.

No. 642.]

LEGATION OF THE UNITED STATES,
Constantinople, November 28, 1903.

SIR: I beg to inclose herewith, for your information, correspondence with the Sublime Porte showing the position which the Ottoman Government continues to assume in reference to the Beirut troubles.

* * * * *

I have, etc.,

JOHN G. A. LEISHMAN.

[Inclosure 1.—Translation.]

The Sublime Porte to Mr. Leishman.

SUBLIME PORTE, MINISTRY FOR FOREIGN AFFAIRS,
November 21, 1903.

MR. ENVOY: I have had the honor of receiving the note which your excellency was good enough to address to me the 2d instant, concerning the assault of which the United States vice-consul at Beirut thinks himself to have been the object.

Permit me, Mr. Envoy, to call your attention once more, being confident in your just and enlightened judgment, that the vice-consul can only have been under the impression of an illusion.

Indeed, from none of the investigations, carried out at Beirut with the most minute attention, has it appeared that this officer has been the object of the least assault.

Common sense, moreover, refuses to admit of such an assault. All that the imperial authorities have been able to do in this affair is, as you know, to inflict a punishment on those who had given vent to noisy manifestations during a wedding while the vice-consul was passing.

However, if this officer can produce the slightest proof that he was, in point of fact, the victim of an attempted assault, or furnish some clues, the local authorities, your excellency can be absolutely certain, will hasten to strain every effort for the detection and arrest of the single or several guilty, and for their exemplary punishment.

As to the ex-*vali* of Beirut, Rechid Bey, if the Imperial Government felt it needful to cause his being replaced, owing to circumstances, it does not follow that his recall implied his being removed from all service.

The Imperial Government could not abandon its faculty of employing this functionary somewhere else; and to wish to alienate this right is to infringe upon a principle that the United States Government is always and everywhere the first to wish to protect.

Please accept, etc.,

TEWFIK.

[Inclosure 2.]

*Mr. Leishman to the Sublime Porte.*LEGATION OF THE UNITED STATES,
Constantinople, November 23, 1903.

YOUR EXCELLENCY: I have the honor to acknowledge receipt of the note which your excellency addressed to me under date of the 21st instant, relative to the attack made upon the life of the American vice-consul at Beirut.

Your excellency will pardon me for expressing my great surprise at the character and tone of said note, which certainly could not be considered as a proper or satisfactory reply to the note which I had the honor to address to your excellency under date of November 2.

To term the fact of an attempt on the life of our vice-consul as an "illusionary impression" appears, to say the least, discourteous, and certainly nothing short of the most positive and indisputable facts proving the contrary would offer sufficient apology for disputing the truthfulness and correctness of the statements contained in the official reports of the American consul and of the admiral in command of the American squadron at Beirut, both made after a thorough and separate investigation, proving beyond doubt that on the night of the 23d of August, 1903, an attempt was made upon the life of the American vice-consul by an unknown person, while the said vice-consul was driving within a short distance of the consulate, also proving the general state of insecurity resulting from the misgovernment of Beirut under the last régime.

These points form the basis of the legation's complaint in reference to the troubles at Beirut—the question of the promotion of the former governor-general being merely incidental, and arising no doubt from the lack of proper understanding of the facts; and I am satisfied that the whole matter will be promptly corrected when brought to the attention of His Imperial Majesty.

Consequently, while protesting against the insinuations contained in your excellency's note, I must renew the demands contained in my note of November 2, and insist upon the entire matter being at once submitted to His Imperial Majesty the Sultan.

I take this occasion, etc.,

JOHN G. A. LEISHMAN.

VENEZUELA.

DIFFICULTY WITH VARIOUS POWERS GROWING OUT OF NON-PAYMENT OF CLAIMS OF THEIR NATIONALS AGAINST THE GOVERNMENT OF VENEZUELA.^a

Mr. Hill to Mr. Bowen.

[Telegram.—Paraphrase.]

DEPARTMENT OF STATE,
Washington, November 29, 1902.

(Mr. Hill instructs Mr. Bowen, in the event of possible withdrawal of British legation, but not until after being requested by the British minister, to ask the Venezuelan Government to acquiesce in Mr. Bowen's taking temporary charge of British interests and exercising the good offices usual in such cases.)

Mr. Hill to Mr. Bowen.

[Telegram.—Paraphrase.]

DEPARTMENT OF STATE,
Washington, December 1, 1902.

(Mr. Hill instructs Mr. Bowen, in case of diplomatic rupture between Germany and Venezuela, to exercise the same good offices for Germany as for Great Britain, with the consent of the Venezuelan Government.)

Mr. Bowen to Mr. Hay.

[Telegram.—Paraphrase.]

LEGATION OF THE UNITED STATES,
Caracas, December 2, 1902.

(Mr. Bowen states that it seems to him the questions at issue can be satisfactorily settled diplomatically by Germany and by arbitration by Great Britain without rupture of relations.)

Mr. Bowen requests permission to use his good offices in an endeavor to prevent rupture of relations.)

^a For other correspondence on this subject see under Germany, page 417, Great Britain, page 452, and Italy, page 601.

Mr. Bowen to Mr. Hay.

[Telegram.—Paraphrase.]

LEGATION OF THE UNITED STATES,
Caracas, December 8, 1902.

(Mr. Bowen reports that the President of Venezuela has published a letter in the newspapers stating that foreign creditors must await the reestablishment of peace, when all promises will be fulfilled; and adding that, in the meanwhile, he will not try to placate with phrases; nor will he accept humiliation.)

Mr. Bowen to Mr. Hay.

[Telegram.—Paraphrase.]

LEGATION OF THE UNITED STATES,
Caracas, December 8, 1902.

(Mr. Bowen reports that the British minister has requested him to take charge of British interests, and the German minister has requested him to take charge of German interests; and that both ministers have just left Caracas.

Mr. Bowen has sent a note to the Venezuelan Government asking for permission to comply with the above requests.)

Mr. Bowen to Mr. Hay.

[Telegram.—Paraphrase.]

LEGATION OF THE UNITED STATES,
Caracas, December 9, 1902.

(Mr. Bowen reports that he received news at 7 o'clock of the evening of December 9 that all British and Germans in Caracas were being arrested; that he drove at once to the police station, where he found many Germans; that the chief of police, upon being requested to release them, referred Mr. Bowen to the governor, who in turn referred him to President Castro.

Mr. Bowen told President Castro that he must be authorized at once to represent British and German interests or he could not answer for the consequences of a refusal of his demand. The President consented and granted Mr. Bowen's request.

Mr. Bowen then obtained the release, as a personal favor from the President, of two German subjects, and told the President he ought to release all the Germans and British. The President was not willing to comply with the suggestion, and Mr. Bowen told him that he would bring the matter up to-morrow.

Mr. Bowen states that the excitement in the streets of Caracas is very great, and that all British subjects are in hiding.)

Mr. Bowen to Mr. Hay.

[Telegram.—Paraphrase.]

LEGATION OF THE UNITED STATES,
Caracas, December 9, 1902.

(Mr. Bowen reports his impression that the British and German ministers expect him to deliver to them on board their war ships the answers to their notes to the Venezuelan Government, and states that in the absence of instructions to do so or to cable or write directly to Berlin or London he will cable and write to the Department of State only.)

Mr. Bowen thinks the Venezuelan Government will address notes to him. If the notes are addressed to the British and German ministers he will deliver them.)

Mr. Bowen to Mr. Hay.

[Telegram.—Paraphrase.]

LEGATION OF THE UNITED STATES,
Caracas, December 9, 1902.

(Mr. Bowen reports that he has received a note from the Venezuelan Government stating that it believes its differences with Great Britain and Germany can be settled by arbitration and asking Mr. Bowen to be arbitrator representing Venezuela. Mr. Bowen requests an immediate reply.)

Combined British and German fleets captured to-day all Venezuelan war vessels in the harbor of La Guaira and probably in other ports.)

Mr. Bowen to Mr. Hay.

[Telegram.—Paraphrase.]

LEGATION OF THE UNITED STATES,
Caracas, December 10, 1902.

(Mr. Bowen reports that he has had an interview with President Castro and secured the release of the consul-general of Germany, the chancellor of the German legation, and several aged Germans. He also requested the release of all the other prisoners, to which request President Castro promised a reply within twenty-four hours.)

Two hundred and fifty sailors landed at La Guaira, rescued some British subjects, and took them aboard British war vessel.

The British residents of Caracas are Mr. Bowen's guests at the legation.)

Mr. Bowen to Mr. Hay.

[Telegram.—Paraphrase.]

LEGATION OF THE UNITED STATES,
Caracas, December 10, 1902.

(Mr. Bowen reports that the German legation was attacked by a mob on the night of December 9. Mr. Bowen went at once to the governor

and obtained police protection for German and British legations, and a promise that no further attacks would be made by mobs.

Mr. Bowen visited the police station and talked with the prisoners, who number 54—44 Germans and 10 British—some of whom were so poor Mr. Bowen relieved their needs. Four are ill, and Mr. Bowen expects to secure their immediate liberation.

Mr. Bowen understands that all British and Germans in Venezuela have been arrested, and states that he will see President Castro and urge him to release them all at once.)

Mr. Bowen to Mr. Hay.

[Telegram.—Paraphrase.]

LEGATION OF THE UNITED STATES,
Caracas, December 10, 1902.

(Mr. Bowen reports that he has been informed by President Castro that all Germans and British who were arrested have been released.)

Mr. Hay to Mr. Bowen.

[Telegram.—Paraphrase.]

DEPARTMENT OF STATE,
Washington, December 10, 1902.

(Mr. Hay states that communications addressed to the British and German representatives should be forwarded to them by Mr. Bowen through the United States consul at La Guaira; that communications addressed directly to Mr. Bowen should be cabled in substance to the Department of State, but that Mr. Bowen may inform the British and German ministers of their purport.)

Mr. Hay to Mr. Bowen.

[Telegram.—Paraphrase.]

DEPARTMENT OF STATE,
Washington, December 10, 1902.

(Mr. Hay states that if Venezuela proposes arbitration and Great Britain and Germany acquiesce, Mr. Bowen may act as an arbitrator on the part of Venezuela.)

Mr. Bowen to Mr. Hay.

[Telegram.—Paraphrase.]

LEGATION OF THE UNITED STATES,
Caracas, December 11, 1902.

(Mr. Bowen reports that he has received the following note from the Venezuelan minister for foreign affairs:

The Venezuelan Government requests you, as the temporary representative of British and German interests, to propose to Great Britain and Germany that the

present difficulty that has arisen respecting the manner of settling the claims which have been presented for alleged damages and injuries to British and German subjects during the civil war be submitted to arbitration.

Mr. Bowen requests to be advised whether Mr. Hay will forward the above to the Governments at interest, and will advise him promptly when their replies are received.)

Mr. Hay to Mr. Bowen.

[Telegram.—Paraphrase.]

DEPARTMENT OF STATE,
Washington, December 11, 1902.

(Mr. Hay states that the President approves Mr. Bowen's energetic and judicious proceeding in protecting British and German subjects.)

Mr. Bowen to Mr. Hay.

[Telegram.—Paraphrase.]

LEGATION OF THE UNITED STATES,
Caracas, December 12, 1902.

(Mr. Bowen states that the President's approval of his course at Caracas up to the present time will serve as a caution to him not to be injudicious nor to relax his efforts to duly support the interests confided to his care.)

Mr. Bowen to Mr. Hay.

[Telegram.—Paraphrase.]

LEGATION OF THE UNITED STATES,
Caracas, December 12, 1902.

(Mr. Bowen reports that the British and Germans at Caracas are very nervous; that he has obtained the keys of the British legation and put it under the care of the secretary of the legation of the United States; that in case of trouble British residents will go to the British legation and the Germans will all go to the United States legation; that the German legation is occupied by the wife of the German chargé d'affaires, who is ill.

Mr. Bowen has asked the commander of the *Marietta* to send an officer to assist him in his work, and has suggested that the *Marietta* take on board British and Germans who wish to leave Venezuela.)

Mr. Hay to Mr. Bowen.

[Telegram.—Paraphrase.]

DEPARTMENT OF STATE,
Washington, December 12, 1902.

(Mr. Hay states that he has telegraphed without comment to London and Berlin the Venezuelan proposal to arbitrate the manner of settling civil war indemnity claims.)

Mr. Bowen to Mr. Hay.

No. 137.]

LEGATION OF THE UNITED STATES,
Caracas, December 13, 1902.

SIR: I have the honor to inclose herewith copies of the letters that have passed between the Venezuelan Government and me in regard to my serving as arbitrator for Venezuela.

I am, etc.,

HERBERT W. BOWEN.

[Inclosure 1.—Translation.]

Mr. Baralt to Mr. Bowen.

MINISTRY OF FOREIGN AFFAIRS,
UNITED STATES OF VENEZUELA,
Caracas, December 9, 1902.

MR. MINISTER: The chief of the Government knows that your excellency is acquainted with the latest phase of the difficulty between Venezuela and Germany and Great Britain in regard to the settlement of claims for alleged damages to the subjects of the two latter nations during the civil war. The above-mentioned difficulty, in the opinion of the Venezuelan Government, has no valid foundation, as the precedents on which the Government bases its opinion arise from pure doctrines of law as well as from practical doctrines of indisputable validity. But as it has not been possible to convince the other parties of the justice of Venezuela's attitude, and as the Government desires to avoid, without impairing its decorum or its legal faculties, any conflict with nations it considers as friends and to which it is bound by the ties of civilization, it has deemed it proper to resort to the medium of arbitration, a medium resorted to by modern nations and approved of by the constitution of the Republic. Consequently the chief of the Government, aware of your excellency's personal character and high order of intelligence, has instructed me to request your excellency to serve as arbitrator for the Republic in this question. Your excellency's consent, which I venture to hope will be given as soon as possible, will determine the nature of the proposals which the Government intends to make to the above-mentioned nations.

Accept, etc.,

R. LOPEZ BARALT.

[Inclosure 2.]

Mr. Bowen to Doctor Baralt.

LEGATION OF THE UNITED STATES,
Caracas, December 11, 1902.

MR. MINISTER: In answer to your very courteous letter of the 9th instant, I have the honor to inform you that I cabled the contents thereof to my Government and received the following answer by cable:

"If Venezuela proposes arbitration, and Great Britain and Germany acquiesce, you may act as an arbitrator on the part of Venezuela."

I can only add that it will give me great pleasure to serve Venezuela in this matter if the opportunity presents itself and the conditions as above stated by my Government are observed.

I gladly avail, etc.,

HERBERT W. BOWEN.

[Inclosure 3.—Translation.]

Doctor Baralt to Mr. Bowen.

MINISTRY OF FOREIGN AFFAIRS, UNITED STATES OF VENEZUELA,
Caracas, December 11, 1902.

MR. MINISTER: I had the honor to inform the chief of the nation of your reply to my note of the 9th instant, in which your excellency not only kindly consents to

serve the Republic in the present international embroglio, but also informs us of the good will of the United States in permitting you to be arbitrator on the part of Venezuela in the difficulty that has arisen respecting the manner of settling the claims of Great Britain and Germany for alleged damages and injuries to their subjects during the civil war.

The President thanks your excellency sincerely for your friendly attitude, and at the same time desires you to convey to your Government the appreciation of Venezuela of the good will manifested by the United States in this question.

Accept, etc.,

R. LOPEZ BARALT.

Mr. Bowen to Mr. Hay.

No. 138.]

LEGATION OF THE UNITED STATES,
Caracas, December 13, 1902.

SIR: I have the honor to inclose herewith a copy of a letter received by me from the minister for foreign affairs in regard to the pending British-German-Venezuelan dispute.

I am, etc.,

HERBERT W. BOWEN.

[Inclosure.—Translation.]

Mr. Baralt to Mr. Bowen.

MINISTRY OF FOREIGN AFFAIRS,
Caracas, December 10, 1902.

MR. MINISTER: The German and British war ships riding at anchor now for some days in the port of La Guaira yesterday committed an act of aggression against Venezuela contrary to the most elementary usages of civilized nations, even in cases of forewarned and announced compulsion. Nothing had occurred previously to justify the supposition that an act of violence was to be consummated, since the diplomatic representatives of both nations had just addressed special notes to the Government regarding a certain matter without fixing any time for the corresponding reply. This reply having been prepared and already dispatched, although it had not yet arrived at its destination, its contents and bearing being consequently unknown, military action of a nature manifestly hostile to Venezuela was taken. After some of the said war ships had seized the national vessels anchored in the roadstead, with the exception of one of them, which they could not tow out, and from which they removed all the machinery and effects, the landing of sundry bodies of armed soldiers was effected. Two of the steamers thus suddenly and arbitrarily seized were sunk in the very waters of Venezuela.

Such action, unprecedented and lacking any extenuating circumstances even if regarded from the point of view of necessity, is yet more serious and illegal in that it occurred at a time when political relations between Venezuela and Great Britain and Germany were still in force, and when the Government of the republic was occupied in dispatching its reply to the communication that it had just received from the representatives of the United Kingdom and the Empire.

The omission of every civilized formula, the neglect of all legal practice, would justify the supposition in this case of a preconcerted violation of what constitute certain international duties or the open determination to depart from the paths established between civilized peoples, even in questions subject to the arbitrament of force.

It would seem unnecessary to here enumerate, in order to justify the solemn protest made by the Government of the republic by reason of such unusual action, the rules to be obligatively observed in cases in which any act of compulsion is proposed or attempted against a civilized people, but the Federal Executive deems it absolutely necessary to point out the change that the agents of Great Britain and Germany have wished to effect in the procedure hitherto adopted by well-ordered countries to arrive at a situation in which all regular intercourse is exchanged for the imposition of force. And as among the irregularities mentioned that of the representatives of

the two nations having absented themselves from the capital to go on board, some hours after having addressed sundry notes to the Government without determining any time for the reply, is peculiarly noticeable, the present protest must embrace in its effects, not only the aggressive military action, but also the unusual diplomatic procedure that preceded it.

I beg your excellency to communicate the text of this note to your Government, together with the latter parts of the corresponding "dossier" ^a published to-day by official order, the better to enlighten public opinion regarding a situation of extreme international offense owing to the conduct of the military and diplomatic agents of two nations whom they make appear as forgetful of what is due even to themselves in civilized life.

Accept, etc.,

R. LOPEZ BARALT.

Mr. Bowen to Mr. Hay.

No. 141.]

LEGATION OF THE UNITED STATES,
Caracas, December 13, 1902.

SIR: I have the honor to inclose herewith copies of the letters I received and sent in regard to the matter of taking charge of the British and German legations.

I am, etc.,

HERBERT W. BOWEN.

[Inclosure 1.]

Mr. Haggard to Mr. Bowen.

BRITISH LEGATION,
Caracas, December 8, 1902.

SIR: His Majesty's Government has informed me that on the 29th ultimo your excellency was directed by the United States Government to undertake the charge of British interests in Venezuela in the event of that necessity arising.

I have therefore the honor to inform your excellency that I am leaving Caracas temporarily and to request you to be good enough to take charge of British interests during my absence.

The Venezuelan Government has been informed that British interests have been placed under your excellency's charge.

I have, etc.,

W. H. D. HAGGARD.

[Inclosure 2.]

Mr. von Pilgrim to Mr. Bowen.

IMPERIAL GERMAN LEGATION,
Caracas, December 8, 1902.

SIR: The Imperial Government has informed me that your excellency has been directed by the Government of the United States to undertake the charge of German interests in Venezuela in the event of that necessity arising. I have therefore the honor to inform your excellency that I am leaving Caracas temporarily and to request you to be good enough to take charge of German interests during my absence.

The Venezuelan Government has been informed that the German interests in Venezuela have been placed under your excellency's charge.

Accept, etc.,

VON PILGRIM-BALTAZZI.

[Inclosure 3.]

*Mr. Bowen to Doctor Baralt.*LEGATION OF THE UNITED STATES,
Caracas, December 8, 1902.

MR. MINISTER: I have the honor to inform you that the British minister, Mr. Haggard, has left Caracas temporarily and that he has asked me to take charge of British interests here during his absence. My Government has instructed me to comply with his request, after obtaining the consent of your excellency's Government.

I therefore respectfully request that the Venezuelan Government grant me permission to take charge temporarily of British interests here.

I gladly avail myself, etc.,

HERBERT W. BOWEN.

[Inclosure 4.]

*Mr. Bowen to Doctor Baralt.*LEGATION OF THE UNITED STATES,
Caracas, December 8, 1902.

MR. MINISTER: I have the honor to inform you that the German chargé d'affaires, Mr. von Pilgrim, has left Caracas temporarily, and that he has asked me to take charge of German interests here during his absence. My Government has instructed me to comply with his request after obtaining the consent of your excellency's Government.

I therefore respectfully request that the Venezuelan Government grant me permission to take charge temporarily of German interests here.

I gladly avail, etc.,

HERBERT W. BOWEN.

[Inclosure 5.—Translation.]

*Doctor Baralt to Mr. Bowen.*MINISTRY OF FOREIGN AFFAIRS, UNITED STATES OF VENEZUELA,
Caracas, December 9, 1902.

MR. MINISTER: Your excellency's note which I received to-day was a confirmation of a notice given to me yesterday by his excellency Mr. Haggard, minister resident of His Britannic Majesty, to the effect that he was going temporarily on board of one of His Majesty's men-of-war anchored in the harbor of La Guaira and had left your excellency in the meanwhile in charge of British interests. Your excellency requests permission of the Venezuelan Government to represent said interests; a request which the chief of the Government grants with the greatest pleasure to the minister of a nation so friendly to Venezuela, and also as said representation will be only temporary, the only case where double representation is admitted.

I renew, etc.,

R. LOPEZ BARALT.

The answer in regard to Germany is identical with the above except that in place of Mr. Haggard's name appears "The Honorable Mr. Pilgrim-Baltazzi, chargé d'affaires of the German Empire."

Mr. Bowen to Mr. Hay.

[Telegram.—Paraphrase.]

LEGATION OF THE UNITED STATES,
Caracas, December 13, 1902.

(Mr. Bowen reports that he has just received word from the President of Venezuela that the British and German war ships are bombarding Puerto Cabello.)

Mr. Bowen to Mr. Hay.

[Telegram.—Paraphrase.]

LEGATION OF THE UNITED STATES,
Caracas, December 13, 1902.

(Mr. Bowen reports that he has been authorized by the Venezuelan Government to cable to the British and German consuls that they may return from Curaçao to La Guaira.

Italy has presented a note which Venezuela interprets as similar to the British and German notes.

The minister for foreign affairs has just informed Mr. Bowen that President Castro and his wife are going this afternoon to call on the German minister's wife.)

Mr. Bowen to Mr. Hay.

[Telegram.—Paraphrase.]

LEGATION OF THE UNITED STATES,
Caracas, December 13, 1902.

(Mr. Bowen reports that the situation at Caracas is much quieter; that the excitement was caused by the precipitate departure of the British and German ministers, by the arrest of all British and German subjects in Venezuela, and by the capture of Venezuelan naval vessels without declaration of war or blockade.)

Mr. Bowen to Mr. Hay.

[Telegram.—Paraphrase.]

LEGATION OF THE UNITED STATES,
Caracas, December 14, 1902.

(Mr. Bowen reports that the British and German war ships did not bombard the town of Puerto Cabello, but the forts; that the cause of the bombardment was an alleged insult to British flag on a British merchant vessel.)

Mr. Bowen to Mr. Hay.

[Telegram.—Paraphrase.]

LEGATION OF THE UNITED STATES,
Caracas, December 14, 1902.

(Mr. Bowen reports that the minister of the Netherlands, who is ill in Curaçao, has requested him to take charge of Dutch interests.)

Mr. Hay to Mr. Bowen.

[Telegram.—Paraphrase.]

DEPARTMENT OF STATE,
Washington, December 15, 1902.

(Mr. Hay states that, if Venezuela consents, Mr. Bowen may take charge of Dutch interests.)

FOREIGN RELATIONS.

Mr. Bowen to Mr. Hay.

[Telegram.—Paraphrase.]

LEGATION OF THE UNITED STATES,
Caracas, December 15, 1902.

(Mr. Bowen states that it is very important for him to know without delay whether Great Britain and Germany will answer his proposal, on the part of Venezuela, of arbitration.)

Mr. Bowen to Mr. Hay.

[Telegram.—Paraphrase.]

LEGATION OF THE UNITED STATES,
Caracas, December 16, 1902.

(Mr. Bowen reports that a petition has been presented to the President of Venezuela by the leading men of Caracas advising that plenary powers be given to Mr. Bowen to settle the present conflict with Great Britain and Germany in the manner least prejudicial to Venezuela; that this news has probably been cabled to Germany and may prevent arbitration, which is a slower process of settlement, and that an early reply to the petition is expected from President Castro.)

Mr. Hay to Mr. Bowen.

[Telegram.—Paraphrase.]

DEPARTMENT OF STATE,
Washington, December 16, 1902.

(Mr. Hay instructs Mr. Bowen, in compliance with the wish of the Italian Government, to afford protection to Italian subjects and interests, if agreeable to the Government of Venezuela.)

Mr. Hay to Mr. Bowen.

[Telegram.—Paraphrase.]

DEPARTMENT OF STATE,
Washington, December 16, 1902.

(Mr. Hay states that no reply to the proposition to arbitrate has yet been made known by Great Britain and Germany; that he has repeated the proposition with strong commendation, and that Mr. Bowen will be promptly advised of the receipt of replies.)

Mr. Bowen to Mr. Hay.

[Telegram.—Paraphrase.]

LEGATION OF THE UNITED STATES,
Caracas, December 16, 1902.

(Mr. Bowen reports that he has been requested by the Italian minister, who will leave Caracas on December 17, to take charge of Italian interests.)

Mr. Bowen to Mr. Hay.

[Telegram.—Paraphrase.]

LEGATION OF THE UNITED STATES,
Caracas, December 17, 1902.

(Mr. Bowen reports that he has received the following official communication:

The Venezuelan Government confers on Mr. Herbert W. Bowen full powers to enter into negotiations to settle in the most favorable manner possible to the interests of the Republic the present difficulty which has arisen with the United Kingdom of Great Britain, the German Empire, and the Kingdom of Italy.

In witness whereof these presents are issued in Caracas the 18th of December, 1902.

LOPEZ BARALT,
Minister for Foreign Affairs.

CIPRIANO CASTRO,
Constitutional President.

Mr. Bowen requests that, if it is decided to authorize him thus to act for Venezuela, the Governments of Great Britain, Germany, and Italy be notified and their consent obtained immediately, and that they issue order for an immediate stay of proceedings in Venezuela. Mr. Bowen thinks he should treat with the ambassadors of the three powers at Washington, and not with the naval officers or plenipotentiaries sent to Caracas from London, Berlin, and Rome. Mr. Bowen also requests Mr. Hay to arrange the place and time for the proposed negotiation, and states that there should be no unnecessary delay.)

Mr. Hay to Mr. Bowen.

[Telegram.—Paraphrase.]

DEPARTMENT OF STATE,
Washington, December 18, 1902.

(Mr. Hay states that he has cabled to London, Berlin, and Rome the Venezuelan proposition to empower Mr. Bowen to negotiate on the part of Venezuela for the settlement of the pending difficulties with the three powers, and has inquired if they are disposed to assent.)

Mr. Hay to Mr. Bowen.

[Telegram.—Paraphrase.]

DEPARTMENT OF STATE,
Washington, December 19, 1902.

(Mr. Hay states that all the powers seem inclined to accept the principle of arbitration; that the Government of the United States think the selection of The Hague tribunal would be judicious, with the reservation of certain questions which might be settled directly, and that no reply has been received to the suggestion of Mr. Bowen's name as plenipotentiary of Venezuela.)

Mr. Hay to Mr. Bowen.

[Telegram.—Paraphrase.]

DEPARTMENT OF STATE,
Washington, December 20, 1902.

(Mr. Hay states that Great Britain and Germany are in accord in inviting the President of the United States to act as arbitrator, and instructs Mr. Bowen to ascertain if that would also be the wish of the Venezuelan Government.)

Mr. Bowen to Mr. Hay.

[Telegram.—Paraphrase.]

LEGATION OF THE UNITED STATES,
Caracas, December 20, 1902.

(Mr. Bowen reports that arbitration at The Hague is considered objectionable by Venezuela, because it is very slow and expensive; also, in the present case, prejudicial to the interests of the Venezuelan Government, which wishes its warships returned at once, and the control of its rivers and ports, so as to prevent arms and ammunition from being imported by the revolutionists, who are so numerous that if they receive a good supply of arms and ammunition it will be much more difficult to completely reestablish peace.)

In Mr. Bowen's opinion, Venezuela would be willing to pay a good sum in cash at once to the three powers, and would agree that a mixed commission should settle the amounts to be paid on claims, and would furnish ample guarantee that payments of such amounts will be promptly made.

As full powers have been given to Mr. Bowen, he states that he may decide that in the interests of Venezuela it is better to accept at once and in full the ultimatums of the three powers than to leave the matter to the tribunal at The Hague. Mr. Bowen prefers, of course, a modification of the ultimatums, if possible, about amounts of cash payments.

If arbitration at The Hague is desired, Mr. Bowen inquires what favorable proposition can be made to Venezuela by the powers; if they would release warships immediately and stop the blockade, and states that he is bound to act in the interests of Venezuela.)

Mr. Bowen to Mr. Hay.

[Telegram.—Paraphrase.]

LEGATION OF THE UNITED STATES,
Caracas, December 21, 1902.

(Mr. Bowen states that he is happy to be able to communicate the following answer from the President of Venezuela:

The Venezuelan Government accepts with pleasure the President of the United States as arbitrator in the pending conflict between Venezuela and Germany and Great Britain.

Mr. Bowen requests that he be advised at once of the answer of the President of the United States.)

Mr. Bowen to Mr. Hay.

[Telegram.—Paraphrase.]

LEGATION OF THE UNITED STATES,
Caracas, December 22, 1902.

(Mr. Bowen reports that the British blockade of La Guaira and eastern ports began December 20; German blockade of Puerto Cabello began December 20, and that of Maracaibo will begin on December 24. Days of grace for steamers from United States Atlantic ports ten days; for sailing ships thirty days. British allow landing of mails.)

Mr. Bowen to Mr. Hay.

[Telegram.—Paraphrase.]

LEGATION OF THE UNITED STATES,
Caracas, December 23, 1902.

(Mr. Bowen reports that he has received from the minister for foreign affairs an official note confirming the acceptance of the President of the United States as arbitrator in the pending difficulty between Venezuela and Germany and Great Britain, and stating that the President of Venezuela suggests that Italy be included in the arbitration.)

Mr. Hay to Mr. Bowen.

[Telegram.—Paraphrase.]

DEPARTMENT OF STATE,
Washington, December 23, 1902.

(Mr. Hay states that the formal request of the powers that the President of the United States act as arbitrator has not yet been received, and that Mr. Bowen will be advised when it is received.)

Mr. Hay to Mr. Bowen.

[Telegram.—Paraphrase.]

DEPARTMENT OF STATE,
Washington, December 24, 1902.

(Mr. Hay states that the inquiry as to the disposition of the Government of Venezuela about inviting the President of the United States to act as arbitrator was conditioned upon the action of the powers on the President's suggestion of The Hague; and as it now seems probable that the powers may be willing to accept that suggestion if renewed by the President, instructs Mr. Bowen to urge with special earnestness that the Venezuelan Government inform the Government of the United States of their willingness to accept in principle The Hague tribunal. If they do so accept, the Department will at once cable to Mr. Bowen the terms of the propositions of Great Britain and Germany.)

Mr. Bowen to Mr. Hay.

[Telegram.—Paraphrase.]

LEGATION OF THE UNITED STATES,
Caracas, December 25, 1902.

(Mr. Bowen states that he has been authorized by President Castro to communicate the following:

“The Government of Venezuela declares itself in favor in principle of arbitration by The Hague tribunal.”)

Mr. Hay to Mr. Bowen.

[Telegram.—Paraphrase.]

DEPARTMENT OF STATE,
Washington, December 27, 1902.

(Mr. Hay communicates to Mr. Bowen the German^a and British^b propositions in regard to preliminary conditions of arbitration.)

Mr. Bowen to Mr. Hay.

No. 145.]

LEGATION OF THE UNITED STATES,
Caracas, December 27, 1902.

SIR: I have the honor to inclose a translation of a petition to President Castro from the leading men of Caracas asking that I be authorized to arrange the pending difficulty between Venezuela and Great Britain, Germany, and Italy.

I am, etc.,

HERBERT W. BOWEN.

[Inclosure.—Translation.]

CARACAS, *December 16, 1902.*

To the Citizen President of the United States of Venezuela:

The undersigned having assembled for the purpose of trying to aid the Government in the present conflict caused by the aggressive attitude of Germany and England, and having been asked by you to submit our opinion in writing, we do so as follows:

In view of the aggressive acts committed; of the absolute helplessness of Venezuela to oppose with force the combined action of Germany and England; and of the absolute lack of resources which civilization and diplomacy would advise to put an end to the conflict; and in view further of the fact that the Government and people of Venezuela have done all that the national decorum and dignity demand; we consider that the time has arrived to yield to force, with the proper protests; and in virtue of the foregoing we respectfully suggest that full powers be given to the envoy extraordinary and minister plenipotentiary of the United States of North America to take the necessary steps to arrange this difficulty in the manner least prejudicial to the country.

With all consideration and respect, etc.,

(This was passed about for signatures. About one hundred and fifty were obtained from the principal men of Caracas irrespective of party.)

Mr. Bowen to Mr. Hay.

[Telegram.—Paraphrase.]

LEGATION OF THE UNITED STATES,
Caracas, December 31, 1902.

(Mr. Bowen reports that he has received the following answer from the President of Venezuela:^a

I recognize in principle the claims which the allied powers have presented to Venezuela. They would already have been settled if it had not been that the civil war required all the attention and resources of the Government. To-day the Government bows to superior force and desires to send Mr. Bowen to Washington at once to confer there with the representatives of the powers that have claims against Venezuela, in order to arrange either an immediate settlement of all the claims or the preliminaries for a reference to the tribunal of The Hague, or to an American republic to be selected by the allied powers and by the Government of Venezuela. Mr. Bowen would be duly authorized to settle the whole question as the representative of Venezuela.

CIPRIANO CASTRO.

In view of the foregoing Mr. Bowen respectfully urges Mr. Hay to request the powers to immediately raise the blockade.)

Mr. Bowen to Mr. Hay.

[Telegram.—Paraphrase.]

LEGATION OF THE UNITED STATES,
Caracas, January 7, 1903.

(Mr. Bowen reports that he has just received the following from the President of Venezuela:

MR. MINISTER: The Venezuelan Government accepts the conditions of Great Britain and Germany; requests you to go immediately to Washington for the purpose of conferring there with the diplomatic representatives of Great Britain and Germany, and with the diplomatic representatives of the other nations that have claims against Venezuela, and to arrange either an immediate settlement of said claims or the preliminaries for submitting them to arbitration.

CIPRIANO CASTRO,
Constitutional President.

Mr. Bowen requests that if, as he understands, Great Britain and Germany want to know what guaranty they will have, Mr. Hay will inform them that it will be the custom-houses; consequently, Mr. Bowen begs that the blockade be raised at once.)

Mr. Hay to Mr. Bowen.

[Telegram.—Paraphrase.]

DEPARTMENT OF STATE,
Washington, January 10, 1903.

(Mr. Hay states that Mr. Bowen's arrival at Washington as Venezuela's plenipotentiary must be awaited before any preliminaries can be adjusted, including the raising of the blockade, which may depend upon sufficiency of guaranty.)

^aFor replies of the powers to the answer of the President of Venezuela contained in Mr. Bowen's telegram of December 31, 1902, supra, see under Germany, page 434, Great Britain, page 467, and Italy, page 609. These replies were communicated to Mr. Bowen.

Protocol of an Agreement between the Secretary of State of the United States of America and the Plenipotentiary of the Republic of Venezuela for submission to arbitration of all unsettled claims of citizens of the United States of America against the Republic of Venezuela.

Signed at Washington, February 17, 1903.

The United States of America and the Republic of Venezuela, through their representatives, John Hay, Secretary of State of the United States of America, and Herbert W. Bowen, the Plenipotentiary of the Republic of Venezuela, have agreed upon and signed the following protocol.

ARTICLE I.

All claims owned by citizens of the United States of America against the Republic of Venezuela which have not been settled by diplomatic agreement or by arbitration between the two Governments, and which shall have been presented to the commission hereinafter named by the Department of State of the United States or its Legation at Caracas, shall be examined and decided by a mixed commission, which shall sit at Caracas, and which shall consist of two members, one of whom is to be appointed by the President of the United States and the other by the President of Venezuela.

It is agreed that an umpire may be named by the Queen of the Netherlands. If either of said commissioners or the umpire should fail or cease to act, his successor shall be appointed forthwith in the same manner as his predecessor. Said commissioners and umpire are to be appointed before the first day of May, 1903.

The commissioners and the umpire shall meet in the city of Caracas on the first day of June, 1903. The umpire shall preside over their deliberations, and shall be competent to decide any question on which the commissioners disagree. Before assuming the functions of their office the commissioners and the umpire shall take solemn oath carefully to examine and impartially decide, according to justice and the provisions of this convention, all claims submitted to them, and such oaths shall be entered on the record of their proceedings. The commissioners, or in case of their disagreement, the umpire, shall decide all claims upon a basis of absolute equity, without regard to objections of a technical nature, or of the provisions of local legislation.

The decisions of the commission, and in the event of their disagreement, those of the umpire, shall be final and conclusive. They shall be in writing. All awards shall be made payable in United States gold, or its equivalent in silver.

ARTICLE II.

The commissioners, or umpire, as the case may be, shall investigate and decide said claims upon such evidence or information only as shall be furnished by or on behalf of the respective Governments. They shall be bound to receive and consider all written documents or statements which may be presented to them by or on behalf of the respective Governments in support of or in answer to any claim, and to hear oral or written arguments made by the Agent of each Government on every claim. In case of their failure to agree in opinion upon any individual claim, the umpire shall decide.

Every claim shall be formally presented to the commissioners within thirty days from the day of their first meeting, unless the commissioners or the umpire in any case extend the period for presenting the claim not exceeding three months longer. The commissioners shall be bound to examine and decide upon every claim within six months from the day of its first formal presentation, and in case of their disagreement, the umpire shall examine and decide within a corresponding period from the date of such disagreement.

ARTICLE III.

The commissioners and the umpire shall keep an accurate record of their proceedings. For that purpose, each commissioner shall appoint a secretary versed in the language of both countries, to assist them in the transaction of the business of the commission. Except as herein stipulated, all questions of procedure shall be left to the determination of the commission, or in case of their disagreement, to the umpire.

ARTICLE IV.

Reasonable compensation to the commissioners and to the umpire for their services and expenses, and the other expenses of said arbitration, are to be paid in equal moieties by the contracting parties.

ARTICLE V.

In order to pay the total amount of the claims to be adjudicated as aforesaid, and other claims of citizens or subjects of other nations, the Government of Venezuela shall set apart for this purpose, and alienate to no other purpose, beginning with the month of March, 1903, thirty per cent. in monthly payments of the customs revenues of La Guaira and Puerto Cabello, and the payments thus set aside shall be divided and distributed in conformity with the decision of the Hague Tribunal.

In the case of the failure to carry out the above agreement, Belgian officials shall be placed in charge of the customs of the two ports, and shall administer them until the liabilities of the Venezuelan Government in respect to the above claims shall have been discharged. The reference of the question above stated to the Hague Tribunal will be the subject of a separate protocol.

ARTICLE VI.

All existing and unsatisfied awards in favor of citizens of the United States shall be promptly paid, according to the terms of the respective awards.

Washington, D. C. February 17, 1903.

JOHN HAY [SEAL]
HERBERT W. BOWEN: [SEAL]

NOTE.—Continuation of this correspondence—the decisions and awards of the American-Venezuelan Claims Commission at Caracas, etc.—will be published in Foreign Relations, 1904.

RIGHTS OF ALIENS IN VENEZUELA. (INVOLVING ISSUANCE OF CONSULAR OR VICE-CONSULAR EXEQUATURS TO PERSONS ENGAGED IN COMMERCE.)

Mr. Russell to Mr. Hay.

No. 170.]

LEGATION OF THE UNITED STATES,
Caracas, April 26, 1903.

SIR: I have the honor to report that the recent law of Congress in regard to foreigners is causing grave concern to most of the foreign diplomatic representatives here. The English minister requested the dean to call a meeting of the diplomatic corps to discuss the question. The meeting was held this morning at the Spanish legation, and it was evident that the English minister wanted the corps to take some combined action in the matter. I stated that I had already taken all the action I intended to take; that I had sent a translation of the law to my Government and was awaiting instructions.

The French minister stated that he had asked the Venezuelan Government to issue an exequatur for a French consular agent in the interior and had been refused, and that he then advised his Government by cable not to receive the lately appointed Venezuelan consuls for France. As all our vice-consuls and consular agents in Venezuela are engaged in business, I would like to have specific instructions in case an exequatur is refused for an appointee who comes within the provisions of article 14 of the law in question.

I inclose a translation of the law made at the legation.

I have, etc.,

WILLIAM W. RUSSELL.

[Inclosure 1.—Translation.]

EXECUTIVE MANSION.

The Congress of the United States of Venezuela decrees:

ARTICLE 1. In the territory of the United States of Venezuela foreigners shall enjoy the same civil rights that the constitution of the Republic gives to Venezuelans.

ART. 2. Foreigners in the territory of the United States of Venezuela shall be considered as either domiciled or transient.

ART. 3. Domiciled foreigners are—

(1) Those who have acquired domicile in conformity with the provisions of the civil code.

(2) Those who have resided in the country voluntarily and uninterruptedly for more than two years, diplomatic representatives not included.

(3) Those who own real estate in the territory of the Republic and have a permanent residence therein.

(4) Those who have lived in the territory of the Republic for more than two years and are engaged in commerce or any other kind of business with a permanent establishment, even though they be consular representatives.

ART. 4. Transient foreigners are those in the territory of the Republic not mentioned in the subdivisions of article 3.

ART. 5. Domiciled foreigners are subject to the same obligations as Venezuelans, both as regards their persons and properties, but they are not subject to military service nor to the payment of forced and extraordinary war loans in cases of revolution or armed internal warfare.

ART. 6. Foreigners, both domiciled and transient, must not meddle in the internal affairs of the Republic, nor in anything relating to them. To this effect they can not—

(1) Belong to political societies.

(2) Edit political newspapers nor write about the internal or external politics of the country in any newspaper.

- (3) Hold public office.
- (4) Bear arms in the internal strifes of the Republic.
- (5) Make speeches which in any way refer to the politics of the country.

ART. 7. Domiciled foreigners who violate any of the provisions enumerated in article 6 lose their status as foreigners and ipso facto become bound by the same responsibilities and obligations as natives in all political contingencies.

ART. 8. If in violation of the provisions of this law any foreigner or foreigners hold public office without being eligible thereto in accordance with section 22 of article 54 of the constitution, his or their acts are null and void, and the holder of the office and the person who made the appointment are jointly and severally responsible for said acts.

ART. 9. Transient foreigners who violate the provisions of article 6 shall be immediately expelled from the territory of the Republic.

ART. 10. The presidents of the States, the governor of the Federal district, and the governors of the Federal territories, on becoming aware that any one or more of the domiciled foreigners residing in their respective jurisdictions are meddling in the political affairs of the Republic, shall institute proceedings against them in the ordinary tribunals, forwarding all papers in the case to the Federal Executive, who shall issue a decree in conformity with the provisions of article 7.

ART. 11. Neither domiciled nor transient foreigners have the right of recourse to the diplomatic channel except when, after having exhausted all legal methods before the competent tribunals, it shall clearly appear that there has been a denial of justice, notorious injustice, or an evident violation of the principles of international law.

ART. 12. Domiciled foreigners, those who may hereafter acquire domicile, and transient foreigners, with the exception of diplomatic representatives, are obliged to make a declaration before the highest civil authority of the place where they may be that they submit to all the provisions of the present law, and to the provisions of the decree of February 14, 1873, which establishes the rules to be followed by foreigners in presenting claims.

Those who do not make the above declaration shall be expelled from the country within a time to be decided on by the National Executive.

ART. 13. The civil authorities, before whom the above-mentioned declaration is to be made shall use ordinary paper and shall charge no fee therefor. The originals of all these declarations shall be forwarded to the minister of the interior.

ART. 14. The National Executive can not issue consular or vice-consular exequaturs to persons engaged in commerce.

ART. 15. The establishment in the country of companies of whatever nature who do not fix their headquarters or domicile therein is absolutely prohibited.

ART. 16. Foreigners have the same right as Venezuelans to claim from the nation compensation for losses occasioned them or damage done to them in time of war by the lawfully constituted civil or military authorities acting in their official capacity; but these claims can only be made in accordance with the rules which the internal legislation lays down for proving the losses or damages, and the just amount due therefor.

ART. 17. Neither foreigners nor Venezuelans can claim from the Government of Venezuela compensation for losses or damages occasioned them by armed agents or bodies in the service of any revolution, but they can bring a personal action against the authors of the losses or damages.

ART. 18. This law shall not conflict with the provisions of public treaties in force.

ART. 19. The presidents of the States, the governor of the Federal district, and the governors of the Federal territories immediately after the promulgation of this law shall proceed to make a list of the domiciled foreigners in the territory of their respective jurisdictions, which list they shall duly forward to the ministry of foreign affairs.

ART. 20. Foreigners who come to the territory of the Republic are obliged to present to the highest civil authority of the place where they land documents which prove their personal status and a certificate of good conduct from the authorities of the place where they were last domiciled; all documents shall be duly legalized.

ART. 21. The National Executive shall make rules and regulations for the carrying out of the present law.

ART. 22. The Executive decree of February 14, 1873, which sets forth the rights and duties of foreigners, and the Executive decree of July 30, 1897, which treats of the interference of foreigners in the electoral affairs of the country, are hereby repealed.

Done in the legislative federal palace at Caracas the 11th of April, 1903, ninety-second year of the independence and forty-fifth of the federation.

Mr. Hay to Mr. Russell.

No. 118.]

DEPARTMENT OF STATE,
Washington, May 15, 1903.

SIR: I have to acknowledge the receipt of your No. 170, of the 26th ultimo, in which attention is called to article 14 of the law passed by the Venezuelan Congress approved April 16, 1903, which reads as follows:

The National Executive can not issue consular or vice-consular exequaturs to persons engaged in commerce.

You ask for specific instructions in case an exequatur is refused an American vice-consul or consular agent who comes within the category of persons engaged in commerce.

The right of consular representation between civilized states is established by the law of nations, and this unquestionable right is implied by the language of the article quoted. Yet it imposes such restrictions on its practical enjoyment as goes far to impair the advantageous enjoyment of the right itself. For, as is well known, many of these minor officials receive such small salaries and emoluments from their governments that it would be impossible for them to exercise and enjoy their official functions unless they were permitted to engage in commerce.

The effect, therefore, of carrying out the provisions of article 14 would in these cases be the denial to the friendly Government of the United States of the right of consular representation. This Government, however, would be reluctant to believe that the friendly Government of Venezuela would decline to allow to the United States the privilege in question, if such would be the effect of putting into operation the article. You will, therefore, should the case mentioned in your dispatch arise, bring these views to the attention of the Venezuelan Government and earnestly express the grave concern with which the United States Government would regard the refusal to or the withdrawal from its vice-consuls or consular agents of their exequaturs on account of their enjoyment of the customary privilege of engaging in commerce. For it would practically result in an abnormal limitation of the right of consular representation, which is sanctioned by the usages and customs of nations and is one of the most striking evidences of their common civilization.

I am, etc.,

JOHN HAY.

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